

NEW SOUTH WALES.

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VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY,

DURING THE SESSION

OF

1863-4,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

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IN FIVE VOLUMES  
VOL. V.

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1864.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

VOTES AND PROCEEDINGS.  
SESSION 1863-4.

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AND

PAPERS ORDERED TO BE PRINTED

DURING THE SESSION 1863-4.

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1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ROBERT STEWART.  
(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 28 July, 1863.*

To the Honorable the Legislative Assembly of New South Wales.

The following Petition of Robert Stewart,—

RESPECTFULLY SHEWETH:—

That your Petitioner's father, William Stewart, arrived in this Colony as a free settler, in the early part of the present century, and was for many years employed in command of vessels in the Colonial trade, during which time he was frequently consulted by Governor Macquarie on the subject of coast navigation, and on several occasions directed by His Excellency to examine and report upon particular localities.

That the said William Stewart received from Governor Macquarie a promise of a grant of land, under which, about the year 1816, he took possession of a portion of land near Broken Bay.

That the land so selected forms a belt, bounded by a precipitous range of hills on one side, and by the back water of the Hawkesbury River, directly facing "Long Island," on the other.

That, on the 16th of May, 1816, an order was given by Governor Macquarie to measure two hundred acres to the said William Stewart, but owing to the peculiar and distant position of the land so selected, no surveyor reached that part of the country up to the time of Petitioner's father's last and fatal departure in the service of the Government.

That, in March or April, 1820, said William Stewart, under special instructions from Governor Macquarie, fitted out at the Commissariat Stores, and sailed to examine the coast south of Twofold Bay, from which expedition he never returned, and the only information ever obtained was furnished in a report made by Robert Johnston, R.N., to Major General Macquarie, and published on the 15th December, 1821, by order of Sir Thomas Brisbane, by which it appeared by statements of the natives of the Clyde, that Mr. Stewart and his boat's crew had been cut off by the natives of Twofold Bay.

That your Petitioner's family continued in possession of the property in question, making various improvements, and depasturing stock thereon, up to the time of their departure to a distant part of the country, in 1831, your Petitioner being a minor at the time, and under indentures of apprenticeship to Mr. E. Hunt, and nearly six years of the term unexpired.

That the land in question, which your Petitioner, as heir-at-law of the said William Stewart believes he has equitable claim to, is now for the most part unoccupied and unalienated.

That your Petitioner applied to the Secretary for Lands for a grant of such land, but his application has not been complied with on the grounds "That no such order is recorded, nor can it be discovered that such land was ever measured or even selected in the situation referred to."

That your Petitioner is not aware of any instance of the "order" to select or "measure" land given by a Governor of the Colony being repudiated by any subsequent Government order or regulation, or defeated on any mere technical grounds, and conceives that no grounds exist for any such exception in your Petitioner's case; and therefore your Petitioner prays that your Honorable House will take the foregoing premises into your favourable consideration, and grant such inquiry into the facts as may be deemed necessary for the ends of justice.

And your Petitioner will ever pray, &c.

ROBT. STEWART.



1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE PETITION OF

ROBERT STEWART;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

---

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
20 October, 1863.

---

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 29. TUESDAY, 11 AUGUST, 1863.

5. Robert Stewart :—Mr. Mate moved, pursuant to notice,—  
(1.) That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report upon the Petition of Robert Stewart, presented on the 10th July.  
(2.) That such Committee consist of Mr. Robertson, Mr. Caldwell, Mr. Cunneen, Mr. W. Forster, Mr. Terry, Mr. Lucas, Mr. Allen, Mr. Sutherland, Mr. Hart, and the Mover.  
Question put and passed.

VOTES, No. 31. THURSDAY, 13 AUGUST, 1863.

5. Robert Stewart :—  
(1.) Mr. Mate presented a Petition from Robert Stewart, praying for leave to appear, either in person or by counsel or agent, before the Select Committee now sitting in the matter of Robert Stewart.  
Petition received.  
(2.) Mr. Mate then, with the concurrence of the House, moved, without notice, That the Petitioner have leave to be heard himself, or by his counsel or agent, before the said Committee.  
Question put and passed.

VOTES, No. 65. TUESDAY, 20 OCTOBER, 1863.

4. Robert Stewart :—Mr. Mate, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee for whose consideration and report the Petition of Robert Stewart was referred on 11 August, 1863, together with Appendix.  
Ordered to be printed.

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1863.

ROBERT STEWART.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 11th August last, "to inquire into and report upon the Petition of Robert Stewart,"—"with power to send for persons and papers,"—have agreed to the following Report :—

Your Committee having examined the witnesses named in the margin, and documents herewith appended to the evidence, are of opinion that sufficient evidence has been adduced to shew that a grant of 200 acres of land was promised to William Stewart, by Governor Macquarie, in 1816.

Surveyor General,  
Mr. Richard Driver, Senr.,  
Mr. Rob. M'Intosh,  
P. F. Adams, Esq.,  
W. Elyard, Esq.,  
Mr. George Peck,  
Rob. Stewart, Esq., M.P.,  
Mr. Wm. Webb,  
Mr. R. Melville.

That the family of the said William Stewart made a selection of land at the Hawkesbury River, opposite Long Island, and retained possession for several years.

It appears further to your Committee that, although the selection was vacated about the year 1831, but a very small portion (not exceeding 10 acres) of the same has since been sold by the Government; and although reasons for the vacation have not been fully shewn, yet your Committee are impressed with the belief that circumstances beyond the control of the Petitioner prevented the prosecution of his claim at an earlier period.

Your Committee, therefore, believing that the said promise of grant has not been fulfilled, nor adequate compensation received in lieu thereof, beg to recommend the Petitioner to the favourable consideration of the Government.

THOMAS H. MATE,  
Chairman.

Legislative Assembly Chamber,  
Sydney, 20 October, 1863.

## PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 21 AUGUST, 1863.

MEMBERS PRESENT:—

None.

In the absence of a Quorum (no Member proceeding to the Committee Room), the meeting called for this day lapsed.

TUESDAY, 25 AUGUST, 1863.

MEMBERS PRESENT:—

Mr. Mate,		Mr. Cunneen,
Mr. Lucas,		Mr. Caldwell.

Mr. Mate called to the Chair.

Committee met, pursuant to summons.

*Present*:—Mr. Robert Stewart, *Petitioner*.

Resolutions of the House severally appointing the Committee, and giving leave to Petitioner to be heard himself or by his counsel or agent before this Committee, by direction of the Chairman, read by the Clerk.

Committee deliberated as to their course of proceedings.

*Ordered*, That the Surveyor General be requested to attend at the next meeting, and produce any papers connected with the application of Robert Stewart, dated 9th April, 1863; and also any documents connected with the authority to measure any land for William Stewart, in the year 1816.

[Adjourned to Thursday next, at *Eleven* o'clock.]

THURSDAY, 27 AUGUST, 1863.

MEMBERS PRESENT:—

Mr. Mate in the Chair.

Mr. W. Forster,		Mr. Cunneen,
Mr. Lucas,		Mr. Sutherland,
Mr. Allen,		Mr. Terry.

*Present*:—Mr. Robert Stewart, *Petitioner*.

Mr. W. R. Davidson, *Surveyor General*, examined.

List of names of free settlers, &c., who were promised grants of land in 1816 handed in, marked A. No. 1. (*Vide Appendix*.)

Correspondence between Robert Stewart and the Government, on the subject of the promise of a grant of land to William Stewart (marked A. No. 2) also handed in. (*Vide Appendix*.)

Witness withdrew.

Mr. Richard Driver, senior, called in and examined.

Re-assembling of Committee to be arranged by Chairman.

[Adjourned.]

WEDNESDAY, 2 SEPTEMBER, 1863.

MEMBERS PRESENT:—

Mr. Mate in the Chair.

Mr. Sutherland,		Mr. Hart,
		Mr. Lucas.

*Present*:—Mr. Robert Stewart, *Petitioner*.

Committee met, pursuant to summons.

Letter from Surveyor General to Chairman, dated 28 August, 1863, forwarding a correct tracing of the land, opposite to Long Island, as stated by him to have been occupied by the late William Stewart, shewing what portions have been alienated,—read by Chairman.

Communication from the Surveyor General, dated 1 September, 1863, stating that further documents relative to Mr. Stewart's claim have been received from the Colonial Secretary's office—also read by Chairman.

Whereupon, Motion made (*Mr. Sutherland*), and *Question*,—That the Surveyor General be summoned to produce the documents referred to, and to give further evidence,—*agreed to*.

Mr. Robert McIntosh called in and examined.

Witness withdrew.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY,

WEDNESDAY, 9 SEPTEMBER, 1863.

MEMBERS PRESENT:—

Mr. Mate in the Chair.

Mr. Cunneen, | Mr. Terry.

*Present*:—Mr. Robert Stewart, *Petitioner*.

In the absence from town of Mr. Davidson, Surveyor General, Mr. Philip Francis Adams, Acting Deputy Surveyor General, called in and examined.

The following Papers read and handed in:—

Copy of a letter from J. T. Campbell, Secretary, dated 22nd February, 1819, to Mr. William Stewart, master mariner and free settler, respecting an order made by Governor Macquarie for 300 acres of land at Illawarra.

Letter from Geo. Williams to Alex. M'Leay, Colonial Secretary, dated Sydney, 28th March, 1827, on the same subject.

Memorandum from Surveyor General to Colonial Secretary, dated 31st May, 1827, on the same subject.

Room cleared.

Committee deliberated.

Motion made (*Mr. Terry*), and *Question*,—That the Chairman ask leave of the House for the Committee now sitting on the Petition of Robert Stewart to take under its consideration an order of Governor Macquarie for an additional grant of 300 acres of land, dated on or about the year 1819, in favour of William Stewart,—*agreed to*.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY, 11 SEPTEMBER, 1863.

MEMBERS PRESENT:—

Mr. Mate in the Chair.

Mr. Terry, | Mr. Allen,  
Mr. Cunneen, | Mr. Sutherland,  
Mr. W. Forster, | Mr. Hart.

Committee met, pursuant to summons.

Chairman stated that, in accordance with the resolution passed at the last meeting, he had moved in the House, that the Committee have leave to take under its consideration an order of Governor Macquarie in favour of William Stewart for an additional grant of land of 300 acres, but that the Speaker had declined to put the Question, on the ground that such leave was unnecessary where the document referred to was required for evidence only.

Committee deliberated.

*Present*:—Mr. R. Stewart, *Petitioner*.

Mr. W. Elyard, *Principal Under Secretary*, called in and examined.

Witness withdrew.

Mr. George Peat called in and examined.

Witness withdrew.

Mr. Robert Stewart, *Petitioner*, then examined.

Room cleared.

Committee deliberated.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY, 25 SEPTEMBER, 1863.

MEMBERS PRESENT:—

Mr. Mate in the Chair.

Mr. Lucas, | Mr. Allen,  
Mr. Sutherland, | Mr. Cunneen,  
Mr. W. Forster.

Committee met, pursuant to summons.

*Present*:—Mr. Robert Stewart, *Petitioner*.

Mr. William Webb and Mr. Robert Melville called in and severally examined.

Room cleared.

Committee deliberated.

Motion made (*Mr. Lucas*), and *Question*,—That it is inexpedient to append the Papers handed in by Mr. Adams on the 9th instant, as being irrelevant to the subject of the present inquiry,—*agreed to*.

Petitioner called in and informed of the resolution of the Committee.

Re-assembling of the Committee to be arranged by Chairman.

TUESDAY, 13 OCTOBER, 1863.

MEMBER PRESENT :—

Mr. Hart.

In the absence of a Quorum, the meeting called for this day lapsed.

TUESDAY, 20 OCTOBER, 1863.

MEMBERS PRESENT :—

Mr. Mate in the Chair.

Mr. Cunneen,		Mr. Hart,
Mr. Allen,		Mr. Terry,
	Mr. Sutherland.	

Committee met, pursuant to summons.

*Present* :—Mr. R. Stewart, *Petitioner*.

Petitioner stated to the Committee, that the Surveyor General, when handing in the correspondence between himself and the Government, had omitted to supply a letter in reply to Mr. Pennington's of the 9th of April last, and requested that he might be permitted to hand in the same, with a view to its being appended to the Evidence, inasmuch as this letter had formed the groundwork of his own petition to the House.

The same handed in. (*Vide Appendix.*)

Room cleared.

Committee deliberated.

Chairman submitted Draft Report.

Draft Report read and considered.

Motion made (*Mr. Hart*), and *Question*,—That the Report, as read, be the Report of this Committee,—*agreed to*.

Chairman requested to report to the House.

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1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PETITION OF ROBERT STEWART.

THURSDAY, 27 AUGUST, 1863.

Present :—

Mr. ALLEN,		Mr. LUCAS,
Mr. CUNNEEN,		Mr. MATE,
Mr. W. FORSTER,		Mr. SUTHERLAND,
	Mr. TERRY.	

THOMAS HODGES MATE, Esq., IN THE CHAIR.

The Petitioner, Mr. Robert Stewart, appeared in person.

Walker R. Davidson, Esq., called in and examined :—

1. *By the Chairman* : You are Surveyor General? Yes.
2. Are you in a position to give any information to the Committee respecting the claim of Mr. Robert Stewart, who appears to claim a portion of land, for which he has petitioned? I have got some information here about the land. I cannot find any record in the office of the promise of 300 acres to Mr. Stewart. There is a promise from Governor Macquarie of 200 acres at Illawarra to one William Stewart, who is described as a mariner. We have no record of any promise of 300 acres at all.
3. Has that been measured? We do not find that any measurement has taken place upon this order. There is no quantity of land measured for William Stewart at Illawarra.
4. Can you state whether it was the practice in those days to allow persons having promises of land in one locality to select in another? I daresay it was permitted.
5. Have you anything in your office to shew that such was the practice? No doubt such things have occurred in the office, but I could not refer to any particular case.
6. You say you have nothing in your office to shew that the land was measured, as promised? The land does not appear to have been measured at the Five Islands—the 200 acres promised to William Stewart.
7. Have you any papers you wish to hand in? I have the original order of Governor Macquarie in favour of Mr. Stewart, described as lately a mariner, for 200 acres at the Five Islands. (*The witness handed in the same. Vide Appendix.*)
8. *By Mr. Cunneen*: Is there any record of a promise having been made by Governor Macquarie in 1816? No record except this.
9. *By the Chairman* : Have you any other documents to hand in? I have the correspondence that has occurred between the department and Mr. Robert Stewart, and a tracing of the locality where the land is claimed now. (*The witness handed in the same. Vide Appendix.*)
10. Are you aware whether that land is occupied now—at Long Island? Long Island is not occupied now, and I do not think this land has been sold either.

W. R.  
Davidson,  
Esq.  
27 Aug., 1863.

W. R.  
Davidson,  
Esq.

27 Aug., 1863.

11. *By Mr. Cunneen:* Are you aware of any instance in which an order to select land given by a Governor of the Colony, has been repudiated? I am not aware of any, though there may have been some cases in which the persons to whom land was promised have not obtained it, because a notice of 3rd October, 1826, stated that all claims to land ought to be made before a particular period, and that all claims not so made were to be forfeited.
12. *By Mr. W. Forster:* How long have you been in the public service? Thirty-three years.
13. Then you have a recollection of this? No, I have only such information as I can gather from official records.
14. When did you first inquire into this matter? Two days ago.
15. You have no recollection of the documents? None at all.
16. Your attention was not called to it before? No, not until I got the summons to attend here.
17. In consequence of this inquiry you looked into the papers? Yes.
18. This is all the evidence you can find? Yes, the case was looked into before, when Mr. Stewart first made his application.
19. What was the decision then? That he did not seem to be entitled to the land on account of this notice from the Government, that no land that was not applied for within a certain period would be granted.
20. In consequence of this notice Mr. Stewart's claim was considered to have lapsed? Yes.
21. On no other grounds? No.
22. Would you have considered then that if that notice had not been published it would have been a just claim? I think the claim to 200 acres would have been a just claim; that does not appear to have been measured anywhere.
23. Regarding this paper as a promise by the Government, do you think the promise has been fulfilled in any way? I do not think it has.
24. Do you think it quite just, under all circumstances, to apply the principles of that notice to all claimants? I do not know what the object of the Government in issuing it may have been.
25. These promises were regarded in early times almost as grants—were they not? No doubt they were.
26. And I suppose but for the notice you have alluded to, you would have considered it almost a marketable claim? No doubt. The paper bears Governor Macquarie's signature.
27. On the supposition that the House would sanction a claim of this kind, are you aware whether we should expose ourselves to a great number of other similar claims? I do not think it likely.
28. You would not judge so from any evidence in your office? No, I think this is a solitary case.
29. *By Mr. Stewart:* You are not aware whether the land applied for is alienated? The land up the Hawkesbury is not alienated.
30. Yes? Some land in that neighbourhood is, but not I think opposite Long Island.
31. The direction of the Governor, on the paper you have handed in, was to select the land at the Five Islands? Yes.
32. Now is there any particular locality that the name Five Islands would indicate? No particular locality, except merely the Five Islands.
33. Supposing the person applying for the land had stated it was opposite Long Island, would not that be very likely to cause that difference in the description in the order to measure? I do not think that could be the case, Five Islands and Long Island are so very different. Besides there are other grants, all described as at the Five Islands, particularly described in that paper signed by the Governor.
34. Supposing a person to occupy a piece of land facing Long Island, and a surveyor to be in the locality, do you think he would have been justified at that period in measuring 200 acres under that order? I do not think so.
35. Now he would not? Not at any time I think.
36. Do you know the probable value of land in the locality of Long Island? Well I should think it very inferior; it is a very broken and rocky country.
37. Supposing the right to get 200 acres measured at the Five Islands, do you think it is not likely a person selecting at Long Island might fancy he had a right to get it there, having an order for 200 acres to be measured? I should think no one except the Government could change the locality.
38. The change would not be for land of greater value—it would be inferior land; and the person in fact so selecting his land would be selecting something very inferior? No doubt.
39. Therefore on that score there would be no objection? No.
40. If he had selected superior land there would probably be some objection to comply with it. Are you aware that during the period from 1816 up to 1820 any measurements of land had taken place near Long Island, or within a number of miles of Long Island? There are some small portions measured about Long Island.
41. Were there any measured at that period? I cannot state positively as to the period.
42. If I were to state positively that there was no land measured up to 1830, within ten miles of Long Island, are you in a position to state that that was incorrect? I know a number of isolated spots have been measured from time to time, but at what period I do not know.
43. In that case a person placed in occupation of that land would not be likely to have a surveyor sent specially to measure it? No, I do not think so.
44. Do you know any cases where land was held for a number of years without being measured? Yes, all over the Colony.
45. For how long a period—ten or fifteen years? Perhaps some may have extended to that period.

46. Do you know of any case in which the order you allude to, of the 3rd October, 1826, was made to apply? I am not aware of any particular case; but then I have not been in a position to know that.

W. R.  
Davidson,  
Esq.

47. You know what that order is? Yes, I have a memorandum of it here. I have not seen it in the *Gazette*, but I believe it was to this effect: that all persons holding orders for land, who had not made selections, were required to do so by, I think, the 1st January, 1827, on pain of forfeiture; and there was a subsequent notice of 3rd October, 1827, which stated that all orders for lands, of which selections had not been intimated, as required by the notice of the 3rd October, 1826, were thereby cancelled.

27 Aug., 1863.

48. Are you aware that that only applied to those having rights to land created after the arrival of Sir Thomas Brisbane? I was not aware of that.

49. You are not aware of its being used in any case as an objection to a direct order given previously? No; I have been away from head-quarters so long that I am not in a position to know.

50. Are you positive as to the land not being alienated in the locality of Long Island? I will not speak very positively, but I had occasion to look at the map the other day, and I did not observe any charted at Long Island.

51. Would the land opposite Long Island, as indicated on the tracing you have handed in, assuming it to be a narrow belt, backed by a range of hills, much exceed 200 acres in area? It looks larger than Long Island, which contains, as nearly as possible, 200 acres.

52. By the description given on a chart or map, I saw two portions of 100 acres, and 10 acres appeared to be marked off as sold? Very likely; I did not look at it with a view of observing what land was alienated there.

53. If this land, as described, was occupied by the applicant and his family, it would be material to shew whether it corresponds with the position of land now alienated from the Crown, and the date when it was so alienated? Of course that can be ascertained.

54. In your experience you know of no case where a direction to measure, given by a Governor, has not been complied with? No.

55. You know of no similar order to this lying in your office uncomplied with? I do not.

56. And if 200 acres were not measured in accordance with that order, it would be an exception to anything you are aware of? I do not know of any case besides this.

57. Do you not think it very likely you would have heard something of it, if there had been such a case in your office? No, I have been a very long time away from the office; for twenty-five years I was out of the way of obtaining any information of that kind.

58. Then the information you can give is, that the order to measure this land has never been complied with? That order appears never to have been complied with. There is no trace of the measurement of 200 acres for William Stewart at Illawarra.

59. And the land applied for at Long Island is of a very inferior character to the land indicated in the order to measure? Without speaking positively I believe it is a very broken country, and the fact of its not being taken up would lead one to suppose so.

60. *By Mr. Terry*: Is it usual to carry out these orders? I should think it just to carry out an order of that kind, if it has not been complied with.

61. *By Mr. Stewart*: Are you aware of an order or Act passed in 1833, to empower persons in possession of land to receive grants of such land, irrespective of their original authority to occupy? I am not aware of it.

62. The Court of Claims was established at that period? Yes, I recollect that perfectly. I reported on most of the cases when that Court was established first. I was then in the office.

63. Are you aware that many of those claims were acknowledged when there was no original authority shewn? There were a great variety of claims. I can hardly recollect the circumstances now. The books will shew.

64. Was it not established principally — ? Principally to clear up disputed titles.

Mr. Richard Driver called in and examined:—

65. *By the Chairman*: You are a very old colonist I understand? I am.

66. Do you recollect as far back as 1820? Yes, 1808 if you require it.

67. Do you recollect about 1820 special instructions being given to a person of the name of Stewart to fit out an expedition to explore the coast southward of Sydney? I recollect going on board the "Elizabeth Henrietta" brig, which was commanded by a brother-in-law of mine, and Mr. Stewart reading his letters of instruction to the master.

Mr. Richard  
Driver.

27 Aug., 1863.

68. Do you recollect hearing anything more of the expedition? Yes, I know he started on the expedition, and he slept on board the brig the night before, down in Watson's Bay. He and Mr. Cunningham, the master of the brig, had been acquainted for many years.

69. Do you know whether he returned? No, he did not.

70. He has never been heard of from that day to this? There was some rumour that some of the native blacks had reported that he and his boat's crew had been killed by the blacks near the Pigeon-house; but that was mere rumour.

71. Did you know anything of the family since that—where they lived? The first I recollect they lived in what is now Castlereagh-street.

72. Do you recollect their taking possession of any land? I do not.

73. You are not aware whether they took possession of any land pursuant to an order or promise from the Government? I am not aware of their taking possession of it.

- Mr. Richard Driver. 74. *By Mr. Stewart:* Do you recollect about the date the expedition started? About March, 1820.
75. The beginning of 1820? Either March, or the first week in April; it could not have been later than the first week in April.
76. Do you recollect the number of the party? Yes, six persons besides your father.
77. The expedition, you were led to suppose, was fitted out under the direction of the Government of the day? Yes, they were provisioned by the Government, and fitted out entirely by the Government.
78. At the Commissariat Stores? Yes.
79. You are aware that for many years there was an impression that some of the party would again return—there was a doubt whether they were not held in captivity by the natives? There was a doubt that some of them might be alive. There were frequently rumours of persons being seen to the southward. It was even said that a woman was alive for many years, that was in the "Trial" brig, that was cast away in Trial Bay.
80. Would any promise given in favour of a party holding an order for land, be complied with if an application was made to the Government afterwards? It was always customary to comply with it.
81. Do you know any instance of an order to measure land, given during the period of Governor Macquarie's Government, being refused subsequently? I do not.
82. They were in all cases complied with? I have known orders that have been seven and eight years old purchased, and the land afterwards measured and granted.
83. Then the fact of the order being given was considered equal to a grant? The party bought on that title.
84. Then even assuming that no possession was taken of the land upon that order, do you think the order itself would be valid? Yes. I recollect the late Mr. Daniel Cooper, of the house of Cooper and Holt, purchasing a 2,000 acre grant from a person who brought a little vessel, and had got an order for it; but the man had never been out of Sydney, and that was granted.
85. You have known a number of instances? Yes, many.
86. You have never known of any refusal? If a person had once selected land there might sometimes be a dispute in the Land Court, but the decision was generally in favour of the person to whom the land was originally promised.
87. Supposing the person had not taken possession of land, he would be entitled to take possession of that quantity at any period? Yes; there were a number of persons who had been attached to the 73rd, who came back after ten or a dozen years, and had their land given them. I know an instance in my own family where the order was made in 1819, and the land was not measured till 1823. There was only one Assistant Surveyor then (Mr. Mein) and he could not perform all the duties—he had so many things to attend to. For instance, he was away in Van Diemen's Land for six months at one time.
88. The person alluded to being an old resident for many years in the Colony, would it be at all out of the way if he had applied for 200 or 500 acres—would he not be entitled, under the then regulations, to receive land? I do not know exactly what the regulations were. The Governor gave what quantity he thought proper.
89. Do you think a person, in the position of Mr. Stewart, would have received — ? I should have thought he would have received 500 acres if he had applied for it, because he commanded a Government vessel at one time.
90. Are you aware of Mr. John Rowley having engaged to be one of the party? I am not. I recollect the names of two of the parties—Humphreys and Meredith.
91. They were young men—natives of the Colony? Yes.
92. Do you recollect the circumstance of Mr. Rowley receiving 200 acres of land as an assistant going over to Bathurst in 1819? I recollect his receiving a grant of land as an assistant in going up to about as far as Goulburn is now.
93. With Mr. Throsby? Yes.
94. Are you aware that he received 200 acres of land for only about fifteen days' service on that particular occasion? Yes.
95. And that Mr. Throsby received 1,000 acres? He received a grant, which is at the present time called Throsby Park, on the banks of the Wingecarribee.
96. If Mr. Stewart and his party had succeeded would it not be likely they would have been rewarded with land? I should imagine that each of the men that accompanied him would have had at least 100 acres. There were very few in those days who did not get their sixty acres of land if they made a claim.
97. You are not clear as to the objects of the expedition? I understood it was more particularly to explore Jervis Bay, as Governor Macquarie had some idea of forming a settlement there, and Bateman's Bay also, but Jervis Bay in particular. I know from conversations I have heard the late Mr. Simeon Lord have, that he was always advocating the cause of having a fishery at Jervis Bay, and I believe Governor Macquarie thought of having a settlement there.
98. At that period it would be a very dangerous expedition to go down to those places? Yes, many vessels that went for cedar, even to Illawarra, were obliged to come away with a portion of their crews murdered by the blacks; and at Shoalhaven also the blacks murdered portions of different crews.
99. Do you know how many years Mr. Stewart had been in the Colony? I do not. I know he was here in 1805.
100. He was then engaged in nautical pursuits? Yes, I think he was then in command of the "Lady Nelson."
101. In point of fact he was a colonist of some eighteen years standing at the time the order alluded to, in 1816, was given? I should say he was.

102. *By the Chairman*: I think you said about twelve or fourteen years was the longest period you knew, for which promises of grants had remained in abeyance? That is the longest period I can speak of positively. There is an instance opposite these Chambers, where a person was promised a grant of land; and the late Mr. Burdekin having erected those fine premises on it, had to allow him a year's compensation. The man was away above thirty years. Mr. Richard Driver.  
27 Aug., 1863.

103. I think the land in that case had been measured? I think not, for they very seldom measured town allotments at that time. When you got an order for an allotment you went and fenced it in. Mr. Wild, the father of the then Judge Advocate, took possession of the piece of land I speak of, finding that the owner was out of the Colony, and I think Mr. Burdekin purchased that title. Then when the owner came with the promise in his pocket his claim was admitted, and Mr. Burdekin allowed him an annuity. I think he had been an old soldier in the 102nd.

104. *By Mr. Terry*: Was it customary in the old days of the Colony for the Governor to give grants of land for each of the children of a family? Yes, the old grants run in this manner—so many acres to yourself, and so many for each child.

105. Do you know about the time that was discontinued? At the close of Governor Macquarie's time—at the end of 1821. He gave up the Government on the 1st December, 1821.

106. *By Mr. Stewart*: The cases you allude to were where parties were present and able to make their application? Yes, I have known numbers of persons, and have frequently seen them as late as 1823, going up to draw their provision from the Stores; and I know those men never went near their land, and sold these small grants in 1830. They never took possession, but only got the order for so many months' provision from the Stores, and they went and drew it.

107. If an order for land was made at the Five Islands, do you think there would be the least objection to a person selecting under the authority of the Governor in any other place under that order? I imagine not. On application I have known land allowed to be taken in another portion of the Colony when the person wished to have the site altered.

108. It was by no means an unusual thing then for an order to be given in 1815, and the land not to be measured in 1820? No, it was almost impossible to have it measured. As I stated before, Mr. Mein was the only Assistant Surveyor there was. Mr. Oxley was generally away on discovery. It was not till about July, 1821, that the late Mr. Henry Dangar was appointed an Assistant Surveyor.

109. Then a delay in the surveying of land, extending over three or four years, was not at all a blameable delay on the part of the person to whom the promise was made? No. The lines of many of the farms on the Liverpool Road were altered, years after they had been occupied, when the survey was made.

WEDNESDAY, 2 SEPTEMBER, 1863.

Present:—

MR. HART, | MR. LUCAS,  
MR. SUTHERLAND.

THOMAS HODGES MATE, Esq., IN THE CHAIR.

Robert Stewart, Esq., M.P., appeared on his own behalf.

Mr. Robert M'Intosh called in and examined:—

110. *By the Chairman*: I believe you have been a great many years in the Colony? Yes, since the year 1814. Mr. Robert M'Intosh.

111. Had you any knowledge of a person named William Stewart, a mariner? Yes.

112. Do you recollect his being engaged by the Government in an expedition to the southward, to survey the coast? I understood so—my father was storekeeper at the time. 2 Sept., 1863.

113. Will you have the goodness to state to the Committee what you know of the circumstances? My father was storekeeper in 1819 or 1820, and Mr. Stewart had an order from the Government to my father to fit him out with provisions, rations, and various things out of the store. He did fit him out, and he went away with a whaling or sealing boat. He had two of Humphrey's sons with him, and a son of his own. I am not sure, but I think his name was Sam Stewart. It was about the year 1820. I think I knew Mr. Stewart about 1817.

114. Were you personally acquainted with him? My father was. I have seen him several times. I had not any business with him, for I was a boy at the time, but I knew him perfectly well; he was a short, stout, thick man.

115. Are you aware whether he had a promise of a grant of land, or whether he had possession of any land at that time? I do not know anything about a promise of a grant of land. I believe there is some land at the Hawkesbury River which he claimed, where Mr. Thomas Edwards was; I know Mr. Edwards was living there.

116. Did you ever hear any more of him after he started on that expedition? No. I heard that nothing was ascertained of what became of them, but it was believed they were lost. I have often heard my father talk of him, because he was intimately acquainted with him. I heard

- Mr. Robert M'Intosh.  
2 Sept., 1863.
- heard that the boat and all were lost. There was some talk some years after of something being found, whether it was the boat or not I am not sure. There were some pieces of a boat, but I do not think it could be the ascertained whether it was the boat or not.
117. *By Mr. Hart*: How old were you when you first knew Mr. Stewart, senior? I was born in 1809, and I knew Mr. Stewart in 1817; then we lived in Cockle Bay.
118. *By Mr. Stewart*: You recollect clearly my father going away? Yes; and I know that Humphrey's sons, David and Frank, went with him.
119. You knew them well? Yes.
120. From your knowledge of the circumstances, do you believe they went away with the direction of the Government? That was what I understood, more particularly from my father who said they were going on a discovery for the Government. My father said Mr. Stewart had an unlimited order to have whatever he required from the Government Store. He said it was a curious order.
121. That would indicate that it was a service respecting which the Government felt confidence in him, and that he went on the public service? Yes, the order was to the dry stores, and my father was the storekeeper. Mr. Cordeaux was the Commissary at the time, and he fitted him out. It was talked of a great deal afterwards by Mrs. Humphreys, who lost her two sons.
122. Had your father a grant of land at that date? My father had 200 acres of land at Pitt Water.
123. Was it at all an unusual thing at that time for a person to have an authority to take up land, and for the land not to be measured at once? My father did so at Pitt Water. He took possession of 200 acres at Pitt Water, and it was measured afterwards by a person named Jemmy Mayne, a surveyor. He was on it some time before it was measured.
124. He was on it some years before it was measured? I think not more than a year or a year and a half. A good deal of it was cleared, and a house was built on it before it was measured.
125. You resided on the lower part of Pitt Water? Yes, some years.
126. Do you know the locality at the lower part of the Hawkesbury (*Mr. Stewart pointed out the position on a tracing*)? Yes, I know that particularly well; I have been there a number of times.
127. Do you recollect a portion of that being occupied? Yes, the portion where this red line is (*referring to the tracing*) was occupied by Edwards.
128. Were there buildings on it? Yes, the small house they lived in, a pigstye, and other buildings.
129. Do you know of stock having been there? Yes, a few; I saw a few they were milking—perhaps five or six head.
130. Do you know how far these cattle ranged? Yes, down to a place called Mud Island.
131. And towards the Flat Rock? Yes, they went both ways down to the back of Long Island.
132. About what year was it you were in that neighbourhood? I was there in the years 1822-3-4, and 5.
133. Do you know of any land being measured there about that period? None near there. The first I knew to be measured was a piece purchased by Francis King and R. W. Robertson—100 acres.
134. This is where you saw the house (*referring to the tracing*)? Yes, at Kangaroo Point.
135. The cattle ran up here (*referring to the plan*)? Yes, the place is so bluff they cannot get round here.
136. *By Mr. Hart*: Whose cattle were they? I understood they were Mr. Edwards' cattle; he was in charge of them, and was milking them.
137. *By Mr. Stewart*: They were under his control? Yes, he had the house and an American cornhouse; he had moved from the upper part of the river.
138. Did you know that before this Mr. Edwards was a seafaring man? I understood he was.
139. He had left his farming? Yes, he was living near Wiseman's Ferry when I first knew him. He had a farm, which he said he owned. I saw him building this place, for I was repeatedly up the river.
140. You were not aware whether he was a seafaring man or not, except from hearing it? I understood it from him. I always understood he was a sailor.
141. You are not aware how these cattle were taken up? No, I do not know.
142. You were never informed that they came round from Sydney by water? No; I have seen them there, and I have seen Edwards' people milking them. I have been there in the evening, and I have been there all night waiting. He made a garden there, and the remains of it are there now.
143. *By Mr. Lucas*: Was it usual for persons to take possession of, and set down upon, land in those days, without any conditions? No, it was not usual at that time; but since then it has. I never knew of any squatting in those days; people always had some permission or authority from Government. Since then there has been a deal of squatting.
144. At this time you never knew a person to take possession of Government land without some authority from Government? No.
145. *By Mr. Hart*: Have you any idea when the change took place—when parties took possession without authority? Not particularly. For the last thirty years they have been squatting on Government land, and even on other people's.
146. You do not refer to Mr. Robertson's "Crown Lands Alienation Act" when you say people take up land without authority? I do not understand the question.

- 147. You do not refer to the free selectors of the present day? Not at all.
- 148. *By Mr. Stewart:* Do you recollect about what date the land at the Point you have spoken of was disposed of? I do not recollect the date, but I was at the sale. It must have been about thirty years ago.
- 149. Do you recollect where Mr. Stewart and his family were living previous to his leaving? Yes, at Kent-street, in Cockle Bay, where I used to live.
- 150. Do you know the date when Mr. Edwards left that place? I do not.
- 151. Do you know who succeeded him? It went waste. I never knew any one there after that till there was a ferry across.
- 152. That was some years after? Yes, it went waste. I was up and down there with Mr. Peacock, and I saw the houses all knocked about, and the land waste.
- 153. A person residing in Sydney would find some difficulty in keeping a place of that kind in order? Yes, he must have some trustworthy person there, and that would be attended with expense.
- 154. Do you remember Mr. Farrell, my stepfather? Yes.
- 155. Do you remember the circumstance of his leaving Sydney with my mother, about the period? No; I remember your mother getting married to Mr. Farrell.
- 156. You are aware that they did leave Sydney? Yes, but I do not know for what reason.
- 157. You do not know where they went? No.
- 158. If they went to Port Macquarie about 1829 or 1830, there would be no possibility for them to control the property without very great disadvantage or loss, at that distance? They would have had to pay some one to take charge of it, for there was nothing to induce any one to go there. There is scarcely any agricultural land there, only a little bit of a garden of about an acre or an acre and a half.
- 159. A person would not select it unless he had some special object in view? Not as a farm—it is a ridge, and a little bit of a flat from the washings from the hills of about an acre or an acre and a half.
- 160. A person entitled to select 200 acres of land at Illawarra, would not be likely to select that land in lieu of it? I should think the 200 acres there would not be worth 50 acres at Illawarra. It is very rocky and steep there.
- 161. You think a person having a right to 200 acres of land at Illawarra, would not have been likely to have made an exchange? Not without he had some other object than agriculture.
- 162. Looking to the value of the land? Certainly not, for there are not more than twenty or two and twenty acres worth fencing. It is all a ridge sloping to the water, with the exception of the little washing from the hills.
- 163. Have you been there lately? Yes; about two years ago I was at Brisbane Water, and I crossed over in the punt.
- 164. Is the place occupied now? Yes, there are some little houses there, called Government houses. A man named Pinkerton put me across, and he was living in one. I think Coles is living in one; he has a son-in-law who runs the mail. In fact I stopped in one of them the night before I crossed over.
- 165. Do you know whether my father followed the sea? Yes, he used to be always coasting in vessels. He used to go to the Straits, and brought up furs and skins.
- 166. If it were thought desirable to examine the coast between Twofold Bay and Port Phillip, would he have been as likely a person as could have been found at that time to undertake it? He would have been a very proper person, as he used to be always coasting, and going to the Islands for skins and other things.
- 167. You knew he was engaged in that way? Yes, he always followed the sea, and I understood that your brother also followed it.

Mr. Robert  
M'Intosh.  
2 Sept., 1863.

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WEDNESDAY, 9 SEPTEMBER, 1863.

Present:—

MR. CUNNEEN,

MR. TERRY.

THOMAS HODGES MATE, ESQ., IN THE CHAIR.

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Mr. R. Stewart in attendance.

Philip Francis Adams, Esq., called in and examined:—

- 168. *By the Chairman:* You are an officer in the Surveyor General's Department? I am.
- 169. And you appear here on the part of the Surveyor General? Yes.
- 170. For the purpose of handing in certain papers having reference to Mr. Stewart's claim to a grant of land? Yes.
- 171. Do you produce those papers? I beg to hand them in.
- 172. Is there anything else in your office that this Committee ought to be in possession of, having reference to this claim? No, that is all. Mr. Davidson handed me these papers last night before he went away, and if there had been any others he would have given them to me at the same time.

P. F. Adams,  
Esq.  
9 Sept., 1863.

- P. F. Adams, Esq. 173. Are you aware of what these papers consist? Yes, I have read them over, and will read them to the Committee if they desire it. (*Witness reads the papers Nos. 1, 2, and 3, handed in.*)
- 9 Sept., 1863. 174. You are not aware whether these 300 acres were ever measured? No, I have never seen the previous papers in this case, as Mr. Davidson has taken all the previous steps.
175. *By Mr. Stewart:* These are all original papers? Yes.
176. There are no other papers having reference to this claim, in the Survey Office? No, I think not. I can, however, ascertain what search has been made; but if there had been any they would have been with these, and I do not think it likely that others will be found. I see by a note on one of these letters, that the previous papers have been produced and laid before the Committee.
177. The papers previously produced have reference to another promised grant of 200 acres, and have nothing to do with this matter; that is why I ask if there are other papers referring to this 300 acre promise? I should not think there was, or they would have been produced.
178. These papers would indicate that they were original orders, and consequently that no intermediate documents could exist? It would seem so.
179. There was nothing likely to appear between the order for the grant, and the communication and reply in 1827? No, I should say not.
180. These papers have come, I believe, from the Colonial Secretary's Office? Yes.
181. On requisition from your office? Yes.
182. It would appear from that communication that there was a willingness on the part of the Government in 1827, to comply with the application, and carry out the original order? A note on the application says that after the date of the order for the grant, Mr. Stewart was drowned, and that nothing was done towards taking possession of the land.
183. This note then indicates the knowledge of the Surveyor General of the fact of Mr. Stewart having been drowned? Yes, certainly.
184. And that would account for the land not having been taken up? No doubt.
185. And these papers are all that would be likely to be in your office, unless the land had been taken up and granted in the usual way? Yes.
186. If the land had been taken up you would have had some record of it in your office? Yes, we should have had all the papers.
187. The Surveyor General regarded the claim as a clear and just one in 1827, and if anything had been done since then you would have had some record of it in your office? Yes, I think so.
188. The reply to the application requiring the applicant to shew his authority for making it, clearly evinces the willingness of the Government to comply with the order at that time? No, I think there would have been no objection to it if the land had been taken up at the time, for there was the order for it.
189. Do you know of anything that has occurred since then to make that order invalid? No, nothing. I know very little of the case, only what I have gathered from these papers.
190. But in any case where an order for a grant of land has been made, is there anything any Government notice or proclamation that would make such order invalid? I am not aware of anything of the kind.
191. *By Mr. Terry:* Do you know of any case in which an order has been made for a grant of land, and in which, after the lapse of many years, the order has been complied with, and the land granted? I could not state any cases from memory, but I believe this has been done.
192. Do you know what the custom of your office is in such cases? No.
193. *By Mr. Stewart:* Are you aware of any persons, in whose favour an order has been made, being refused the land after the lapse of years? Not directly; but there are several cases in which the land must have been refused.
194. Can you instance any one case? Yes; there was Mr. Bell's case—was not he refused his grant?
195. That was a different case, for he had allowed the land he claimed to be out of his possession, and in the hands of another person, for more than twenty years? Yes.
196. Whereas in this case the land was never selected? Precisely.
197. You know nothing of this case yourself? No.
198. And any further information, if there be any, will be in the Colonial Secretary's Office? Yes.
199. Where these documents came from? Yes.
200. *By the Chairman:* How were these papers produced? I do not know.
201. I mean, was it on an application from your office to the Colonial Secretary's Department? Yes, I suppose so; but I know nothing of the matter.
202. Nor of the former papers? No; they were produced by Mr. Davidson.
203. You are aware that the former papers produced by Mr. Davidson have nothing to do with these 300 acres mentioned in the letters you have laid before the Committee? I have not seen those papers.
204. Will you look at this list (*List A No. 1 handed to witness*)? Yes.
205. What does it purport to be? A supplementary list of settlers and free persons who received grants in 1816.
206. Do you see the name of William Stewart there? Yes.
207. Will you read the entry? William Stewart—residence, Sydney—recommended by the Secretary of State—200 acres—District of Five Islands—master mariner.
208. *By Mr. Stewart:* You see that this has no reference to the 300 acres mentioned in the papers you have produced? No, it is a distinct grant.
209. Not in any way indicating that the two are the same? No.



210. The one being for 200 acres in 1816, and the other for 300 acres in 1819, the two must be distinct? Altogether distinct. P. F. Adams,  
Esq.  
9 Sept., 1863.
211. Are you aware that about that period grants of land were given to various persons for services rendered by them to the Government? I could not say.
212. You are not aware of the circumstance of Mr. Throsby having received a grant of 1,000 acres of land in 1819, for having passed over the ranges from the Cowpasture to Bathurst? I am not aware.
213. Such a grant, if it exists, will be found in your office? Yes.
214. But personally, you are not aware of its existence? I am not; I have no knowledge of the old records of our office.
215. Are you aware that land that had been promised remained unmeasured for a number of years after the order for grant had been made? The lands were all measured before my time; but I remember nothing beyond the last ten years. At that time all the land for previous grants had been measured.
216. Nothing has ever come under your notice to shew that land remained for a long time unmeasured after an order for selection had been made? No.
217. If there were a notification issued by the Governor in May, 1819, setting forth that more land had been promised up to the previous June than could be measured up to the date of the notice, and that consequently no new applications for grants of land would be received until June of the following year—would not that indicate that the land had not been measured up? I do not know of such a notification having been issued; but these are questions that would be more satisfactorily answered by the Surveyor General, because he knows all the circumstances of the department for the last thirty years, and he is the better able to reply satisfactorily on matters relating to the early practice of the department, than a person of more recent appointment—comparatively a new hand, and who has never had anything to do with these old matters.
218. You yourself have no knowledge of such a notification? No; but if you require anything that has passed through our office, we shall have it, or some record of it, and it shall be produced.
219. And in reference to these 300 acres there are no other papers? I have no reason to suppose so.

FRIDAY, 11 SEPTEMBER, 1863.

Present:—

MR. ALLEN,		MR. HART,
MR. CUNNEEN,		MR. SUTHERLAND,
MR. W. FORSTER,		MR. TERRY.

THOMAS HODGES MATE, ESQ., IN THE CHAIR.

The Petitioner, Mr. Robert Stewart, appeared in person.

William Elyard, Esquire, Principal Under Secretary to the Government, called in and examined:—

220. *By the Chairman:* The Committee have requested your attendance here to-day to see if you can afford any information relative to the claim of Mr. Robert Stewart, to a grant of land alleged to have been promised to his father years ago, or if you have any documents in your office relative thereto, which you can produce? The letter which I received from the Clerk of the Assembly requested me to bring a memorial of William Stewart, master mariner and free settler, to His Excellency the Governor, dated 18th February, 1819, together with the affidavits therein referred to. I have had search made among the records of the office, of that date, but I am unable to discover the memorial which is referred to. All the papers on the subject that could be traced, were sent to the Lands Department, and I believe have been produced from that office. I have brought with me a copy of a letter, which is the reply to the memorial in question, shewing that it was received. I think, however, this letter is already before the Committee. W. Elyard,  
Esq.  
11 Sept., 1863.
221. You have searched and you cannot find the memorial? No.
222. Nor any of the affidavits? No. If the memorial had been found the affidavits would no doubt have been with it. I brought a copy of the answer with me, not knowing that the Committee had seen it, to shew that the memorial had been received by the Government. It states, "I have it in command to inform you that His Excellency has received your memorial, dated the 18th instant"—which is the date of the memorial referred to.
223. *By Mr. Stewart:* Are you aware whether any order of this description has been annulled? Notices have at different times been issued by the Government, cancelling orders for land not acted upon by selection. But at the same time, if circumstances, or the absence of information that such a claim existed, prevented its being preferred at an earlier date, I am aware of no reason why it should not be entertained.
224. Can you name any instance in which an order of the Governor to take up land has been so cancelled? I cannot, but I have no doubt there are such.

Mr. George Peat called in and examined :—

- Mr. George Peat.  
11 Sept., 1863.
225. *By the Chairman* : You have been a good many years in the Colony? I have.
226. Had you any knowledge of a person named William Stewart, a mariner? Yes, I knew him quite well.
227. About what time did you know him? I have been referring back to different things, and I think it is somewhere about forty-four years ago, more or less a little, but I cannot say the date exactly.
228. Do you recollect how he was employed, whether in a private capacity or as a Government servant? Yes, I remember when he was captain of coasting vessels here, and have heard that he was captain of large vessels before he came to this Colony. A good deal of his time he lived private.
229. Are you aware whether he was employed by the Government? Yes; I fitted out his boat that he went away in, in the time of Governor Macquarie. I fitted the boat out comfortably for him to go away to the Five Islands and down that coast.
230. You are aware he did go on that expedition? Yes, I am certain of that; I could swear to it. I repaired the boat for him for that purpose. He was employed by Governor Macquarie.
231. Did you ever hear of his return? No, he never returned, and nothing certain has been ever heard of him since. It appeared when he went away there was a very heavy gale of wind from the south-west, and veering round to the north-west, and the natives saw him beating to try to get up to the Five Islands, trying all day to get in with the land. The Governor sent Mr. Batty, a gentleman that used to get his living by shooting—for pheasants' tails were very dear in this country at that time, and he could go among all the wild blacks and talk their language—and Mr. Batty brought word back to the Governor that the blacks had seen Mr. Stewart beating backwards and forwards all day, and that at night it came on to blow very heavy, and we never saw anything more of him, and we all thought he had foundered that night.
232. Do you know where his family were living then? Next door but one to me in Kent-street, just above the Old Company's wharf.
233. *By Mr. Cunneen* : Did Mr. Stewart leave Sydney in the service of the Government? Yes, he was employed by Governor Macquarie to go exploring to the Five Islands. Captain Stewart we used to call him, being captain of vessels here for many years, and I believe he was captain in the navy in England. That was always the name he went by. Mr. John Black, who was in the Bank of New South Wales for many years, knew him perfectly well, for he was often at his father-in-law's house—Mr. Lord. He was a great acquaintance of Mr. Lord's; he used to be there nearly every day.
234. *By Mr. W. Forster* : Do you know anything of any land having been promised to Mr. Stewart by the Government? I understood Captain Stewart was going away on a surveying expedition, at the request of Governor Macquarie, and that he was to be paid in land, and the people that were with him also.
235. Who was to pay them? The Government—Governor Macquarie.
236. And Mr. Stewart did not come back again? Never.
237. What was the service he was expected to perform? He was going surveying down the coast, to see what land and what timber there was.
238. Did he do the surveying he promised to do? No, the blacks gave Mr. Batty to understand what I have told you.
239. How long ago was all this? I think about forty-four years, more or less.
240. You do not say that Mr. Stewart did his part of the contract before his death—do you? No, I cannot say he did any part of his contract, for he never came back.
241. Would you, under the circumstances, consider that his family were entitled to this land? Well, I should suppose so; if it pleased God to take him he could not help that. He left a large family behind. He was a clever man, and able to perform his agreement if he had lived.
242. Supposing you agreed to pay a sum of money to another person to do something which he did not do, in consequence of his dying before he could do it, would you think you were bound to pay the money without the equivalent? I think that would be a different case. If it pleased God to take him he could not perform his agreement, and his family were left destitute in the world, and fatherless.
243. Do you think the Government are to be bound in regard to contracts by different rules from those that would apply to private individuals? I think that is to be left to your own opinion. I should think it very hard if I undertook a speculation, and was taken from all my family, and they were left on the world destitute. I should think the Government would be so feeling as to give them some compensation.
244. Do you know whether grants of land in those days were generally accompanied by conditions, for instance that the parties should settle on and improve it? They were sometimes.
245. Do you know whether that was so in Mr. Stewart's case—whether he was expected to settle on the land and improve it? Yes, I believe he was.
246. That would have been a condition of the grant then? Yes, I think so.
247. Do you know whether his family offered to undertake that part of the conditions, to settle on and improve the land? No, I cannot say I am so well up in the subject as to give any answer to that.
248. Do you know whether they made any claim upon the Government at all in those days? I do not know.
249. *By Mr. Terry* : Did Mr. Stewart fit out his vessel at that time at his own expense? Yes, at his own expense. The boat was his own.
250. Do you know if in those days the Government gave the children of public servants land?

- land? Yes; in those days land was granted all by the Governor himself; he had the power to do everything.
251. And he did it? He gave land to any person he thought worthy of it.
252. *By Mr. Sutherland:* Are you aware whether the services that Mr. Stewart had performed before, for the Government, was what he received the promise of a grant for, or was it for what he was to perform for them? I did not know his business so far as that.
253. Was Mr. Stewart doing anything for the Government previous to the time he went away in this vessel—had he been in the Government service in any way before? He was, I believe, in the Government employment as master of a vessel here.
254. Then is it not likely that Mr. Stewart got the grants or promises of grants for services he had performed previous to his going away? I cannot recollect anything of that.
255. Was it not usual in those days to give grants to free settlers, or to any person that was able to go on the ground and occupy it? Yes, Governor Macquarie had power to do anything he thought proper.
256. Was not Mr. Stewart a man who was likely to get a grant at that time? I should suppose so.
257. Not taking into consideration at all the services he was to perform when he went away? He could have got a grant if he had applied, without going away I should think. Governor Macquarie would give land to any person who was inclined to go farming, but they were not bound to go on it, though most people did so. Land was often given in compensation for services to the Government.
258. If Mr. Stewart was to be paid in land for the service he was then to perform, he would not get the grant until he performed that service—would he? I should suppose not. I understood that the expedition was proposed to Captain Stewart by Governor Macquarie. I do not know whether it was the case or no, that he was sent for by letter, and he agreed to go, on what terms I cannot say, no further than that I understood from the people that were going with him that they were to have certain grants of land—100 acres a-piece—and also that Captain Stewart was to have a grant; but I cannot say if that was true. Captain Stewart never told me his business at all. I knew no further than I understood from others. It was to be a speculation—looking for cedar—looking for land—and exploring the coast from the Five Islands away to the southward towards Twofold Bay, or somewhere there.
259. *By Mr. Stewart:* You carried on business as a shipwright at that period? Yes.
260. On your own property? Yes.
261. You were residing near where Mr. Stewart and his family resided? Yes.
262. You still reside on the same property that you were carrying on your business on at that time? Yes.
263. Was it generally supposed that the party were fitted out at the Commissariat Stores? No, the boat was fitted out at my own place, but she went round to the Stores afterwards; what she went for I do not know.
264. The boat was the property of Mr. Stewart? Yes; he paid me for repairing her.
265. It was generally understood, was it not, that the expedition went away by direction of Governor Macquarie? Yes, it was Governor Macquarie that employed Captain Stewart to go on this expedition.
266. If Captain Stewart had a grant of land twelve months before he left, it would not have anything to do with any claim he might have for the work he was to do afterwards? That would be a different case. I do not know whether he had any land before that. If he had that would have nothing to do with the grant he was going to get.
267. If he performed any services he would have an additional grant, irrespective of any grant then existing? Yes, I should suppose so.

Mr. George Peat.

11 Sept., 1863.

Robert Stewart, Esq., M.P., examined:—

268. *By the Chairman:* You are the Petitioner in the case referred to this Committee? I am.
269. You claim to be heir-at-law to William Stewart, referred to in your Petition? Yes, I am his only surviving son.
270. You state that your father received a promise of a grant of land about 1816, and that in pursuance of that promise he took possession of land near Broken Bay? Yes, as I have been informed—for I was only an infant at that time, only born that year—about that time my father took possession of land at Broken Bay, given to him for some services and information he had given to the Governor of the day. Some years after that I resided on the place stated to have been given to him. It was occupied and I believe kept in possession on the part of my family up to about the latter end of the year 1830, or the beginning of 1831, at which time my mother, having married again, left for a distant part of the country, and the land became abandoned. I made some inquiry a few years after, when I was of age, but could not ascertain that any documents existed in reference to the land. I gave up all further inquiry at the time, considering the land having for some time been unoccupied scarcely entitled me to pursue my claim. I since—a few months ago—ascertained from a source that I felt would justify me in renewing my claim, that my father left the Colony in the service of the Government wholly, and in no way on his own account. I then made application to the Secretary for Lands for a grant of this land so occupied. In reply to that application I was informed that no such land being charted the application could not be complied with; but I was at the same time informed that in the office an authority to take up 200 acres was registered, which authority is before the Committee. Conceiving that the authority might possibly be intended to be used for that locality, I felt that in either case I

R. Stewart,  
Esq., M.P.

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R. Stewart,  
Esq., M.P.  
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was justified in petitioning the House. The order so made in 1816 is, as the Committee may see by the form signed by Governor Macquarie, a distinct order for 200 acres of land, but it does not name the locality that I have made my application for; it is stated to be in the district of Five Islands.

271. *By Mr. Hart:* Did your father receive that promise in consideration of the services he was to perform in surveying the coast? I believe he was authorized to take up this land in the then usual way by the personal authority of the Governor.

272. What was the consideration? I believe he had rendered some information to the Governor in reference to Brisbane Water and some of its branches, which he had examined, and had subsequently had a number of men and freighted timber from there.

273. Do you consider that the evidence which Mr. Peat has given the Committee on the point is correct? I do not. I think Mr. Peat can only give evidence clearly as to repairing the boat, and their going away.

274. Have you any recollection of 100 acres of land being promised to each of the crew of that vessel on their return? I have no recollection of any of the circumstances. I was not old enough at the time to know anything of them; but I have reason to believe they were promised a much larger amount, for I find that Mr. John Rowley, who was to have been one of the party, and only declined going the night before they left, by an order dated June, 1819, received 200 acres of land, as an assistant to Mr. Throsby in making a new communication between the Cowpastures and Bathurst.

275. Had that any reference to this surveying expedition? It had this reference to it, that Mr. Rowley was to be an assistant some time after with my father, and he informed me that the expedition was to occupy months, and that he expected to have been very fully remunerated by the Government.

276. Mr. Rowley's grant appears to have been in consideration of his having performed certain services? Yes; but in consequence of his having received such a grant for such a comparatively small service, he considered that he would have been rewarded proportionately for a service likely to occupy several months, as this was. The first I knew of the order to my father to select 200 acres, which I just now referred to, was when I received the reply to my application in June last. I was not aware of this order before that. Some time after I had made my application, in searching in my endeavour to get the original order authorizing the outfit of my father and party, I ascertained the existence of the grant of 300 acres. That is named at Illawarra. That of course contains, as members will be aware, some additions that were worth, at the time, more than double the amount of the grant itself. It provides for a family, then numbering six, and two Government men who were rationed, at the time equal to 100 acres each. The addition then to the 300 acres would have been equal to 600 acres for the family, and 200 for the men; that can never now be obtained by the family, because the system has passed over.

277. *By Mr. Terry:* Where was the land located that your father took possession of? That was at Broken Bay. I believe that to have been a distinct grant. I would say further, that from all the information I have received Governor Macquarie did give grants of land about the Hawkesbury that were entered in the books of Mr. Mein, then Deputy Surveyor General, and were not measured or charted for some twenty-five years afterwards. Of these the Government had no proper record, and I believe this grant at Broken Bay was similarly circumstanced. I believe an entry did exist in the books of Mr. Mein, but in consequence of there being no regular register, and my family not continuing to occupy it, it was never measured.

278. Was it valuable ground? It was not particularly valuable. The position was one that would only have been taken up by a seafaring man. It lay in a good position with reference to the harbour of Broken Bay. My family had some cattle there, but it would not run a great number, and that was perhaps one reason why it was not kept in possession by my stepfather's agents. I presume the 200 acres at Illawarra was a distinct grant; and I have no doubt that at that time my father could have sold that land as well as the other 300 acres of land subsequently given. I believe these were both as marketable, in his position, as land at the time could be, because there are no conditions annexed to this grant of 300 acres. Certain persons at that time—soldiers and others—had grants on condition of occupying; others had grants, like Mr. Rowley and Mr. Throsby (who had 1,000 acres), without conditions.

279. Can you name any instances where land was sold in that way? I believe nearly all the sales of that day were made on the strength of promises of grants. I believe your family at this day holds a large amount of land of that description, purchased from the original grantees. I believe my father would have been perfectly at liberty to have disposed of this grant, but it was his intention, when he returned, I believe, to settle down, and take up any other grant his additional services might have entitled him to.

280. A grant would have issued in case of his selling to any other individual? Yes, they would have known of it. This grant never reached the Surveyor General's department.

281. Did your father receive any money consideration from the Government at that time? I believe not. I believe he never got anything from the Government but these two grants. The land he held in Sydney was a purchase. I believe his position would have entitled him to receive various grants of land for himself and family. The delay in making application for grants in these cases arose no doubt from the uncertainty regarding my father's fate. He left Sydney on this expedition a few months after this second grant; and many years passed over before anything was known as to what had become of him. My mother was seven years before she married again, and then without any certainty as to the termination of the party. Many persons thought they would ultimately be found somewhere on the South coast, wrecked, and unable to make their way to Sydney. When my mother married, a new interest was created, and nothing was ever done with respect to these grants.

She

She never made any application, or received any assistance from the Government for her family. Upon finding the second grant I applied to the Secretary for Lands to take such steps as would enable me to get the land. If my mother had made application before the departure of Governor Macquarie, who knew all the circumstances, no doubt she would have got all that was then promised, and something more; but the family were put to inconvenience in a way that no other family probably in the Colony were situated.

R. Stewart,  
Esq., M.P.

11 Sept., 1863.

282. *By the Chairman*: Are you aware whether your mother ever took any steps to have this first grant of 200 acres confirmed to her, or measured? She never did, not being aware of its existence; in the locality they had possession of no land was measured up to the year 1830. I can state that no land was measured within a number of miles of the locality of the grant at Broken Bay up to the year 1830.

283. And therefore there was no possibility of getting it measured before the family had left it? No. A number of farms in that locality were not measured for many years after that; that I am aware of, of my own knowledge.

284. *By Mr. Cunneen*: When did you make inquiry, in the first instance, of the Government of the day, concerning your father's claim? The only inquiry I made was in the Surveyor General's Department. I caused an inquiry to be made about the year 1837 or 1838, and could find no trace of any promise or documents existing.

285. In 1838 you applied? I did not apply formally, but caused, through a surveyor here, an inquiry and examination of the books to be made, to see what information I could get to ground my application upon.

286. What induced you to apply again—a second time? From having obtained in the mean time the proof of my father going away specially in the Government service.

287. What did you ascertain about the claim on this second application? I then ascertained that a promise of a grant lay in the office for 200 acres.

288. As soon as you ascertained these facts did you take action to get your claim recognized? I petitioned the House.

289. Was it your own fault, or was it on account of the Survey Department not having given you information when you first applied on coming of age, that you did not prosecute the claim then? I should have urged the claim if I had known that it then existed in the office.

290. If you had obtained the information then that you subsequently obtained, would you have then prosecuted your claim? I should.

291. It was solely because, on investigating the matter, you could not get this information, that you did not do so? Yes.

292. *By Mr. Forster*: When did you first become aware of this claim that you are now making—not the new claim, but the one the Committee is appointed to consider? I only became aware of the fact of the promise for these 200 acres, existing in the reply I received to Mr. Pennington's application in May last.

293. You had no idea at all of its existence before? No.

294. Did you never hear any of your family mention it? My mother at all times stated that the family had a claim against the Government of some kind, and presumed I would be able to get it when I came of age. She said my father had been promised land by the Government, and she felt we would get it.

295. Did she tell you why she had not prosecuted the claim? No.

296. She never placed any evidence respecting it in your possession? There were some papers the contents of which I do not know. When my mother married again, my step-father had authority from Home to take up land, and he was disposed to go to the country when opportunity offered. At this time I was partially residing at Broken Bay, at the place I allude to in my petition, and my mother left in my possession; and they were left with a person named Edwards that had a farm some distance off, some papers in a small case. What they were I do not know; but the case contained, I know, tracings and particulars of some surveys, and some other papers. These remained there until I think about the year 1836.

297. You never looked at them? Not during that period. At that time I was nearly of age, and my seven years apprenticeship to Mr. Hunt had nearly expired. Captain Ascough, the uncle of Sir Charles Nicholson, purchased the farm on which this man Edwards, that had these papers, lived, and he was coming to Sydney in one of the little vessels that traded there; and Edwards thought it a good opportunity to forward this case of papers to me. The vessel was lost on her passage down, and all the parties drowned, so that the contents were lost, whatever they were.

298. You think it likely these papers related to this claim? Probably some of them did.

299. Are you sure they would not have contained evidence adverse to your claim? It is very possible; I do not know what they contained.

300. Can you be certain no substitution was made for the original promise to your father? I feel quite positive he never received any land in substitution; I believe he never, during twenty years or more that he was in the Colony, received anything from the Government in consideration of his services. He was master of a Colonial Government vessel, I believe, for a time, and of course he got his salary in that position, but that was all.

301. You heard the evidence of Mr. Peat;—do you think there is any ground for the statement he makes, that your father was to have received land—the land in question—in return for certain services in surveying the coast? No; I think Mr. Peat confuses that with the idea that he would receive remuneration in land for such services.

302. What is your impression in regard to this grant—was it to be a free grant for no consideration whatever? I believe at that time all persons residing in the Colony received land, if they applied for it.

- R. Stewart, Esq., M.P. 303. It was the custom to give grants to persons coming to the country? Yes.
- 11 Sept., 1863. 304. Perhaps these grants may have been accompanied by conditions of improvement or settlement? Most of them were not. Some of the military had grants on those conditions.
305. Do you think, if your father had got this land, it would have been burdened with any quit rent? I believe not; it would have been perfectly clear I think. I believe he could have sold each of these grants previous to leaving Sydney, and would have received the market price at once. I believe the success of his expedition—as in the case of Mr. Throsby, who received 1,000 acres for much less services than his would have been—would have entitled him to full remuneration for all he might have done for the Government.
306. The grant then was simply a sort of bonus for coming to the country? That was the usual way. I think the grant sets out in its particulars almost clearly what it is. He is assumed to become a settler; and it states that, in consideration of his family, he will have additions that are named.
307. *By the Chairman*: That is the second grant? Yes.
308. *By Mr. Forster*: If your mother was cognizant of your claim in any way at all, how came it that she did not prosecute it for this long period? I believe my mother for a long time had hopes of the party returning—up to the time of her marrying again; at all events she never felt sure they would not return.
309. Were the crew of the vessel ever heard of afterwards? The only account I ever saw of their fate was published, by order of the Governor, in a report from Mr. Johnstone, of Annandale, who stated that he had ascertained from the natives of the Clyde River that Mr. Stewart and his party were cut off by the natives of Twofold Bay. They had lost their boat, and were endeavouring to make their way overland, in which endeavour they were cut off. That was a report made to the Government in December, 1821, and published in the Government Orders.
310. Did your mother dispose of any of your father's effects, or treat them as her own property, after these seven years? Yes; she treated all the chattel property as her own.
311. How was it then that she did not think of selling this claim, if it was saleable? My mother never knew of its existence, I believe.
312. I thought you said she was aware of it? She was aware that some promises had been made for services my father had performed.
313. You do not seem to be quite clear why, after the seven years, she did not inquire further into the matter, and prosecute the claim, if there was one? I think then a new interest had arisen; she had married a second husband, and that created a new interest, and she did not perhaps feel that it was her place to persevere in reference to the claim of the former family.
314. You are not positive as to her reason for not doing so? No; she left Sydney shortly after marrying again, and never returned to it, except on one occasion, on a visit.
315. *By Mr. Cunneen*: At what period did your father leave Sydney? About April, 1820.
316. Was this grant, or promise of grant, made four years before? Yes, in 1816.
317. Then it could not have been on account of services he was going to do after he left Sydney? No, certainly not.
318. The performance or non-performance of the service which he had to do, had nothing to do with this grant? Nothing whatever.

FRIDAY, 25 SEPTEMBER, 1863.

Present:—

MR. ALLEN,		MR. W. FORSTER,
MR. CUNNEEN,		MR. LUCAS,
	MR. SUTHERLAND.	

THOMAS HODGES MATE, ESQ., IN THE CHAIR.

The Petitioner, Mr. Robert Stewart, appeared in person.

Mr. William Webb called in and examined:—

- Mr. W. Webb. 319. *By the Chairman*: Have you been many years in the Colony? Forty-five or forty-six years.
- 25 Sept., 1863. 320. Are you acquainted with the country about the Hawkesbury? I am pretty well. During the first seven years I was in the Colony I was engaged in the boating trade, dealing up the river.
321. Were you acquainted at all with the system of granting lands, or the survey or measurement of lands, in practice in those days? I have taken several people up there, and have selected land for them. I made it my business to look out land for such people as were entitled to it. Some of them stayed there, and others left, not being able to make a living off the land, but I never knew the lands to be measured till Mr. Felton Mathew came up there in about 1830; he was the first surveyor that came there.
322. *By Mr. Allen*: Did you know Mr. William Stewart, a mariner, many years ago? I remember hearing his name, that is all; I knew there was such a gentleman. I remember his going out, I think for the Government, to look for some of the rivers that were not then open, but it is only from hearsay, and that very loosely. I remember one gentleman, of the name of Adam Clink, having land at the Hawkesbury in 1819. He was taken ill and went to the Castle Hill Mad-house, and during the time he was there some one else

else took possession of his land, and he had to get leave to make another selection. His Mr. W. Webb. land was not measured till 1832. A person named Woodbury also, on the north side of the river, did not get his land measured till 1832; I know that because he wanted to mortgage it, and had no title to it.

323. Could he have sold his interest in it? People used to sell their interest in land in that way, but they never could give a clear title till the land was measured.

324. Would residence and occupation at that time entitle them to the land? Yes, I never knew any one to be turned off; all those that remained on the land, or made any improvements, kept the land.

325. And afterwards, when it was surveyed, they got a good title? Yes.

326. *By Mr. Stewart:* About that part of the country there were no measurements made from the year 1819 till the time you speak of? No; I never knew any measurements made there till then, except at one place—at old Sergeant Webb's—well up the river. He had his land measured, but that was on account of a dispute he had about the land with Governor Macquarie, who sent the Deputy Surveyor, Mr. Mein, to measure it.

327. Between the punt at Wiseman's Ferry and the Heads there were no measurements made till 1830? I never knew any measurements before that. I took a gentleman named Warner, who selected a piece at One Tree Hill, and he lived there ten years, and never had it measured; his wife got it measured, and received the grant afterwards.

328. Then it was no unusual thing for a person who settled in 1816, to find in 1830 that no measurement of his land had taken place? No.

329. Supposing a person had held possession fourteen or fifteen years—would that entitle him to the usual grant? I think if a person resided on the land at all he could have kept it. It was only when he abandoned his land that he got no grant.

330. Do you know a place called Long Island? I do.

331. Were you ever round the passage between that and the main? Yes. I never knew that to be selected for a farm; it is very indifferent land.

332. You do not know of its being occupied? No.

333. Do you recollect any person being resident on the island? No; there was no one living there till beyond Mangrove Creek, twenty-five miles up the river.

334. Do you know how persons, having orders from the Governor to select land, exercised their authority? It was something in this way:—You got an order from the Governor—perhaps a verbal order—or you might attend a meeting, as I am attending here, and be told Mr. So-and-So, your land is granted; then you made a selection where you liked, and applied to Mr. Oxley, and Mr. Oxley or Mr. Mein would give you a piece of paper directing you to select where you liked, and you marked the trees and took possession.

335. Supposing about the period of 1816, a person had the authority of the Governor to take up land in the locality opposite Long Island, that would be all he would have to show for it? The Governor's order would be sent to Mr. Oxley, and would be entered in his books, or in Mr. Mein's, for Mr. Oxley was often away; he was away for twelve months in 1819. At that time land was chiefly selected on the Hawkesbury on account of the water carriage, as bullocks were then very expensive. Mr. Oxley or Mr. Mein would give a memorandum on a piece of paper, mentioning the name of the person entitled to select the land, and the holder of that would describe what locality it was in.

336. That document would be sufficient to hold the land upon? Yes. I rather think it was entered in the surveyor's books at the time.

337. Are you aware that some of the people who selected land on the Hawkesbury in those days were told that there were no entries, except in Mr. Mein's books? It was always understood that the selections were entered in the surveyor's books. Mr. Mein was considered the principal man in Mr. Oxley's absence.

338. After that, when he was out of the Government service, are you aware whether any persons were unable to get any information? Yes, there was always some clamour about it.

339. Owing to some defect in the mode of entry? I cannot say; I think it was from the want of a surveyor. I believe they had no surveyor after Mr. Mein died but Mr. Oxley, till Mr. Felton Mathew came.

340. In the case of an order to select at the Five Islands, as Illawarra was then called, would it be an unusual thing to hold that over for some years? Yes; many persons held their orders over till they got sufficient funds to go and settle; many held land who had no funds to go on it.

341. Then if a man had received an order for land at Illawarra in 1816, and held it over, he would not be debarred from taking it up some years afterwards? No.

342. Then in fact an order to select land remained good for a number of years? Yes, I always considered so, till Governor Darling made an order that all persons holding orders should select their land by a certain time.

343. During Governor Macquarie's time, and for some years, after, his orders were considered valid? Yes.

344. There would have been some difficulty, at that period, in settling immediately at a place like the Five Islands? No. I imagine it was only from want of funds that people did not settle.

345. But if a person did not desire to settle for some years he would not be debarred from selecting his land when he did wish to settle? No.

346. Are you aware that in many cases these orders were sold from one to the other? Yes, I have bought one myself.

Mr. Robert Melville called in and examined:—

- Mr. Robert Melville. 347. *By the Chairman:* Have you been many years in the Colony? I am a native of the Colony—fifty-nine years of age.
348. Do you know the country about the Hawkesbury? Yes.
- 25 Sept., 1863. 349. Do you recollect anything of the system carried on in the early days of the Colony, from about 1816 to 1820, with respect to the granting of lands and taking them up and surveying them? I do. In those days I think the order went to Mr. Mein, the surveyor—I think he was surveyor at that time, I will not be sure—and he authorized the party it was granted to to take up a certain portion of land.
350. How long was allowed for the measurement of it? I do not think there was any certain time allowed. I know my father had a grant, and it stood a number of years before it was measured; I remember the time of its being measured perfectly well.
351. Do you know whether he had applied to have it measured, and experienced any difficulty in getting it measured? I could not say whether he ever applied to have it measured.
352. You have known parties reside on their land for years without having it measured? Yes, numbers of people at the Hawkesbury and Pitt Water. I do not think there was any one else besides Mr. Mein to measure it; he measured my father's grant, and some others, with the assistance of some working men.
353. Were you acquainted at all with the lower part of the river opposite Long Island? I am particularly acquainted with all of it. I know it all since the year 1820.
354. Do you know of any persons who selected there? Mr. Peat.
355. Do you know where he selected? He selected ten miles up the river, opposite to Mud Island. There was another person by the name of Edwards settled down on a part called Kangaroo Point in those days.
356. Are you aware whether he settled down there on his own account or for any one else? No.
357. Do you know how long he was there? He was there some years; I could not say positively the time; I was going backwards and forwards there regularly at the time.
358. Could you tell about what year he left—anything near the time? I think it must be thirty-seven or thirty-eight years since he left it, more or less.
359. You do not know whether he selected for himself or whether he was sent by any one to take possession? No. He had good farms of his own adjoining Mr. Wiseman's, at Wiseman's Ferry, and he left them and came down to Kangaroo Point, and lived there for some years.
360. Near Mr. Peat's selection? Opposite, on the north side of the river.
361. *By Mr. Stewart:* Mr. Peat had not selected at that period? No.
362. He purchased since, on the purchase system by auction, in 1831 or 1832? I am not aware whether it was a purchase or a grant.
363. Do you think it was earlier than 1831 or 1832? No.
364. Edwards had then occupied the place many years? Yes, long before Mr. Peat came there.
365. Do you think it was likely a person leaving his own property would have settled down on the place without he felt he had a right to it? I should say not.
366. He would not run the risk of being turned off by the Government—he would not be so likely to do it as a man without means? No, he had good farms of his own.
367. He would not be a likely man to place himself in a position to get into trouble for occupying contrary to the Government regulations? No.
368. Do you recollect the circumstance of my father going out of Sydney? Yes.
369. In about what year? I could not positively state—I think between 1818 and 1820.
370. You knew some of the party that went with him? I knew four besides your father—two young men named Humphreys, a man by the name of Conroy, and your brother.
371. Do you think, if any of the party had ever returned, you would have known of it? I am most sure I should.
372. Did you understand at the time whether they had any connection with the Government in the object of their departure? There were various reports flying about; it was reported that your father was going in search of cedar, and it was reported, also, that he was going on a surveying expedition for the Government. Those were merely the reports that were going about.
373. He had some experience of the coast, so that even to search for cedar he would have been a very suitable person to go? Yes, I should say in those days there was not a more experienced man on the coast.
374. Did you know that Edwards was a seafaring man before he settled? Yes.
375. Are you aware whether he had ever been to sea with my father? No, I could not say.
376. Do you recollect any cattle being on the property at Broken Bay? Yes, at Kangaroo Point.
377. Do you know whether any of those cattle were taken from Sydney? Yes, some of them were young ones your mother sent.
378. Could cattle then be taken there by any other means than by water? I do not think they could.
379. It was a peculiarly isolated place? Yes; I travelled there once overland with a blackfellow, but it was a fearful road.
380. The easiest way to take them was by water? Yes.
381. Can you recollect cattle being there after that? Yes.
382. I suppose you were up and down the river frequently? Yes.
383. Do you recollect my being there? Yes, I recollect your living with Mr. Edwards on the place.



384. You do not know of any land being surveyed about that place—say between 1820 and 1830—up to the time of Mr. Peat going and buying land there? No.
385. Do you know of land having been held at that time by persons who had merely the authority of the Governor to select? Yes, I got one myself. Mr. Robert Melville.  
25 Sept., 1863.
386. Did you take up the land, or sell it? Took it up.
387. Could you have held that order over for some time—you were not bound to select at once? I think I got almost one of the last grants that was given—among the last—and when I got the order to select I did so at once. I sent the letter of selection to the Surveyor General's Office, and in about three years after I got notice that the land would be measured, and to attend, if I wished to do so.
388. Supposing my father, some three years before he left, had got authority to take up land, would it be at all an unusual thing if a delay occurred for two or three years before the land was measured? It would be quite as likely as not; I think there was always a delay.
389. Supposing he had authority to take up land at Kiama, there would be some difficulty to get the surveyor there for a year or two, if there was only one surveyor? I do not think Kiama was hardly known anything about at that time much.
390. Then in the case of an authority to select there, it would have been some years before the land was surveyed? Yes.
391. It would have been almost impossible to have it surveyed within a year or two? Yes. If Kiama was known then, it was merely by the sawyers fetching cedar. I brought cedar from Wollongong in the early days.
392. At that time there was very little land surveyed there? There was no land surveyed there; it was all Government land, open to anybody.
393. Those that had authority to take land, unless they resided on it, would not be able to maintain possession—there being no surveyor they could not get it entered on the books? It was not likely.

**PETITION OF ROBERT STEWART.**

**APPENDIX.**

(To evidence given by the Surveyor General, 27th August, 1863.)

**A. No. 1.**

SUPPLEMENTARY list of names of Free Settlers and other persons who are to receive grants of Land in 1816.

No.	Names.	Present Residence.	By whom recommended.	No. of acres.	In what District required.	Remarks.
1	William Brown, Esq. ...	Sydney .....	Secretary of State.....	3,000	.....	Has a capital of £20,000.
2	Edwd. Smith Hall, Esq. Do. ....	Do. ....	Do. ....	500	Five Islands..	As an additional grazing farm.
3	Mr. Charles Parker .....	Do. ....	Came free to Colony...	300	Do. ....	Late of Foot Guards.
4	Mr. Thomas Capon .....	Do. ....	Do. ....	200	.....	.....
5	Mr. John Collicott .....	Do. ....	Do. ....	200	.....	A young man following his father.
6	Mr. William Stewart ...	Do. ....	Do. ....	200	Five Islands..	Lately a mariner.
7	Nicholas Delaney .....	Do. ....	Long in Govt. service	100	Prospect .....	As an additional grazing farm.
8	William Pawson .....	South Creek..	His late services .....	80	South Creek.	.....
9	John Jackson.....	Airds .....	Do. ....	50	Airds.	.....
10	Bidjee Bidjee ...	Natives { Kissing Point Do. South Creek.. Do.	Do. ....	30	Kissing Point	.....
11	Harry .....					
12	Nurragingy ...					
13	Colebee .....					
			Total .....	4,690		

Government House,  
Sydney, 16th May, 1816.

L. MACQUARIE.

**A. No. 2.**

139, King-street,  
9 April, 1863.

Sir,

On behalf of Mr. Robert Stewart, M.P., I have the honor to address you with reference to his claim to a grant of land at Broken Bay, in the Parish of Cowan, and County of Cumberland.

This land, which comprises 500 acres or thereabouts, was originally promised to my client's father by Governor Macquarie, as a reward for services rendered by him with reference to the survey of the navigation of Broken Bay and the estuary of the Hawkesbury. Mr. William Stewart, the father, came to this Colony as a free settler, in the early part of the present century, and was for many years, and up to the time of his decease, the commander of a ship in the Colonial trade; and he was much consulted by Governor Macquarie in matters relating to the navigation of the coast. About the year 1820 Mr. William Stewart was employed by Governor Macquarie to make a survey and exploration of the coast to the southward of Port Jackson. From this voyage he never returned, and, from information furnished to the Government, it is supposed that he and his crew were cut off by the natives; but his fate was never clearly ascertained.

The promise of the land in question is presumed, as was common at that day, to have been a verbal one; in fact a license to occupy, with the promise of a grant if improvements were effected. Mr. Stewart took possession of the land about the year 1816, and effected various improvements thereon in the way of fencing, and erection of huts and stockyards upon the land, and went to considerable expense in transporting stock to it, which he depastured thereupon. Mr. Stewart continued in possession and occupation of the land until the date of his last and fatal expedition in the service of the Colonial Government in 1820. Upon his father's disappearance my client took possession of the land (about 1822), and continued thereon some seven or eight years, when he quitted it in consequence of the removal of his family to another part of the Colony. He, however, left some persons in occupation on his behalf, and the land never was in fact actually abandoned. Its isolated position placed it out of the track of Government surveyors, which accounts for its never having been charted in the name of him or his family. The land is still unoccupied, and nearly the whole of it is still unalienated.

My client is the eldest and only surviving son, and heir-at-law of the original promisee.

Of Mr. William Stewart's original occupation, there does not appear to be any record extant; but that he was not a squatter upon, or occupier without license of Crown land, is shewn by the fact that there was a continuous occupation for nearly fourteen years by him and his son, and that at a time when the law was strictly enforced against trespassers upon Crown land, no attempt was ever made to dispossess them. My client, however, rests his claim upon much higher ground than this, which pre-supposes that his father made an illicit encroachment upon Crown land, of which the authorities were lax enough in the geographical ignorance of those days to permit his usurpation. He makes his claim on the ground that his father had rendered important and acknowledged services to the Government, for which he and his family have never had to this day the customary requital of a grant of land, and that he actually lost his life in the Government service. He never had the opportunity of urging his claim through his having been cut off in the prime of life; and had his life been spared to do so, the authorities would probably have at once admitted it, as they oftentimes admitted claims far less meritorious.

The

The land in question forms a belt, bounded on one side by a precipitous range of hills, and on the other by the back water of the Hawkesbury, and directly facing Long Island, as shewn in the accompanying sketch. According to the best of his recollection, my client occupied all the accessible land between the two points marked with a cross in the diagram.

I shall be happy to furnish any further particulars in which you may consider my statement to be deficient, and to substantiate it, if required.

I have, &c.,  
W. G. PENNINGTON.

The Honorable  
The Secretary for Lands.

No such order is recorded, nor can it be discovered that such land was ever measured, or even selected, in the situation referred to. This application cannot, therefore, be entertained.

I may mention incidentally, that an order was given by Governor Macquarie for 200 acres, on the 16th May, 1816, to one William Stewart, and that I find, on reference to the original order of Governor Macquarie, that Stewart was a mariner, and that he desired to take the land at the Five Islands. It cannot be found that any land was measured or granted on this order, and it may be, should the indefinite naming of the locality be deemed no selection, as it really is not—that that order became cancelled under the notices of the 3rd October, 1826, and 3rd October, 1827.

W.R.D.

Sur. Gen. Office,  
29 April, 1863.

Inform Mr. Stewart of the state of the case.—JOHN R. 14 May.

Pitt-street, Sydney,  
23 April, 1863.

Sir,

I have the honor to enclose herewith a copy of an authority, granted by His Excellency Governor Macquarie in the year 1819, authorizing the issue to my father, the late William Stewart, master mariner, of a grant for (300) three hundred acres of land, and to request that you will be pleased to cause such steps shall be taken as will enable me now to obtain a grant in my favour, I being the only surviving son and heir to the William Stewart alluded to.

I have, &c.,  
ROBT. STEWART.

The Hon. John Robertson,  
Minister for Public Lands.

Secretary's Office,  
22 February, 1819.

Sir,

I have it in command to inform you, that His Excellency the Governor has received your memorial, dated 18th instant, with the affidavit therein referred to; and His Excellency, in consequence of the statement therein contained, and in consideration of your having a numerous family to support, desires me to inform you, that he will give directions for a grant of 300 acres, situated in the district of Illawarra, to be made to you; and that in your capacity of a settler, in consequence of this grant, you and your family, and two Government assigned men, will be victualled from the King's Stores, for twelve months.

I am, &c.,  
J. T. CAMPBELL.

Mr. Wm. Stewart,  
Master Mariner and Free Settler, Sydney.

THE order, of which a copy is attached, is not recorded in this office, and Mr. Stewart might be invited to produce the original. It obviously points to the same intention to grant land to Mr. William Stewart, mariner, to which reference is made in my blank cover report of the 29th ultimo. The production of the document, of which a copy is now appended, places the claim of Mr. Stewart, notwithstanding the lapse of time, in a more recognizable position.

Sur. Gen. Office,  
29 May, 1863.

W.R.D.

Pitt-street, 11 July, 1863.

Sir,

I have the honor of addressing you on the subject of my application, dated 28 May, in reference to a grant of land given by Governor Macquarie to my father, W. Stewart, on the 22nd February, 1819, and to request that I may be favoured with your decision at your earliest convenience.

I have, &c.,  
ROBT. STEWART.

The Honorable  
The Minister for Lands.

If this case were *prima facie* a good one, it would of course be necessary, as suggested, to inquire into the genuineness of the alleged order, of which the copy is produced. But I do not think the claim is *prima facie* a good one—the mere lapse of time alone, now closely verging on half a century, ought to place Mr. Stewart out of Court. Nor do I quite perceive in what sense, as stated by the Surveyor General, this claim is now more recognizable than it was before. The whole matter amounts to this—that Mr. Stewart claims 500 acres of land on the Hawkesbury River, and all he has to shew for it, is an alleged promise to his father of 300 acres (never selected, and therefore void) at Illawarra.—30 July.

The Assembly has appointed a Select Committee to inquire into this matter.—JOHN R.

(Paper handed in by Mr. R. Stewart, M.P., 20 October, 1863.)

B.

Department of Lands,  
Sydney, 30 May, 1863.

Sir,

In acknowledging the receipt of your letter of the 9th ultimo, on the subject of Mr. Robert Stewart's claim to a grant of land at Broken Bay, in the parish of Cowan, and county of Cumberland, stated by you to have been originally promised to his father, by Governor Macquarie, as a reward for services rendered by him with reference to the survey of the navigation of Broken Bay and the estuary of the Hawkesbury, I am directed by the Secretary for Lands to inform you, that no such order is recorded, nor can it be discovered that such land was ever measured or even selected in the situation referred to, and that, therefore, Mr. Stewart's application cannot be complied with.

2. I am, at the same time, to enclose an extract from a report from the Acting Surveyor General, relative to an order which was given by Governor Macquarie, for 200 acres, on the 16th May, 1816, to one William Stewart.

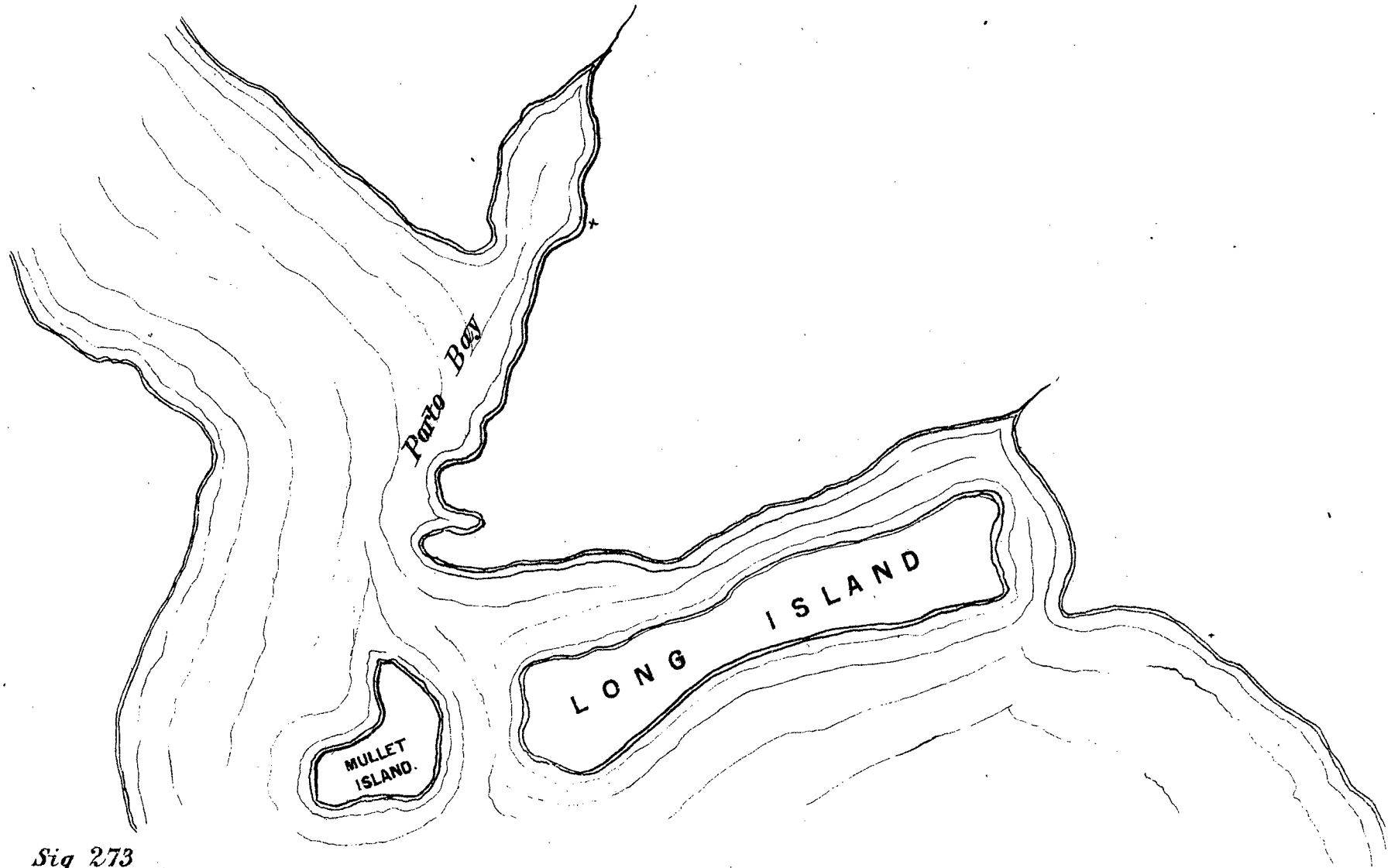
W. G. Pennington, Esq.,  
139, King-street.

I have, &c.,  
S. B. WARBURTON,  
(For the Under Secretary.)

*Extract referred to.*

" I MAY mention incidentally, that an order was given by Governor Macquarie for 200 acres, on the  
" 16th May, 1816, to one *William Stewart*, and that I find, on reference to the original order of Governor  
" Macquarie, that Stewart was a mariner, and that he desired to take the land at the *Five Islands*.  
" It cannot be found that any land was measured or granted on this order, and it may be, should  
" the indefinite naming of the locality be deemed no selection—as it really is not—that that order  
" became cancelled under the notices of the 3rd October, 1826, and 3rd October, 1827."

SEPARATE APPENDIX . A .



*Sig 273*

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ROBERT STEWART.

(PETITION—CLAIM TO LAND AT ILLAWARRA.)

Ordered by the Legislative Assembly to be Printed, 5 January, 1864.

To the Honorable the Legislative Assembly of New South Wales.

The following Petition of Robert Stewart,—

RESPECTFULLY SHEWETH :—

That your Petitioner's father, William Stewart, arrived in this Colony during the time that the British Government authorized the Governor to grant land, and the assistance of Government assigned men to rations from the King's Stores, to persons settling in the Colony with their families.

That about the year 1819, the said William Stewart made the usual application for a grant of land, which application was complied with ; but previously to the land being measured and charted, he was specially employed by Governor Macquarie to make a survey and exploration of the coast to the southward of Port Jackson, and that from this voyage he never returned, he and his crew being either lost at sea or cut off by the natives.

That your Petitioner, shortly after coming of age, in the year 1838, caused an inquiry to be made in the department of the Surveyor General, for any record of a promise of a grant in favour of the said William Stewart, but he could not at that time obtain any information on the subject.

That a few months since, your Petitioner ascertained for the first time certain facts in reference to the departure of his father from Sydney in the service of the Government ; he applied to the Colonial Secretary for copies of any correspondence that had taken place between the Government and the said William Stewart about the year 1819, and obtained the following, which is a copy of a record in that office :—

“ Secretary's Office,  
“ 22 February, 1819.

“ Sir,

“ I have it in command to inform you that His Excellency the Governor has received your memorial dated 18th instant, with the affidavit therein referred to ; and His Excellency, in consequence of the statement therein contained, and in consideration of your having a numerous family to support, desires me to inform you that he will give directions for a grant of 300 acres, situated in the District of Illawarra, to be made to you, and that in your capacity of a settler, in consequence of this grant, you and your family, and two Government assigned men, will be victualled from the King's Stores for twelve months.

“ I am, &c.,  
“ J. T. CAMPBELL.

“ Mr. Wm. Stewart,

“ Master mariner and free settler, Sydney.”

That your Petitioner being fully satisfied that this promise was still in full force, to the extent of the quantity of land named, immediately made the following application to the Minister for Lands :—

“ Pitt-street, Sydney,  
“ 28 April, 1863.

“ Sir,

“ I have the honor to enclose herewith a copy of an authority granted by His Excellency Governor Macquarie, in the year 1819, authorizing the issue to my father, the late William Stewart, master mariner, of a grant for (300) three hundred acres of land, and to request that you will be pleased to cause such steps shall be taken as will enable me to obtain a grant in my favour, I being the only surviving son and heir of the William Stewart alluded to.

“ I have, &c.,  
“ ROBT. STEWART.

“ The Hon. John Robertson,

“ Minister for Public Lands.”

That no reply having been made thereto, your Petitioner sent the following letter :—

“ *Pitt-street, 11 July, 1863.*

“ Sir,

“ I have the honor of addressing you on the subject of my application dated 28th April, in reference to a grant of land given by Governor Macquarie to my father, Wm. Stewart, on the 22nd February, 1819, and to request that I may be favoured with your decision at your earliest convenience.

“ I have, &c.,

“ ROBT. STEWART.

“ The Honorable the Minister for Lands.”

That your Petitioner never received any reply from the Minister for Lands to the foregoing application.

That your Petitioner believes there is no instance of any promise of a grant similar to the promise made in the foregoing letter of 22nd February, 1819, having been declared forfeited, but that the Government has, on the contrary, at all times, recognized and fulfilled such promises whenever the fulfilment thereof was applied for.

That your Petitioner is the only surviving son of the late William Stewart.

Your Petitioner prays that your Honorable House will take the foregoing premises into your favourable consideration, and grant such inquiry into the facts as may be deemed necessary to the furtherance of the ends of justice.

And your Petitioner will ever pray, &c.

ROBT. STEWART.

1863-4.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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REPORT FROM THE SELECT COMMITTEE

ON THE

CLAIM OF ROBERT STEWART TO LAND IN  
ILLAWARRA ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
11 *March*, 1864.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1864.

[*Price*, 1s. 2d.]

557—*a*



1863-4.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES NO. 109. TUESDAY, 16 FEBRUARY, 1864.

14. Claim of Robert Stewart to Land in Illawarra:—Mr. Tighe moved, pursuant to notice,—
- (1.) That the Petition of Robert Stewart, presented by him on the 22nd December, 1863, be referred to a Select Committee for consideration and report; such Committee to have power to send for persons and papers.
- (2.) That such Committee consist of Mr. Wilson, Mr. Morrice, Mr. Raper, Mr. Morris, Mr. Dalgleish, Mr. Sadleir, Mr. Dangar, Mr. Love, Mr. Dalley, and the Mover.
- Question put and passed.

VOTES NO. 111. THURSDAY, 18 FEBRUARY, 1864.

3. Claim of Robert Stewart to Land in Illawarra:—
- (1.) Mr. Tighe presented a Petition from Robert Stewart, praying for leave to appear personally, or by Counsel, or Agent, before the Select Committee now sitting, to whom his former Petition respecting his Claim to Land in Illawarra was referred, and that he may be at liberty to produce and give evidence before such Select Committee with reference to the matters in the said first mentioned Petition.
- Petition received.
- (2.) Mr. Tighe then (*with the concurrence of the House*), moved, without notice, That the prayer of the said Petition, now presented, be granted.
- Question put and passed.

VOTES NO. 113. TUESDAY, 23 FEBRUARY, 1864.

2. Claim of Robert Stewart to Land in Illawarra:—Mr. Tighe (*with the concurrence of the House*) moved, without notice, That the Report from the Select Committee on the Petition of "Robert Stewart," brought up on the 20th October last, be referred to the Select Committee now sitting on the "Claim of Robert Stewart to Land in Illawarra."
- Question put and passed.

VOTES NO. 123. FRIDAY, 11 MARCH, 1864.

4. Claim of Robert Stewart to Land in Illawarra:—Mr. Tighe, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this claim was referred on 16th February, 1864,—together with Appendix.
- Ordered to be printed.

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1863-4.

## CLAIM OF ROBERT STEWART TO LAND IN ILLAWARRA.

## REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 16th February last, “*the Petition of Robert Stewart, presented by Mr. Tighe on the 22nd December, 1863,—‘with power to send for persons and papers’*”—before whom, on the 18th of the same month, Robert Stewart obtained “*leave to appear personally, or by Counsel, or Agent,*” and “*to produce and give evidence*”—and to whom, on the 23rd of the same month, was referred the “*Report from the Select Committee on the Petition of ‘Robert Stewart,’ brought up on the 20th October last,*”—have agreed to the following Report:—

Your Committee having examined the Witnesses named in the margin,\* and the documents herewith appended to the evidence, are of opinion that sufficient evidence has been adduced to shew that a grant of 300 acres of land, at Illawarra, was, in the year 1819, *unconditionally* promised, by the authority of Governor Macquarie, to the Petitioner’s father, William Stewart.

\* W. Elyard, Esq.  
W. R. Davidson, Esq.  
M. Fitzpatrick, Esq.  
Mr. R. Driver, senior.  
Mr. R. McIntosh.  
Mr. R. Melville.  
A. C. Budge, Esq.  
R. Stewart, Esq., M.P.  
J. Rowley, Esq.

It appears to your Committee that shortly after the grant was promised, William Stewart was employed by the Government to command a vessel engaged in an exploring expedition of the coast, and that while so engaged, he, with his crew, was lost at sea.

It further appears to your Committee that the Petitioner, upon attaining his majority, in the year 1836, made inquiry for any record of a promise for a grant to his father, which his surviving parent led him to believe was likely to be found in the Government Offices; at that time no such record could be found, but subsequently (a few months ago) documents were accidentally discovered to be in the hands of the Government, which, in the opinion of your Committee, clearly prove that the grant before mentioned was promised.

Your Committee, therefore, believing that the said promise was not carried out, nor any compensation given in lieu thereof, beg to recommend the Petitioner to the favourable consideration of the Government.

ATKINSON A. P. TIGHE,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 10 March, 1864.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 17 FEBRUARY, 1864.

MEMBERS PRESENT :—

Mr. Morris,		Mr. Tighe,
Mr. Dangar,		Mr. Morrice,
		Mr. Stewart.

Mr. Tighe called to the Chair.

Order of Reference before the Committee—(*Vide Votes 109, Entry 14.*)  
Committee deliberated, and

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY, 19 FEBRUARY, 1864.

MEMBERS PRESENT :—

Mr. Tighe in the Chair.

Mr. Morris,		Mr. Dalgleish,
Mr. Morrice,		Mr. Love,
Mr. Raper,		Mr. Sadleir,
		Mr. Dangar.

Entry in the Votes No. 111, granting leave to the Petitioner to appear personally, or by counsel or agent, before the Committee, and to produce and give evidence before them, with reference to the matters in the Petition referred, by direction of the Chairman,—*read.*

*Present* :—Mr. Robert Stewart, *Petitioner.*

Mr. Robert Stewart, *Petitioner*, stated to the Committee the mode in which he desired to conduct the examination about to be entered upon.

Mr. William Elyard, *Principal Under Secretary*, called in and examined.

And the Clerk being called upon to produce certain Papers *handed in* by Acting Deputy Surveyor General, to the Committee on the Petition of "Robert Stewart," on 9th September, 1863, which had been declared by that Committee to be irrelevant to the subject of their inquiry, but having immediate reference to the present claim,—

The Clerk produced the same, *viz.* :—

Copy of a letter from J. T. Campbell, Secretary, dated 22 February, 1819, to Mr. William Stewart, master mariner and free settler, respecting an order made by Governor Macquarie for 300 acres of land at Illawarra.

Letter from George Williams to Alex. M'Leay, Colonial Secretary, dated Sydney, 28th March, 1827, on the same subject.

Memorandum from Surveyor General to Colonial Secretary, dated 31 May, 1827, on the same subject.

Examination continued.

Witness withdrew.

Mr. Walker Rannie Davidson, *Surveyor General*, called in and examined.

Witness withdrew.

Mr. Michael Fitzpatrick, *Under Secretary for Lands*, called in and examined.

Witness withdrew.

Mr. Richard Driver, senior, called in and examined.

Witness withdrew.

Mr. Robert M'Intosh called in and examined.

Witness withdrew.

Mr. Robert Melville called in and examined.

Committee deliberated.

Motion made (*Mr. Morris*) and *Question*,—That the Papers produced this day by the Clerk, be appended to the Report of this Committee,—*agreed to.*

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY, 26 FEBRUARY, 1864.

MEMBERS PRESENT :—

Mr. Tighe in the Chair.

Mr. Morris,		Mr. Raper,
		Mr. Dangar.

*Present* :—Mr. Robert Stewart, *Petitioner.*

Mr. Alexander Campbell Budge called in and examined.

Witness withdrew.

Mr. Robert Stewart, *Petitioner*, then, at his own request, examined.

[Adjourned to Thursday next, at *Eleven* o'clock.]

THURSDAY,

THURSDAY, 3 MARCH, 1864.

MEMBERS PRESENT :—

Mr. Tighe in the Chair.

Mr. Morrice,		Mr. Sadleir,
Mr. Morris.		

Chairman laid before the Committee a letter from Mr. Elyard, dated 2nd March, 1864, informing him that the Clerk of the Records in the Colonial Secretary's Office, has reported that he has "carefully searched amongst all the Papers of 1819 in this Office, " but cannot find any trace of the memorial or affidavit of 18th February, 1819, signed " WILLIAM STEWART, Master Mariner."

Committee deliberated, and

There being no witnesses in attendance,—

[Committee adjourned to To-morrow, at Twelve o'clock.]

FRIDAY, 4 MARCH, 1864.

In consequence of the adjournment of the House from a quarter before 8 o'clock A.M., this day, to Tuesday, the 8th instant, the meeting called for this day lapsed.

TUESDAY, 8 MARCH, 1864.

MEMBERS PRESENT :—

Mr. Tighe in the Chair.

Mr. Dalglish,		Mr. Dangar,
Mr. Cunneen,		Mr. Morris.

Committee met pursuant to summons.

*Present* :—Mr. Robert Stewart, *Petitioner*.

Mr. John Rowley called in and examined.

Witness withdrew.

Committee deliberated.

In the absence of the Chairman, Mr. Morris took the Chair.

Mr. Stewart, *Petitioner*, then addressed the Committee and closed his case.

Committee further deliberated.

Motion made (*Mr. Dalglish*) and *Question*,—That Mr. Fitzpatrick be requested to furnish the Committee with the names of twenty persons whose promises for grants of land, similar to that in favour of Mr. William Stewart, dated 22nd February, 1819, have been cancelled under Notices 3rd October, 1826, and 3rd October, 1827; and that Mr. Fitzpatrick's attention be called to his statement, "that hundreds of such promises have been cancelled,"—*agreed to*.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

THURSDAY, 10 MARCH, 1864.

MEMBERS PRESENT :—

Mr. Tighe in the Chair.

Mr. Dangar,		Mr. Morris.
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Committee met pursuant to summons.

Letter from M. Fitzpatrick, *Under Secretary for Lands*, of this date, in reply to the Chairman's of the 8th instant—requesting that he may be favoured with a printed copy, or the MS. of the Evidence given by him before the Committee—by direction of the Chairman read by the Clerk.

Chairman laid before the Committee the Attorney General's reply to his letter of 26th February last, submitting to him the case of *Petitioner*.

Committee deliberated.

*Ordered*,—That the letter submitting the case of *Petitioner* to the Attorney General, with the Attorney General's reply, be appended to the Report. (*Vide Appendix*.)

Chairman then submitted a Draft Report.

The same read and agreed to without amendment.

Motion made (*Mr. Morris*) and *Question*,—That this Report be the Report of the Committee—*agreed to*.

Chairman to report.

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*(Papers handed in by P. F. Adams, Esq., when examined before Committee on Petition of Robert Stewart, 9th September, 1863, and produced by the Clerk, by order of this Committee, 19th February, 1864.)*

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Copy of a letter from J. T. Campbell, Secretary, dated 22nd February, 1819, to Mr. William Stewart, respecting an order made by Governor Macquarie for 300 acres of land at Illawarra	1

## A. No. 2.

Letter from George Williams to Alexander M'Leay, Colonial Secretary, dated Sydney, 28th March, 1827, on the same subject .. .. .	1
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## A. No. 3.

Memorandum from Surveyor General to Colonial Secretary, dated 31st May, 1827, on the same subject .. .. .	1
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Correspondence between Chairman and Attorney General upon the case of Robert Stewart ..	2
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1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

CLAIM OF ROBERT STEWART TO A GRANT  
OF LAND AT ILLAWARRA.

FRIDAY, 19 FEBRUARY, 1864.

Present :—

MR. TIGHE,  
MR. MORRIS,  
MR. MORRICE,MR. RAPER,  
MR. DALGLEISH,  
MR. LOVE,

MR. SADLEIR.

ATKINSON ALFRED P. TIGHE, ESQ., IN THE CHAIR.

The Petitioner, Mr. Robert Stewart, appeared in person.

William Elyard, Esq., Principal Under Secretary, called in and examined :—

1. *By Mr. Stewart:* Have you the original of a document containing the promise of a grant of land to William Stewart, dated 22nd February, 1819? No; all that could be traced in the Colonial Secretary's Office was the record of a letter, dated 22nd February, 1819, a copy of which I brought to a Committee before which I was examined some time ago. The Committee were, however, already in possession of a copy, as explained in my evidence given on the 11th September, 1863. W. Elyard,  
Esq.  
19 Feb., 1864.
2. Will you state the purport of that letter? It is addressed to "Mr. Wm. Stewart, Master Mariner and Free Settler, Sydney," and states that, in consideration of his having a numerous family to support, directions would be given for a grant of 300 acres in the District of Illawarra, to be made to him; and that, in his capacity as a settler, in consequence of this grant, Mr. Stewart and his family and two Government assigned men would be victualled on the King's stores for twelve months.
3. That document would not have appeared without the authority of the Governor, I presume? No, it is written by direction of the then Governor.
4. Are there any other documents bearing on that promise? None that I am aware of.
5. Some other papers were handed in? Not by me; they must have been obtained from the Lands Department, to which the papers, connected with the claim, that could be traced, were transferred.
6. You hold in your hand an application made by George Williams? It purports to be by George Williams, dated 28th March, 1827.

- W. Elyard, Esq.  
19 Feb., 1864.
7. That is the original of a letter recorded in your office? Yes; but it is one of those I have referred to as having been transferred to the Ministry of Lands.
  8. Will you state the purport of it? Mr. Williams applies for a copy of the authority for 300 acres of land, promised to Mr. William Stewart on or about the 1st day of January or February, 1819.
  9. Is that (*referring to another document*) a letter from the Surveyor General to the Colonial Secretary, in reference to the application of Mr. Williams? It is a memorandum on the subject, from the late Mr. Oxley, who was Surveyor General, reporting on the application of Mr. Williams.
  10. Is there also a reply to Mr. Williams? I see by a note on it, that an answer was sent to Mr. Williams, requesting him to shew his authority from Mr. Stewart for making the application, and also to state what proof he had of Mr. Stewart's being alive.
  11. Would you assume that that reply indicated a willingness on the part of the Government of the day to acknowledge the claim, if shewn to come direct from Mr. Stewart? No, I should not conceive that it did so; it simply required further information. In the mean time, I suppose, any question affecting the claim to the land would not come under consideration.
  12. If it had been considered that the period had elapsed for making the application, would they not have made such a reply at the time? That does not follow, because the whole of the circumstances under which the application was made were not before the Government.
  13. It is evident that then they considered it an open claim? Yes, if it can be so viewed, from no opinion being expressed on it.
  14. Do you know of any case of a similar promise coming through your department? I cannot state any from memory; but as a general rule, all claims were barred by non-selection under the Orders issued on the subject, dated 3rd October, 1826, and 3rd October, 1827.
  15. Will you look at the Order of 3rd October, 1826, and point out what part of it would bar this claim? It states that, on the failure of persons to notify their selections by a certain date to the Surveyor General, they will be considered to have forfeited their claim.
  16. Does that allude to a promise of a grant? It alludes to persons who were authorized to select grants without purchase.
  17. Does the whole effect of that not bear on promises under the Government of Sir Thomas Brisbane, and not apply to grants from previous Governors? I do not see that there is any exception. There is also an Order of the 5th April, 1827, which is referred to in the notice of 3rd October, 1827.
  18. You cannot call to mind any case that has been disposed of upon an order of the Governor of this character? I do not recollect them, but I have no doubt there are many.
  19. *By Mr. Morris*: Have there been any other applications, similar to this of Mr. Stewart, ever before your office in former days? I believe there have been such applications.
  20. Do you know of any that have been granted? I cannot state from memory. The land business has been transferred for some years to another department, and, of course, cases of recent date, for dealing with which precedents would be referred to, have not come under my notice.
  21. Can you inform the Committee whether the late Mr. Stewart's family ever received any consideration on account of the loss of his life in the Government service? I cannot.
  22. Could you ascertain? I do not know how it is to be ascertained; they may have received land without any record being in the Colonial Secretary's Office.
  23. If his family made any application to the Government, for consideration on account of the loss of the life of the head of the family, surely that application must have been made through the Colonial Secretary's Office? If made at any recent date but before the formation of a Department of Lands, it would; but formerly applications may have been made to and dealt with by the Governor, without being recorded in the Secretary's Office.
  24. If anything had been granted to Mr. Stewart's family, there must have been some record of it in the Colonial Secretary's Office? This does not follow. Land may have been given without any record of it being in the Colonial Secretary's Office.
  25. Could you inform the Committee how they could ascertain? Not unless it is shewn in any way in the Surveyor General's Office. If land had been given in compensation for any service, the order might express that it was in consideration of such service; but land might have been given without stating the reasons for granting it.
  26. *By Mr. Sadleir*: If money compensation had been given, it would go through your office? If there had been any correspondence on the subject it probably would; but I am not aware of any. I desired that all documents connected with this claim should be searched for; but the only one which could be found, besides those transferred to the Lands Office, was the letter I have already referred to.
  27. *By the Chairman*: A Mr. Williams, in the year 1827, applies to the Government for a copy of the original order to select the land, and there is a note by one of the officials, to the effect that if he has occupied the land a copy may be given to him—it may be assumed he has a right to a copy, I suppose that means—but that if he has not occupied it, it may be presumed he merely wishes to dispose of the order. Might we not learn from this that, in the year 1827, this order was a saleable article, and had a merchantable value, in the opinion of the writer of that note? I think it is very likely that a person's interest or supposed interest in any particular thing might have been disposed of; but of course the person purchasing under such circumstances would take the risk of his obtaining it.
  28. *By Mr. Morris*: By whom was that memorandum made? By General Darling, the Governor.
  29. Surely it is evidence on the face of it that, in the year 1827, that order was available to whoever had a right to receive it? You will see that reference was made to the Surveyor General for report, and Mr. Williams was called on to shew whether he had any authority from Mr. Stewart for making the application.

30. Is it not clear from that minute, that the proclamation of 1826 was not supposed to operate against that land order? It implies an impression on the mind of the Governor, I conceive, that such documents were sometimes used improperly; and that if there was any reason to assume this to be the intention of Mr. Williams, the copy should not be given. If he was in the occupation of the land, and required it in support of his claim, there would have been no objection to his having a copy.

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31. *By the Chairman*: Supposing the original promise had become void in consequence of these proclamations, do you think in that case the Government would have taken the trouble to inquire what authority Mr. Williams had for making the application? The claim of Mr. Stewart was not precisely under consideration at the time, but the application of Mr. Williams to be furnished with a copy of a letter addressed to Mr. Stewart. I do not think that involved any opinion with reference to the claim of Mr. Stewart.

32. *By Mr. Stewart*: The reply of the Surveyor General does not in any way indicate that the claim had come forward? He merely states that an order was given for land, that Mr. Stewart was drowned many years ago, and that he believed he intended to take his land at Illawarra.

Walker Rannie Davidson, Esq., Surveyor General, called in and examined:—

33. *By Mr. Stewart*: Do you recollect an application being made, dated 28th April last, by myself? Yes.

34. Was anything done in your office in reference to it? I think I reported on the matter.

35. Do you remember a further application, dated 11th July, being forwarded to your department? Yes.

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36. Are you aware that to those two applications no reply was ever made to me? I am not aware, but I think there is a minute of Mr. Robertson's, saying that the Assembly had appointed a Select Committee to inquire into this matter.

37. Do you know of any case where a promise similar to this has been refused? I do not know of any promise being refused, not at this moment.

38. You think, on the face of it, it bears all the appearance of a promise that would, in the ordinary course of things, be fulfilled? Yes, I think it is a just claim, and appears never to have been satisfied.

39. There would be proof in your department if it had been satisfied? We have searched very carefully, and find no proof that it has been satisfied.

40. *By Mr. Morris*: Do you know of any application similar to this having been granted? I cannot recall any case of the kind. When the Court of Claims was established, many claims were put through that Court.

41. *By Mr. Stewart*: Do you know of any claim, where an original authority to select existed, that was passed through the Court of Claims? I know of none.

42. No instance came under your notice of any claim having been refused? No.

43. *By Mr. Sadleir*: This order of April 5th, 1827, seems to be an order that applicants must send in to the Surveyor General the situation of their land, otherwise they forfeit it? There was a notice of that kind.

44. Would this grant come under that order? No doubt it was intended that the lands ought to have been selected within a certain period.

45. *By Mr. Stewart*: Has it come under your notice that persons were at that period simply told verbally to go and select? No, I think it was generally accompanied by an order. It is probable the order was given when the party had examined the locality where he was desirous of making the selection. Probably he might receive the promise of a grant, and be allowed some time to examine any localities where he would select.

46. *By the Chairman*: Referring to the words of the original promise: "The Governor \* \* \* desires me to inform you that he will give directions for a grant of 300 acres, situated in the District of Illawarra, to be made to you"—Does it appear from that, that he had the privilege of choice, or that the Government might have said, "You shall have this particular 300 acres and no other"? I do not think that after they had fixed upon the locality, they could change it without the authority of the Government.

47. *By Mr. Morris*: Do you think it was a specific portion of land he was to have? I do not think so. The selections were made and described by the parties as nearly as possible, and they were pencilled on the maps as near the localities as possible, until the lines were afterwards determined by the surveyor. It was almost like free selection in the present day. Of course sometimes confusion arose when the lines came to be marked on the ground.

48. *By Mr. Stewart*: In point of fact, the person in whose favour that promise was made could have selected anywhere in that district? Yes.

49. And the surveyor would give him the quantity in any part of that district? Yes, if there were no other objection to it.

50. *By the Chairman*: That is not exactly an authority to select—it is an absolute promise of a grant? I think so.

51. *By Mr. Morris*: Therefore the Government themselves, according to that authority, were bound to have selected the land for Mr. Stewart—and we can well understand that Mr. Stewart, being a mariner, would be likely to have few opportunities of selecting it for himself—It would seem that the Government were bound to select it for him—does that appear to you? I do not know about the Government; the surveyor might have had authority to select for him.



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52. Does it not appear to you that, according to this promise, the Government, through their officer, were bound to have selected the land for him? The letter says, directions would be given for a grant of the land.
53. Then is it not clear that the Government have neglected to do what they promised to do? Yes, it would appear they ought to have taken action in the matter.

Michael Fitzpatrick, Esq., Under Secretary for Lands, called in and examined:—

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54. *By Mr. Stewart:* Do you recollect the circumstance of an application made by me, dated 28th April, coming under your notice? I believe I saw it as it passed through the office.
55. Do you know any case in which the promise of a grant, similar to the one that application is made to carry out, being refused? There have been thousands of cases of the kind.
56. That have been refused? Yes.
57. Can you name one? No, I cannot at this moment. It was, I might almost say, of daily occurrence in days gone by, dating back to the regulations issued by Governor Darling for disposing of such claims.
58. You cannot give us any instance? No, not without searching for it.
59. From recollection you do not know of a case you can name? No; it is twenty or twenty-five years ago since the cases were frequent. My late experience has had nothing to do with promises of that kind.
60. You only speak from what you suppose has occurred? It was a common practice to deal with cases of this kind under those regulations. General Darling, shortly after his arrival in this country, issued a notice—a sort of warning—to all persons having claims to grants of land, that where they had not made their selections they were to do so by a certain date, within twelve months; and at the end of twelve months, he issued another notice, which had the effect of abrogating all these old claims, where they had not been made within the period prescribed.
61. Did you see a second application from me, dated Pitt-street, 11th July? Yes, I have no doubt I saw the original of it.
62. Are you aware that neither of these was ever replied to? No, I am not. There was a reply, I think, sent to your first letter; I believe this instruction of Mr. Robertson was acted upon—"Inform Mr. Stewart of the state of the case. 14th May."
63. Are you aware of the second application having received a reply? I think it very likely; I am not sure. There has been no decision by the Minister since, because the case has been before Parliament.
64. Is this notice, bearing date 3rd October, 1826, one of the regulations you allude to? Yes, that is the first one.
65. Can you point out any part of that, in your estimation, annulled the grant of Governor Macquarie? I believe that this is what the practice of late years has been founded on, taken in conjunction with the subsequent notice of 3rd October, 1827, which indicates the intentions of the Government as follows:—"It is hereby notified, that twelve months having now elapsed since the date of the notice above referred to, any authority for receiving land granted anterior to 3rd October, 1826, which has not been acted on, will, according to the intention expressed in the said notice, be considered to be cancelled, and consequently will not be acted upon."
66. That bears altogether upon the first notice? It refers to it. It states that certain warning having been given, it is the intention of the Government to act up to the former notice; and it has been acted upon from that time downwards.
67. What I wish to get at is, where that bears on a direct grant, or promise of a grant, to any person—whether it is not directed to secondary grants under Sir Thomas Brisbane? It alludes to Sir Thomas Brisbane's grants, because that was the then preceding administration. But the second notice is general, and alludes to all.
68. *By Mr. Morris:* Will you read the other notice? (*Notice of 3rd October, 1826, read as follows*):—"Colonial Secretary's Office, October 3, 1826.—It being necessary to complete the arrangements for the 'granting and sale of lands,' with as little delay as possible, His Excellency the Governor is pleased to direct as follows, viz.:—1st. Persons who received authority from the late Governor Sir Thomas Brisbane to purchase lands, and who have not yet notified to Government the situation and boundaries of the land they wish to obtain, are required to do so by the 1st day of January next, or the authority to purchase will be considered void. 2nd. Persons who were authorized to receive grants without purchase, and who have not yet notified the situation and boundaries of the land they may have made choice of, are required to lay before the Land Board, by the 1st November next, satisfactory proof that they possess the necessary means to stock or bring the land into cultivation, according to the scale laid down in paragraph 10 of the Regulations, No. 35, dated the 5th ultimo, in default of which the authority will be considered as cancelled. Should the proof of their capital be satisfactory, they will immediately receive authority to select the land, the situation of which must be notified to the Surveyor General by the 1st of January next, in failure of which they will be considered to have forfeited their claim. 3rd. Persons who have not paid the stipulated deposit for lands which they have agreed to purchase, or who have not complied with the conditions on which grants have been made to them, need not apply for additional land, as the due fulfilment of the engagements they have entered into will be an indispensable preliminary to further indulgence.—By His Excellency's Command, ALEXANDER M'LEAY." Now, by way

way of explanation, I beg to remark that the first paragraph of this has special reference to Sir Thomas Brisbane, because under his administration alone were these authorities to purchase granted. There is one clause devoted entirely to purchases. Then the second clause is general, and is limited to no date or administration in particular.

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69. *By Mr. Stewart:* The Governor's name having been previously used? To designate a particular class of cases. One clause relates to purchases authorized by Sir Thomas Brisbane, the other to orders to select grants of land without purchase. As a rule it became a sort of formula in the department, that the first action taken with reference to an alleged claim to an old grant was this: Ask the Surveyor General whether there is a record for the authority to select?—Secondly, was any selection made? If he said there was an authority and no selection, it was at once considered cancelled, and the letter in reply to the applicant became almost a stereotyped letter, that under the Regulations of October, 1826 and 1827, the grant was cancelled; and this has been a start point for all Governments from that time downwards.

70. Do you know of any instance recorded in the Colonial Secretary's Office, of a grant being cancelled through that? I cannot recollect particular instances, because they are so numerous. If there had been a solitary case I could remember it perhaps.

71. Can you recollect any case where the documents relating to it existed only in the office of the Colonial Secretary, and of which you had no record in the department of which you are Under Secretary? We have no records of any of these grants in my department. There are numbers of cases where there is no record except what is called the Order Book in the Surveyor General's Office. The Lands Office has no record of any of these promises. The Survey Office only has a record of them.

72. Have you had any applications for a grant, when the documents on which the application is founded are to be found only in the Colonial Secretary's Office, and of which there is no record in your department? I look upon the Lands and Survey Offices as separate departments. If you ask whether I know of any case where the documents appear for the first time from the Colonial Secretary's Office, and where there is no record to be found in the Survey Office, I answer that I do not.

73. Do you know of any instance of a document similar to this having been produced, and an application made upon it, and you have had no record in your department? Every application of the kind that can have come up since the Lands Department was created must have been of that character. We have no correspondence relating to these old grants except what has been handed over from the Colonial Secretary's Office. The record is in the Order Book in the Survey Office.

74. Have you any record of this? I am aware there is a record of a promise to your father.

75. Is there any record of the promise of a grant of 300 acres? I think the Surveyor General reports that there is an order in the office for that area.

76. In point of fact, both the date, quantity, and name of the district, differ? The name of the district differs, but it is the same locality. What is now called Illawarra used to be called the Five Islands.

77. This promise is dated in 1819, and the quantity is 300 acres at Illawarra, whereas the order produced by the Surveyor General is dated in 1816, and the quantity is 200 acres at the Five Islands—? Which is the same locality as the other.

78. *By Mr. Morris:* You do not know that it is the same man? I think it extremely probable it is.

79. *By the Chairman:* In the notices of 3rd October, 1826, 5th April, 1827, and 3rd October, 1827, do you notice any distinction between an authority to select and a claim to purchase land—does it make any distinction between that and an absolute promise of a grant, the Governor having given directions for a grant to be issued for a specific quantity of land? I notice no difference between an absolute promise and what you call an authority to select; they are the same things. The notice of 1827 deals with the whole of these. It seemed to be the intention to make a clean board of all outstanding cases; and that is how the Lands Department has always read it. It is our start point.

80. It was the custom of those days to give authority to certain persons to go and select land. After they had selected the land they gave the descriptions in to the Government Office. Three several notices were given referring to these authorities, saying that unless the selections were given in by a certain date they would become void. How were these authorities to select granted—were they granted in this manner, that the Governor would give directions for a grant of so many acres to be made to the party applying, at a certain place? It is a specific number of acres always, but not a specific place, only a district, that is named.

81. If any one went to the Governor and asked for authority to select land, would the Governor comply with that request by saying, I will give directions that a grant shall be issued to you for so much land? That promise was always recorded in the Survey Office, and the man had the land, subject to the regulations of the time.

82. This seems to be an absolute promise that he would give such a direction? That of course is qualified by the regulations of the time. He never did give such directions.

83. *By Mr. Stewart:* They never reached your office? As far as the Surveyor General's Office is concerned, there is no record of any such authority for any grant of the kind.

84. *By the Chairman:* Now we will suppose this grant of land in question had been made void by these notices, how would you account for this fact, that a certain person, in the year 1827, named George Williams, represented himself as the agent of this William Stewart, and applied to have a copy of this original promise given to him, and that the Governor thereupon noted that, if this person had occupied the land, a copy might be given to him, but if not, that it might be presumed he merely wished to dispose of the order. If the

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Governor did not recognize that order as valid at that time, and liable to be fulfilled when called upon, why did he consider that it was a merchantable commodity and might be sold in the market. If it had no value, it could not have been sold in the way the Governor seems to suppose it would be? I think if a certified copy of that order had been given by the Colonial Secretary of the time, any unwary person would buy it as a merchantable commodity; but I would point out that General Darling looked upon the fact of land being occupied as *prima facie* evidence that the order was still good; because the land could not have been occupied unless selected, and the fact of occupation would have been held to be, in all human probability, selection; whereas, if it had not been occupied the order would have been of no use; therefore General Darling knew what he was about when he wrote that minute.

85. Then this person, Williams, is further called upon to prove by what authority he represents Mr. Stewart, and what proof he has of Mr. Stewart being still alive. If the thing was void in consequence of these proclamations, why would the Governor call upon him to shew his authority? For this reason: that if the land was occupied, *prima facie* the land was selected, and the party would be called upon to make out his case; but when Williams comes and asks for the document, the Governor very naturally asks what is his interest in asking for it.

86. It was not occupied? I do not know; but if it had been occupied, then, *prima facie*, the claim was good. Then came the next question:—What right had Williams to ask for a copy?—They seem to have suspected some trick, and were on their guard in dealing with him.

87. *By Mr. Stewart*: You will see by the memorandum of the Surveyor General, reporting on Williams' application, that the Governor was aware of the position of the matter? —

88. *By Mr. Dalgleish*: Does not that letter of the Surveyor General, taken in conjunction with the minute of the Governor, alter your opinion of the case? No, it does not alter my opinion of the case. Do you mean that the Governor had data here to see at once that the case was invalid?

89. No, the Governor had data to shew that William Stewart had a promise, and he seems to have been willing to recognize it if Mr. Stewart was alive? I think it shews that Mr. Stewart, if he had been alive, would have been called upon to make out his case, to shew that he had made a selection. I do not think any Government would have decided the case, as it then stood, absolutely against Mr. Stewart, without giving him an opportunity of shewing that he had made a selection.

90. Did you give any evidence in the case of James Ralfe, a surveyor, that came before this House? I do not remember it.

91. Did you give any evidence in the case of Mr. Sims Bell? Yes.

92. Was that case similar to this? No, not at all; it was a case of a different class.

93. Would the same proclamation not bear on Mr. Sims Bell's case? Perhaps it would, but I thought it was barred without reference to that; it was a weaker case even than this.

94. Is this your note:—"If this case were *prima facie* a good one" and so on? It is.

95. I wish to call your attention to these words:—"But I do not think the case is *prima facie* a good one; the mere lapse of time alone—now closely verging on half a century—ought to place Mr. Stewart out of Court." Do you not think these documents dated in 1827, the application of a person professing to represent Mr. Stewart, the note of the Governor, and these other documents, shew that the claim may be considered to have been made at any rate in the year 1827? I do not. When I wrote that minute I had not these papers, but I do not think they alter the case at all, because this does not come from Mr. Stewart, or any one belonging to Mr. Stewart. For anything shewn to the contrary, it may be an attempt on the part of some person to get a grant wrongfully.

96. It is a claim set up by a person purporting to represent Mr. Stewart, in 1827, whether rightly or wrongly? I can hardly see that. These papers were not in my department until after the Committee sat, and therefore it is probable if I had seen them I would have qualified that language and alluded to this matter. But it does not alter my opinion of the case at all.

97. How long may a claim be in abeyance, supposing the party to be a minor? I cannot say that; that is a question of law.

98. You have given your opinion on a point of law in this minute? No, not on the point of law, but on the individual case. I am prepared to give my opinion at any time on any individual case. I have merely said the lapse of time—nearly half a century—was sufficient to bar the case. There is no statute of limitations that I know of for a thing of this sort.

99. *By Mr. Morris*: Is not this a case of a very peculiar nature, inasmuch as this Mr. Stewart left Sydney upon the Government service previous to the time that he could have selected the land, and was lost in the Government service—does not that alter the case extremely, with regard, at any rate, to the liability of the Government to take a very liberal view of it. It would have altered it if, within some reasonable period after the loss of the late Mr. Stewart, somebody, on his behalf or that of his family, had made the selection, or asserted the right to make a selection. In thinking over this case, which I am sure I do quite dispassionately, it simply comes to my mind in this shape:—In the first place, there is an order given for land, which land is never selected; and on the other hand, a claim is promoted to land in another part of the Colony, and of different area, for which there is no authority. As to the first case, the order must clearly be considered by the regulations of the time, and by practice and common sense, to be void, from the fact of no selection having been made; and as to the other, there is no authority to base it upon. That is all I can see in the case.

100. Supposing, from want of sufficient records in the proper department, the heirs of Mr. William Stewart were not able to ascertain that there was any authority at all, until the lapse

lapse of these fifty years to which you refer, what then would you say? Nothing that I have not said already. I think the claim could not have been sustained. I could make out a case myself for a Sydney town allotment if these principles are to be sustained. My father had a promise of a Sydney town allotment which he never selected.

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101. Surely this is a different case:—A person receives a promise of a grant, is sent on a dangerous service, loses his life, and leaves no record behind —? He did leave a record behind.

102. Where? Here is the order recorded in the Survey Office.

103. What order? The order for this grant of land.

104. Is it so—can you point out where it is so recorded? Here is what I consider the record. The Surveyor General states, in reference to Mr. Stewart's first application, that no such order is recorded, but he states that there is a record of an order given by Governor Macquarie for 200 acres, in 1816, and that Mr. Stewart, who was a mariner, desired to take it at the Five Islands. My impression—my conviction is—that this is the same case. The letter of 1819 seems to me quite consistent with the order of 1816. My view of it is, that it has been either a renewal or an enlargement of the first promise.

105. *By Mr. Stewart*: There is no record of it? There is no record that I know of in the Survey Office of a promise of 300 acres; but I think the two things hold together quite consistently. First, there is the order by Governor Macquarie, in 1816, which Capt. Stewart desired to take at Five Islands—the same district that is now called Illawarra. He was engaged in his profession, and perhaps that may explain the fact of his not having acted upon this order for these three years; but three years after, he makes some special representation to the Governor, the nature of which does not appear, but it was probably either to revive this order or to enlarge it, and he gets 300 acres in the same locality.

106. *By Mr. Dalgleish*: You think this document—the memorial referred to in the letter of 1819—might have been a recital of his services? Yes, perhaps it was. It was evidently something that induced the Governor to take a liberal view of the case, for there are two other advantages given besides the simple grant of land named in the first order, namely, that his family and two Government men should be victualled from the King's stores for twelve months.

107. *By Mr. Stewart*: I think you stated that the character of the documents is identical. Do you see any resemblance at all, except that they are grants of land made at various periods to the same individual—anything in the terms or conditions? The language used in one case is stronger, certainly, than in the other. One appears to be a mere record of an order, but the other is a promise that a grant will issue. It was the practice of the Government to record every promise of whatever character, and it has been the practice since not to recognize any claim which is not based on such an order.

108. Is it a rule that these old claims are considered void? I think, *primâ facie*, if a claim of that sort sleeps for fifty years it is not a good one. I would not commit myself to the principle that lapse of time only can bar it.

109. Was it usual, at the period when these grants were promised, to give two different grants to one individual? Yes, it was frequently the case.

110. Then would it not be possible that these two should be different, seeing that these two documents vary in every particular? No, they do not vary in the locality nor the name of the grantee.

111. *By Mr. Dalgleish*: As a matter of fact, are the Five Islands and Illawarra the same district? The locality now known as Illawarra was known as the Five Islands years ago, and very old colonists sometimes speak of it as Five Islands yet.

112. *By Mr. Morris*: Supposing, as you state, that this memorial did relate to 200 acres of land, and also set forth other claims on the part of Mr. Stewart, and the Governor then consented to settle the claim for 200 acres and some other claims, by giving him 300 acres, is it not likely, looking at the peculiar words of this notice, which says "he will give directions for a grant of 300 acres, situated in the district of Illawarra, to be made to you," that really the grant had been decided upon by the Government, and that Mr. Stewart, leaving immediately after as he did, left with the understanding that the Government would survey some particular place? Certainly not, until he had made his selection. No Governor in the Colony ever did such a thing. No grant could issue till the place was selected.

113. Could you state what were the general words? The Governor wrote just what he liked. The phraseology would not be the same in all cases. All these promises, however phrased, were communicated to the Surveyor General, who made an entry of them in a book called the Order Book, and when in later years we come to deal with these claims this is our start point; if it does not appear there, it is not valid.

114. *By Mr. Stewart*: It appears that in this case, the document proving the promise of the grant existed in the Colonial Secretary's Office, but never reached the Survey Office? If the promise of these 300 acres is a different transaction, it seems never to have reached the Survey Office.

115. *By Mr. Morris*: I apprehend this memorial and the affidavit referred to, must be in the Executive Council Office? No, they should be in the Colonial Secretary's Office, if they exist at all. All the old correspondence is in the Chief Secretary's Office. Having been myself the incumbent of the office of Clerk of the Executive Council for some years, I am sure they do not exist there. There were no more papers there than could be put into a large box. It is not the practice of the Executive Council to keep documents at all. Every paper is returned to the department it comes from, as soon as the Executive Council have done with it. The oldest correspondence I have seen is in the Colonial Secretary's Office.

116. No doubt these papers do exist somewhere? It is very possible.

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117. They would not have been destroyed? Not intentionally. The fact is, that until Mr. Macleay came here there was no system of keeping records. You are aware that the late Mr. Smith Hall was employed for some time trying to arrange the old records of the country, which are in a very confused state.

118. *By Mr. Dalgleish*: I think you recognize in this particular case something out of the usual course—that Mr. Stewart having had this grant made immediately before starting on an expedition to serve the Government, and not returning, and leaving no memorial with his family of this promise of grant, they were not in a position to make a claim? They were in the same position at any hour after his death as they were previous to his death.

119. This claim, you observe, is based upon a document accidentally discovered in one of the offices of the Government, and I want to point your attention to this fact, that, until it was so discovered by the present Mr. Stewart, the heirs of Mr. Stewart, master mariner, to whom the promise was made, had no means of knowing this promise of grant was ever made to him; his family were for years in the greatest uncertainty as to his fate, and even now his fate is wholly unknown;—Do not these circumstances take this case out of the usual category, so that, if this case were acted upon, it would not form a precedent for the revival of old grants? That would depend upon what ground the claim was put. If it is sought as compensation for services rendered by Captain Stewart, certainly it would not.

120. This is a peculiar case, and an exception to the rule? Yes, to that extent.

121. It is an exception to the proclamation? No.

122. That proclamation could only apply to those who were cognizant of having made application for a grant of land, or who were cognizant of having paid a deposit on a purchase. Then if Mr. Stewart's family were unaware of the promise of grant, and were not parties to the proclamation,—namely, they had not paid for any portion of land,—it is clear they are outside that proclamation. I think you will see it is an exceptional case? It is to that extent.

123. I would wish you to give the Committee your opinion of the case, based upon the facts which I have just recited? Perhaps it is a matter on which my opinion is of very little value, as it has no bearing on official practice.

124. Does it, in your opinion, take this case beyond the pale of that proclamation? No; but I think the circumstances make out a *prima facie* claim why the Government should treat this as a special case. If you are merely asking me my individual opinion, I should say I would not give much weight to a claim of this sort, which has slept for fifty years. Persons not knowing of the existence of a claim of this sort for so long a period are not much the worse if the claim is rejected.

125. *By Mr. Stewart*: The application made on my behalf by Mr. Pennington, was dated 9th April, 1863, and the application I made was dated 28th April. Do you not think the reason of my not having had a reply to this was that they were considered identical? I cannot say without reference to the original papers.

126. You have treated this claim as identical with one that had previously been made to your department? You mean the claim to 300 acres as identical with the claim to 500 acres—it is possible.

127. Supposing the existence of the authority for these 300 acres was not known at the time the first application was made, how is it possible any intimation could have been given of it;—the moment it was known an immediate application was made upon it. Does not that place it in rather a different position to that of a case where the information was for some time in the possession of the person making the application? To a certain extent it does. In the one case the delay proceeds from wilful neglect, in the other from ignorance. What I meant to say just now was, that a person who has been for fifty years ignorant of such a claim, loses nothing by not getting it. The only thing for consideration, it seems to me, in this case is this, that if it is assumed that Captain Stewart left without letting anybody know of the existence of this document, and as he never returned, there is something by which the Government of its grace may be moved to recognize his services. That is putting it in a different position; but putting it officially, the claim is wiped out by these proclamations.

128. Can you account for my not receiving a reply? I think the reason you did not receive a reply, probably, was because the Assembly had appointed a Committee to inquire into the matter.

129. The Committee was not applied for till two months after this application? I cannot say; I am taken at a disadvantage, not knowing such a question was to be asked.

130. *By Mr. Dalgleish*: You admit that if the facts were as I have before stated—that Mr. Stewart, master mariner, the person referred to, should have left the port with these documents in his possession, leaving no trace of them with his family—that does take the case out of the ordinary pale? It would form a ground for taking it out of it, as a matter of grace.

131. It would not be a parallel case to the one you have referred to, where, you say, you might have preferred a claim to a town allotment? No. I have myself, perhaps as the result of long dealing with these cases, a strong feeling against reviving these old claims.

132. *By Mr. Stewart*: Perhaps because they involve considerable trouble to the department? No, it is not a question of trouble, if you will believe a public officer on such a point as that, but because the public have to be considered as well as the individual. I have myself spared no trouble in sifting such cases, and have sometimes even been the means, in cases which involved a good deal of trouble, of gaining a different decision on an old case, because I believed there was right in it.

Mr. Richard Driver called in and examined:—

133. *By Mr. Stewart*: You are an old resident of the city? Yes.
134. Do you recollect circumstances that occurred in 1819 or 1820? Yes.
135. Do you recollect about that period a person named Stewart, a mariner? Yes.
136. Can you recollect the circumstance of his leaving Sydney for the last time? I do; it was early in 1820.
137. Will you state any particulars you know, to the Committee? I remember I was on board the brig that Cunningham's father commanded, lying in Watson's Bay, on the night before your father went away; he and his crew slept on board that night. He had a whale-boat and six persons with him, going on an exploring expedition to Jervis Bay, I believe.
138. Are you aware whether they were fitted out by Governor Macquarie? I understood they had six weeks' supplies from the Government; Macquarie was Governor at the time.
139. You are not aware that any of them ever came back? Never. I heard a rumour that they were destroyed near the Pigeonhouse by the blacks.
140. There was no positive proof as to their fate? No.
141. Do you know, as a matter of practice in those days, if a grant had been promised of this character:—"I have it in command to inform you that His Excellency the Governor will give directions for a grant of 300 acres, situated in the district of Illawarra, to be made to you; and that in your capacity of a settler, in consequence of this grant, you and your family, and two Government assigned men, will be victualled from the King's Stores for twelve months,"—would that grant be a saleable commodity? The order would.
142. As an authority for any person to take it up? Yes.
143. And the provisions for the family and Government men might be obtained without even taking possession of the land? Yes; I have seen persons going to the stores and drawing a month's rations, who never went near their grants.
144. Seeing that this promise of land at Illawarra is dated in 1819, it would have been difficult for Mr. Stewart, being a mariner and engaged in his profession, to have selected his land and got it measured before he left on this exploring expedition early in 1820? I think it would. In fact, in those days it was impossible to get your land measured if you wished it. Mr. Mein was on duty in Van Diemen's Land, and Mr. Evans, the only other surveyor, was in the Bathurst country. My stepfather had an order for land which was not measured for six years afterwards.
145. Mr. Stewart was a person having considerable experience on the coast? Yes.
146. And would be a man likely to be selected to make an examination of any new district on the coast? Yes.
147. *By the Chairman*: Would the Government notices that used to be published in those days, with regard to people making their claims for promises of grants, be pretty well known by the community? Yes, they would be rather extensively known, considering the limit of the Colony; there might be some remote places where they would not be known.
148. Supposing the Government at that time published a notice, saying that certain grants would become void unless certain conditions were fulfilled, and the grants did become void, would the previous order have been saleable in Sydney, or do you think the general public would have had such a knowledge of the fact as not to buy such an article? I think persons would have bought, because many of the grants were afterwards recovered. I knew an instance of a gentleman who sold a promise of a grant of 2,000 acres, to the Waterloo Company, for 9d. an acre.
149. They would have bought, because they believed they could afterwards induce the Government to fulfil the grant—not because they were in ignorance of these proclamations? I think they would have bought, even if they had known of them.
150. *By Mr. Stewart*: Do you know of any instance of a promise of grant, such as I have described, being refused? No, except in one or two instances, where men had been promised grants of land and were afterwards found guilty of crimes.
151. You do not know any instance of the Crown taking advantage of the time, and declaring them void? No, I do not. I have known people—soldiers and others—who have left the Colony for years, and carried the order for their land with them, and then have come back and got it.
152. Supposing Mr. Stewart had left the Colony altogether, and returned ten years afterwards with this promise in his pocket, do you think there would have been any objection to give him the land, notwithstanding this notice that grants would become void after a certain time? No, I think the grant would have been obtained.
153. *By the Chairman*: Do you know of any persons who left the Colony, and came back and got their grants, between 1819 and 1827 or 1828? Yes, many of them; for instance, a young man, named Taylor, who enlisted as a boy here in the 46th.
154. And had been away —? From the time the 46th left till about 1833.
155. When did the 46th leave? About 1817, I think.

Mr. Richard  
Driver.

19 Feb., 1864.

Mr. Robert M'Intosh called in and examined:—

- Mr. R. M'Intosh.  
19 Feb., 1864.
156. *By Mr. Stewart:* You are an old resident here? Yes, I came here in 1814.  
157. Do you recollect circumstances that occurred in 1819 or 1820? Yes.  
158. Was your father then employed by the Government? Yes, he was storekeeper in 1820.  
159. Do you recollect Mr. Stewart, a mariner, my father? Yes.  
160. You knew something of the circumstances of my family—where they resided at that time? Yes, in Cockle Bay, in Kent-street, in 1817, '18, '19, and 1820.  
161. Do you recollect my father going away in 1820? Yes, in a sealing-boat or a whale-boat, on the part of the Government, and my father supplying him with rations and stores, on the order of the Governor.  
162. Will you state the circumstances? What I recollect clearly was that my father came home one day, and said he had an order to supply Mr. Stewart with things to go on discovery; it was an unlimited order, he said, to give him whatever he wanted. Mr. Stewart got things from the store and went away. I also knew two young men who went with him.  
163. Was it concluded by your father that the outfit was for the purposes of a Government expedition? That is what I understood—that he went on discovery to look for land or rivers or something to the southward.  
164. Do you know whether he or his party ever returned? No, I always understood they were lost.  
165. If they had returned, you would have been likely to hear of it? Yes.  
166. I suppose the stores you allude to were what are called the Commissariat Stores? Yes. There were two stores; my father was in what were called the Dry Stores.  
167. The vessel went alongside the store and took in her outfit? Yes, she came alongside the stores and took in her supplies.

Mr. Robert Melville called in and examined:—

- Mr. R. Melville.  
19 Feb., 1864.
168. *By Mr. Stewart:* You are an old resident of Sydney? Yes.  
169. Did you know my family? Yes, perfectly well.  
170. Do you recollect my father leaving Sydney with a party? Yes.  
171. The last time he left, when he never returned? Yes.  
172. Are you aware whether he went away on the part of the Government? It was so reported.  
173. You knew several of the party? Yes, I knew four.  
174. If any of them had returned you would have known it? Yes.

FRIDAY, 26 FEBRUARY, 1864.

Present:—

MR. DANGAR, | MR. MORRIS,  
MR. RAPER.

ATKINSON ALFRED P. TIGHE, ESQ., IN THE CHAIR.

R. Stewart, Esq., M.L.A., appeared in support of the Petition.

Alexander Campbell Budge, Esq., called in and examined:—

- A. C. Budge, Esq.  
26 Feb., 1864.
175. *By the Chairman:* You are the Clerk of the Executive Council? I am.  
176. Have you searched the records of your office for any memorial from William Stewart, dated 19th February, 1819, directed to His Excellency the then Governor? I have searched carefully from 1825, when the Executive Council was established—that is five years after the date of this memorial—but I have found nothing bearing upon the case in any shape.  
177. *By Mr. Morris:* What would have become of the papers belonging to the former Governors—the Governors before the year 1825? I cannot say—but suppose they should be in the Colonial Secretary's Office—the Colonial Secretary being also Registrar of Records.

Robert Stewart, Esq., M.L.A., examined:—

- R. Stewart, Esq., M.L.A.  
26 Feb., 1864.
178. *By the Chairman:* Are you the heir-at-law of the late William Stewart? I am the only surviving son.  
179. When did you first become possessed of any knowledge with respect to this promise of a grant? The first I knew of it was in consequence of an examination I had caused to be made at the Colonial Secretary's Office, for papers or correspondence between my father and the Government, some time in the latter part of April of the last year. I had petitioned that a promise from Governor Macquarie to my father to issue a grant, dated the 22nd February, 1819,—

180. I understood you to say that last April was the first time you had any knowledge of the existence of this promise of a grant? I was not aware—I had not the least knowledge of any such document existing previously. R. Stewart,  
Esq., M.L.A.
181. At the time your father left Sydney, to go upon this exploring expedition, was your mother living? She was. 26 Feb., 1864.
182. Had you any brothers or sisters grown up? I had a brother older than myself, who went with my father and was lost with him. I was then the eldest. I had a younger brother and a sister.
183. Did you ever hear your mother speak of any promises the Government had made to your father in any way? My mother stated, on various occasions, that there was a promise existing, and that she believed the family would get the advantage of it when I came of age.
184. Having this knowledge when you became of age, how is it that you did not set yourself in motion to ascertain whether such documents existed or not, your mother having told you there was a likelihood of some such thing being in store? Shortly after I was of age—about 1838—I caused an inquiry by a surveyor, and went myself on one or two occasions to the Surveyor General's Department and made an examination and inquiry, but could find no trace of any documents or entry either marked upon the charts, or in any other way, to indicate that any such promise had been recorded. Finding that to be the case I gave up further inquiry, believing that, as years had passed over, any documents that might have existed must have been lost.
185. Did you mention to any of the persons in charge of the papers—any of the authorities—that you were searching for documents of this nature? I named in the office the object of my inquiry.
186. Did the Government cause any search to be made, or assist in the search? None, beyond affording the means of examining the books and charts.
187. You took all reasonable means within your power to ascertain whether any such documents existed or not? I did.
188. And it was only through an accident that you afterwards found out such a document was in existence? Only in consequence of the examination I have previously mentioned.
189. Did your father leave any papers or memoranda behind him when he went from Sydney? He left a number of papers.
190. Who had charge of them? My mother.
191. Did you ever examine them? I was too young before the time of my mother leaving Sydney, to examine them as to their contents. Most of them, or many of them, had reference to my father's nautical pursuits. I had some papers that were in the care of a person residing at the Hawkesbury, who had passed many years at sea, under my father, and had become a settler. He had a small case which was said to contain documents of value. I have some distant recollection of the character of the case—it was not very bulky. About the time that my apprenticeship expired—the latter end of 1836—this person, in whose charge the papers were left, forwarded them to me in a small vessel that was coming to Sydney, and the vessel was lost. The uncle of Sir Charles Nicholson was in that vessel. The papers, whatever they contained, were destroyed.
192. Was the brother who went with your father, older than yourself? Yes.
193. Was he married? No.
194. Then you are his heir-at-law? I should be if he had been of age when he was lost, but he was not.
195. *By Mr. Morris:* What was your age at the time of your father's death? Between four and five.
196. Is your mother alive? No, she has been dead many years.
197. Did your father leave a will? I think not.
198. There are no trustees? No.
199. Then of course you were wholly in your mother's care? Wholly.
200. Did I understand you that your mother left Sydney? She left Sydney, and went to Port Macquarie.
201. Did she take away your father's papers? Yes.
202. Did you ever get the papers she took? I presume they were not the whole of his papers; she considered that the papers of most value were intrusted to this particularly intimate friend, who was in fact my guardian, and had taken possession of this property on the Hawkesbury for which I have previously petitioned.
203. Have you been able to ascertain whether your father did select these 300 acres—did he fix upon the site? I have no doubt he did fix upon the site; but the deficiency in the Survey Department in that day would prevent the possibility of his getting it surveyed.
204. Are there no old residents in Illawarra, who knew your father? There were none settled there at that time, except a few sawyers; but Mr. Berry informed me that my father had given him some information, previous to his leaving the Colony to go to England, with reference to Shoalhaven, but his absence from the Colony for two years prevented his having any knowledge of the circumstances that followed, in reference to my father leaving Sydney in the service of Government.
205. Was this a Government vessel in which your father went? It was his own vessel.
206. Chartered by Government? No, he was supplied by the Government, as stated by Mr. McIntosh. He had an order from Governor Macquarie to be supplied with such stores as he required, from the Government Stores. I have reason to suppose that his outfit was a subject that Governor Macquarie felt a considerable interest in, because a Mr. Rowley, who had previously received 200 acres of land for acting as an assistant to Mr. Roseby, in going overland to Bathurst, was to take charge of a land party in connection with the expedition my father sailed on; and the reason of his not going was the sudden illness of his wife the day before, and some other person had to take his position. 207.



R. Stewart,  
Esq., M.L.A.  
26 Feb., 1864.

207. Did that land party proceed? They were all lost. The land party was to go in the boat or vessel, to communicate with the southern country that had a year or so before been discovered—the Maneroo country—the expedition was to open up the communication with the sea. It was supposed that a river emptied itself into the sea on the south-eastern or southern coast, and the land party was to make the communication complete. So I was informed by Mr. Rowley.

208. Was this expedition partly at your father's expense or wholly at the expense of Government? With the exception of the boat, I should presume the Government supplied all the necessary material for keeping up the party.

209. Have you seen any official documents by which we can learn the exact objects of this expedition on which your father went? I have not. I have caused a search, as I before stated, in the Colonial Secretary's Office, with the view of obtaining a copy of such documents, if they existed, but I could find none. I also made an inquiry of the Commissariat, and an examination was made there, but they appear to have no records there of that date. It appears that the Commissariat remitted yearly the returns, and that previous to about 1824 or 1825, no regular entries or records can be got at.

210. On what date did your father sail? Early in the year 1820.

211. Then that would be the year after the order for the land was given? Yes; but I see by a public notice in the *Government Gazette*, that persons having authorities to take up land, called locations, were informed that the number was in excess of the means of measuring, and that no new applications would be received during the year 1819.

212. There is such an intimation as that? There is a general order issued by the Governor, directing persons not to apply that year; and this being a very distant part of the country, I can easily account for it not being charted.

213. What I want to know, and what I think the Committee would like to know is, what proof there is that your father went upon a special mission on behalf of the Government? The proof I offer to the Committee is the statement of Mr. M'Intosh and of Mr. Driver, who knew personally the circumstances of their departure; and the statements that were made by Mr. and Mrs. Peat to the former Committee, of their knowledge that they did go in connection with the Government. It was with the view of obtaining official proof that I caused the examination before alluded to. I may say when I found this copy of the promise to issue the grant, I inquired of all the persons I could think of for information, and it was subsequent to that period I met Mr. Driver, and for the first time knew that he was able to give me the information upon the matter which I have placed before the Committee.

214. Who is this person who applied, as agent for your father, for the land? I have no knowledge of a person of that name; and I presume that that application was made with the view of defeating my family of the rights that he knew to exist there. At about that period my mother married, and I have concluded that this person must have had information that a promise of a grant lay in that office, and that finding it had not been applied for on the part of the family, thought this would be a ready means of obtaining the advantage.

215. You know nothing whatever of this party? Nothing; I never knew of the application till I obtained these documents. It appears that he did not renew his application when he was called upon to shew his authority from Mr. Stewart.

216. *By the Chairman:* Did it ever occur to you, or did you take any advice as to whether this would be a proper matter to bring before the Court of Claims? I did not; and I do not think it is such a case as the Court of Claims was established to deal with. That Court was, I think, established to deal with property that was held in possession where there was no other claim, or where there were opposing claimants. I would have gone to the Court of Claims for the land for which I previously applied through Mr. Pennington, because that had been held by my family; but possession had been relinquished by my being apprenticed and my family going into the country; and as I held no papers, I thought I should be scarcely justified in going to the Court of Claims; and shortly after it was given up, Government had sold 10 acres of one portion, and 100 acres of the other.

217. That was of some other land? Yes. What I am now referring to I knew nothing of till I heard of it in April last; when I did obtain this information I felt inclined to petition the Governor upon it, thinking he was the proper person to carry out the promise of a former Governor. Before taking any step in that direction, I had a personal communication with the Minister for Lands, Mr. Robertson. I shewed him a copy of this paper I had obtained, and requested him to inform me which was the best way to bring it under the notice of the Government. He said, "You had better make your application to this department, and then we will require to know why the delay has taken place." It was upon that statement I made the application dated 28th April, to which application I received no reply, and I again made the application dated 11th July, 1863. To neither of these did I receive any reply, and the Minister having gone out of office, I did not feel justified in renewing my application to his successor. It was upon that ground I thought it desirable to petition the House. It appears that in the Lands Office, by some extraordinary proceeding, this application was jumbled in with one that had been made in my favour by Mr. Pennington for land occupied at Long Island on the Hawkesbury; and the Committee will judge from the examination of Mr. Fitzpatrick the other day, that he appears still to hold that it was one and the same thing.

218. But the land on Long Island had been occupied *all along*? For twelve or fifteen years.

219. Twelve or fifteen years from the present time? No, it was abandoned by the parties in possession some time after my family went into the country in 1831.

220. It had been occupied twelve or fifteen years previously to 1831? Yes, if I had been of age, or kept in possession, I should have had no trouble to get a title in the Court of Claims, irrespective of any promise.

R. Stewart,  
Esq., M.L.A.

26 Feb., 1864.

221. The date of that application of Williams is 1827? Yes, June, 1827, I think.

222. When Williams made this application to Government, as agent for your father, for this land, was this land on Long Island then occupied by your family? It was; I was residing there at the time. That land was in possession of my father some years before the date of this application, and I believe that land was given to him, as other land was then given, by personal authority to take possession, for information he had given to Governor Macquarie respecting Brisbane Water and Mangrove Creek.

223. This land was generally known to be the property of your family at the time Williams made this application for the grant of 300 acres? It is not likely it was generally known in Sydney, because few people in Sydney knew anything about the place.

224. Was it generally known to persons acquainted with the neighbourhood? Yes, the land was generally known more by the name of the person who had charge of it, Edwards, who had property in other parts of the district, who was properly my guardian. The stock was also under his control and direction. I presume, from the reply made to the application of Williams, that there was no question about it at that date. It appears that Williams, in order to get it, required only an authority; and the statement of Mr. Oxley, in reply to the Colonial Secretary of that day, that nothing was done by Stewart before his death, or by his family since, as to his possession, was an indication that if I had been of sufficient age to take possession of the land, I could have had the 300 acres at Illawarra, and had it measured at any time the surveyor might reach that part of the country. The promise is one peculiarly worded.

225. These promises of grant, such as Williams applied for, I suppose could be sold from one to another, without any trouble, in those days? I believe they were so sold at that time.

226. Then if your mother had applied for this promise of grant, as you say she was aware that some such promise existed—as you suppose so from what you have often heard her say, that you would get it when you came of age—would she not have got it? I am not quite sure that she would. I think if she had taken possession of the land, she would not have been disturbed in it, but that no grant would have issued until I had come of age.

227. What reason have you for supposing that that would have been the course adopted? I think the person asking for it would have been required to shew an authority from my father.

228. Would the wife be obliged to shew this promise? To sell it I think she would.

229. Upon what do you form that opinion? I know of no case of a widow selling a promise.

230. Do you form your opinion from specific experience, or from a mere common sense view of the matter? From what I believe would have been the course adopted.

231. Not from any knowledge of a similar case? No; I think my mother was not aware of the precise position in which the promise had been made.

232. If she knew that a promise had been made and could have converted that promise into cash in the market, it seems strange that she did not take advantage of it, in the same manner as she would have done if it had been a cash balance at the bank? I do not think she desired to sell it, but to keep it until I came of age.

233. Have you ever heard her make any remarks upon that point? I passed so little time with my mother from my very early life, that I cannot tax my memory with any remark of that kind having been made by her. From my sixth or seventh year, till I was apprenticed to Mr. Hunt, I passed on the Hawkesbury; shortly after I was six or seven years old my mother left Sydney, and never returned. I never saw her but once after that date. She went away to Port Macquarie, a distant part of the country, with which communication was then very infrequent.

234. I understood you to say that you had heard her say more than once that there was some promise of land which she intended to reserve for your benefit until you came of age? She had some impression; indeed I think she was clear upon the subject that there were some documents existing that would enable me to get property.

235. And she seemed to be under the impression that she would have no right to get that grant for her own special benefit? That appeared to me to be her impression.

236. How do you judge that that was her impression? She did not appear to have been desirous of parting with her property, or she would have parted with this place on the Hawkesbury instead of allowing it to go out of their hands.

237. Do you judge from the remarks she made? Her desire was to retain any rights we might have for our own benefit. No doubt her view would have been that I should have divided with my sister and brother.

238. Where are they now? My brother is dead—my sister is still living.

239. Did your brother marry? Yes.

240. Is there any family left? Yes.

241. Has your sister any family? Yes; she is in Port Macquarie.

TUESDAY, 8 MARCH, 1864.

Present:—

MR. DALGLEISH,

MR. DANGAR.

ATKINSON ALFRED P. TIGHE, ESQ., IN THE CHAIR.

The Petitioner, Mr. Robert Stewart, appeared in person.

Mr. John Rowley called in and examined:—

- Mr. John Rowley.  
8 Mar., 1864.
242. *By Mr. Stewart*: You are acquainted with matters that occurred in the Colony in 1819 and 1820? Yes.
243. Were you engaged on some occasions in exploring the country? Yes, in 1818, 1819, and 1820.
244. Then you have had some amount of experience in that? A little.
245. Were you engaged by the Government, or remunerated by them in any way? I was remunerated by the Government, but I was not engaged by them. It was a private expedition, undertaken by the late Dr. Throsby, to look for a cattle station. When we got to the top of Mittagong, we could see the plains where Throsby Park is now. It was more like a gentleman's park, in fact, than bush country. We proceeded on then to Wollondilly and returned.
246. Is that in the county of Argyle? Yes; I think Wollondilly is twenty-one or twenty-two miles from Berrima.
247. That was the first discovery? That was the first that was known to any person except blacks.
248. You were rewarded for your services? Not on that occasion.
249. On some subsequent occasion? Yes. A little after that we went round to the Bathurst country—headed the mountains all the way—and Mr. Throsby got 2,000 acres of land, and I got 200.
250. Do you recollect Mr. William Stewart? Yes.
251. Do you recollect the circumstance of his fitting out an expedition, or being fitted out by the Government, to proceed down the coast? Yes; I was to have gone with him, but fortunately I did not.
252. Do you recollect about what time that was? I think some time about March or April, 1820.
253. Was that for the purpose of exploring on the part of the Government? Yes; that was in 1820, after we came back. It was arranged between the Government and Mr. Throsby, who was the head of the party that made the south-west discovery, that an effort should be made to see whether we could get communication with the sea from the new country. We had heard from the blacks that there was a good road from Maneroo, and those places, and only one mountain to ascend—which was the fact—and we were to have met Mr. Throsby at Yass or some of those places.
254. Were you to take charge of a party and separate from the expedition that went by water? Yes, I was to have had a party of three or four men, and some native blacks as guides.
255. Some occurrence took place—the illness of your wife, I believe—which prevented your going? Yes, she had heard that it would be likely to be a dangerous expedition, and she fell sick; and that was the reason I did not go.
256. It would, in fact, be a very dangerous expedition at that period? Yes, no doubt of it.
257. The coast was then very little known? Very little.
258. Did Mr. Stewart and party proceed? Yes, they left in a large boat—what they termed a sealing-boat.
259. A boat suitable for going along the coast? Yes.
260. Did they ever return? It was never known that they ever returned; no doubt they were all killed by the blacks at Twofold Bay, from what I have heard since, and the boat was burned.
261. Were they to some extent fitted out by the Government? They were fitted out by the Government.
262. Then it must have been a Government expedition? Yes, no doubt it was; Mr. Throsby was the author of it. After Governor Macquarie had been to this new country, and seen the capabilities of it, he would have been very glad to have got communication from it with the sea.
263. Mr. Stewart had some considerable experience on the coast? Yes; he was to have gone to Twofold Bay and have landed near there, and to have gone up every inlet, to see whether there was any river that he could have traced into the interior.
264. It was an expedition of some importance to the Government? No doubt of it; it was thought so in those days.
265. If Mr. Stewart had been promised a grant of land previous to leaving Sydney, would anything in any regulation you know of that occurred afterwards, have prevented him having that grant if he had returned? No, if he had returned he would undoubtedly have got his grant. No doubt he was going on the same "lay," as they term it, as I was—to get a grant of land.
266. That would be in addition to any grant that might have been promised previously? Yes; no doubt he would have had the same as I had. I went across to Bathurst in 1820 for Commissioner Bigge, round the south-west country, and took him to Lake George; and for that I had an additional grant of land, besides my former grant.

267.

267. And these grants, or promises of grant, were considered final when once given, and the Government never cancelled them? Never to my knowledge. I had an order for mine directly. Mr. John Rowley.

268. Do you know any instance of a promise of a grant in these words:—"I have it in command to inform you, that His Excellency the Governor has received your memorial; and His Excellency, in consequence of the statement therein contained, and in consideration of your having a numerous family to support, desires me to inform you that he will give directions for a grant of 300 acres, situated in the district of Illawarra, to be made to you"—? 8 Mar., 1864.

That was the sort of thing we all used to get. If Mr. Stewart had that in writing it was almost as good as the grant itself in those days; he could go and dispose of it as he liked; in fact I sold my order to Mr. Jenkins, and he had the grant drawn out in his name in the Surveyor General's Office.

269. Then, in fact, except the mere form of the grant, such an order as this was considered final in every way? Yes.



**CLAIM OF ROBERT STEWART TO LAND IN ILLAWARRA.**

—  
**APPENDIX.**  
—

*(Papers handed in by P. F. Adams, Esq., when examined before Committee on Petition of "Robert Stewart," 9th September, 1863, and produced by the Clerk, by order of this Committee, 19th February, 1864.)*

A. No. 1.

*Secretary's Office,  
22 February, 1819.*

Sir,

I have it in command to inform you, that His Excellency the Governor has received your memorial, dated the 18th instant, with the affidavit therein referred to; and His Excellency, in consequence of the statement therein contained, and in consideration of your having a numerous family to support, desires me to inform you that he will give directions for a grant of 300 acres, situated in the district of Illawarra, to be made to you; and that, in your capacity of a settler, in consequence of this grant, you and your family and two Government assigned men will be victualled from the King's stores for twelve months.

I am, &c.,  
J. T. CAMPBELL,  
Secretary.

Mr. William Stewart,  
Master Mariner and Free Settler,  
Sydney.

—  
A. No. 2.

*Sydney, 28 March, 1827.*

[William Stewart.]

Sir,

I beg leave to state that an order was granted to William Stewart, master mariner, for 300 acres of land, by the late Governor Macquarie, on or about the 1st day of January or February, 1819, and through some neglect, the order was mislaid or lost; I, therefore, as agent for the said William Stewart, pray the indulgence to have an attested copy of the same from the Colonial Secretary's Office, in order to have it registered in the Surveyor's Office in the usual way.

I have, &c.,  
GEO. WILLIAMS.

The Honorable  
Alexr. M'Leay,  
Colonial Secretary,  
&c., &c., &c.

If he has occupied the land, the copy may be given to him; if not, it may be presumed he merely wishes to dispose of the order.—R.D., May 19.

Mr. Oxley to report.—29 May, 1827.  
Report No. 27-5107.

—  
A. No. 3.

*Surveyor General's Office,  
31 May, 1827.*

MEMORANDUM.

WITH reference to the Colonial Secretary's memorandum of the 29th instant, desiring to be informed, for His Excellency's information, whether Mr. William Stewart, master mariner and free settler, has availed himself of an order of 300 acres of land, given in his favour by General Macquarie, on the 22nd February, 1819, by taking possession of the land,—the Surveyor General begs to report, that the Mr. William Stewart alluded to in the order of General Macquarie was drowned many years ago, shortly after the date of the order. Mr. Stewart, it is believed, intended to take his land at Illawarra, but nothing was ever done, either as to possession before his death or by his relations since.

J. OXLEY,  
S. G.

The Honorable  
The Colonial Secretary.

Desire Mr. Williams to shew his authority from Mr. Stewart for making this application, and also what proof he has of Mr. Stewart's being alive.—1 June, 1827.

The Under Secretary for Lands, with reference to the Petition from Mr. Stewart.—W.E.—B.C., 27 August, 1863.

Forward these additional papers to the Surveyor General, who, I understand, has been summoned before the Select Committee now sitting.—M.F.—B.C., 31 August, 1863.  
[Urgent.]

## B.

Committee Rooms,  
Sydney, 26 February, 1864.

Sir,

I have the honor, as Chairman, to inform you that the Select Committee of the Legislative Assembly, on "Claim of Robert Stewart to Land in Illawarra," will meet on Thursday, 3rd proximo, at 11 o'clock, in No. 3 Committee Room, and will be glad to receive any information relative thereto you may be willing to afford.

Should you find it inconvenient to attend, will you be good enough to favour the Committee with a written answer to the enclosed manuscript?

I have, &c.,

ATKINSON A. P. TIGHE,  
Chairman.

The Honorable  
James Martin, Esq., M.P.,  
&c., &c., &c.

In the year 1819 a promise of a grant of land was made in writing, by authority of the then Governor, to one William Stewart. The promise was made *absolutely*, viz.:—"That he would give directions for a grant of 300 acres, situated in the district of Illawarra." Shortly after the promise was made, the promisee and his eldest son (a young man) were lost at sea, while employed in the colonial service; the former leaving a widow and three children (infants), viz., two sons and one daughter.

At this time, it was customary to buy and sell similar promises for grants, the Government recognizing the purchaser as the party in whose favour the grant was to be made out. No transfer or sale having been made in this case, and the grant never having been made out, who became the rightful owner of the written promise upon the death of the promisee? If it became the property of the heir, would the widow and other children have a claim of any kind?—and if so, would it at all affect the case whether the inheritance was derived from the father or the son, who was lost with him?—and if it would, is it to be presumed, in the absence of all proof, that the father died first?

If the document became the property of the widow and children, then in what proportion?

Does the fact of no claim having been made since 1827 disentitle the descendants of William Stewart to any consideration now? The surviving children were infants at the time of their father's death, and the eldest, upon coming of age (having reason to suppose that some promises had been made to his father) unsuccessfully searched the public records, and made due inquiry to ascertain if any public records of the kind were to be found. He could get no information in the matter, and only a few months ago, the missing documents proving the promise were accidentally found.

Attorney General's Office,  
9 March, 1864.

Sir,

I do myself the honor to acknowledge the receipt of your letter of the 26th of last month, requesting my answer to certain questions in reference to the claim of Mr. Robert Stewart, now under the consideration of a Select Committee of which you are the Chairman.

In reply, I beg to say that I have considered the points submitted to me, and I am of opinion that as a mere promisee of a grant of Crown land, Mr. William Stewart had (as has been several times decided by the Supreme Court) no transmissible interest in such land, and that consequently neither his heir-at-law nor any other person can maintain any claim, either *at Law* or *in Equity*, against the Crown, in respect of the promise in question. It has, however, been the practice of the Crown, in such cases, to consider the heir-at-law as having a *moral* claim, and grants have in many cases been issued to such heir under circumstances like the present. On the assumption that the facts are as submitted to me, Mr. Robert Stewart is, in my opinion, the heir-at-law of his late father; as the presumption of our law is, where father and son are dead, and it is not known which died first, that they both died at the same moment, and neither transmitted any rights to the other. Mr. Robert Stewart, therefore, is the heir-at-law; and if the Government should in his case act on the authority of precedents in like cases, he is, it seems to me, entitled to the benefit of the promise made to his late father, and to such benefit I do not think that the lapse of time in the way stated has disentitled him.

In conclusion, I wish to say that the press of other engagements prevented me giving this answer at an earlier period.

I have, &c.,

JAMES MARTIN,  
Attorney General.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. JAMES M'INTOSH.

(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 8 September, 1863.

To the Honorable the Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of James M'Intosh, of Redfern, in the City of Sydney, gentleman,—

RESPECTFULLY SHEWETH:—

That your Petitioner is the eldest son and rightful heir of Robert M'Intosh, Bandmaster of Her Majesty's 46th Regiment of Foot, formerly resident in Sydney, deceased.

That in the year 1814 your Petitioner's father became the purchaser of an allotment of land, with a messuage thereon, situate in George-street, Sydney, and thereupon entered into possession thereof, then and now known as the "Bull's Head" public house.

That your Petitioner's father was *bonâ fide* in possession of the premises on the 30th day of June, 1823, and remained so until the time of his decease, in November, 1829, and was therefore entitled to a grant thereof in fee simple, from the Crown, under the proclamation of His Excellency Sir Ralph Darling, dated 8th day of June, 1829.

That your Petitioner's father, on the 21st of August, 1827, made application to the Colonial Secretary for a deed of grant of the premises in question, which was answered by a letter, dated the 23rd September, 1829, intimating that it should be attended to in its turn, agreeably to the proclamation of the 8th of June, 1829.

That shortly afterwards, that is to say, on the 3rd of November, 1829, and before the deed of grant issued, your Petitioner's father died intestate. A deed of grant was prepared in his favour, dated the 4th of May, 1836, the Government not being aware of his death.

That one Robert M'Intosh, of Lane Cove, then assuming to be the eldest son, was in possession of the said premises, by virtue of letters of administration granted to him by the Supreme Court of New South Wales, in November, 1830; your Petitioner being at that time an infant of thirteen years of age, and incapable of asserting his rights.

That the said Robert M'Intosh, by a memorial to the Commissioners of the Court of Claims, dated the 5th of May, 1834, and numbered 522, Register No. 1, made his application for the grant of the same allotment of land, as heir-at-law to the deceased Robert M'Intosh, which said memorial was duly entered and recorded in the books of the Court of Claims, for hearing according to the rules of the Court.

That on the case being called on before the Commissioners, neither the applicant, counsel, or attorney attended to prosecute the claim. By order of the Commissioners the case was struck out as abandoned, on the 4th of November, 1835.

That by a letter, dated 20th April, 1836, and transmitted to the Colonial Secretary for the time being of the said Colony, by the said Robert M'Intosh, he, the said Robert M'Intosh, falsely and fraudulently represented himself to be the promisee of 1829, whose application for the said grant had been acceded to in the year 1827, the promisee of 1829 being the father of your Petitioner, and who had been dead for six years, he having died on the 3rd of November, 1829.

That a grant issued accordingly on the 4th day of May, 1836 (without any report having been made by the said Commissioners of the Court of Claims), to the said Robert M'Intosh, in ignorance of the death of the Crown's promisee of 1829, and believing him to be the same person to whom they had promised the grant, through the false and fraudulent representation contained in the letter of the said Robert M'Intosh, dated the 20th of April, 1836.

269—

That



That your Petitioner at the time of the advertising, and before and after the issue of the said grant, was out of the Colony, in Van Diemen's Land, or he would have lodged a caveat against the issue of such deed. Your Petitioner at that time was under eighteen years of age.

That your Petitioner's father and mother were united in marriage in the year 1807, at St. Michael's, Dublin, in Ireland. That the said Robert M'Intosh is illegitimate, he having been born out of wedlock, previous to the marriage of your Petitioner's parents.

That on your Petitioner's return to this Colony, in the year 1842, the said (so called) Robert M'Intosh, claimed to be solely entitled to the said property, under the deed of grant so fraudulently obtained.

That your Petitioner thereupon filed a bill on the Equity side of the Supreme Court, praying for the distribution of the personal estate of his deceased father, which was abandoned by reason of the defendant's answer as to the "Bull's Head" property, being that he held the same by right of a deed of grant obtained honestly as heir-at-law of the deceased. This suit was decided in 1848.

That your Petitioner, with the permission of Her Majesty's Attorney General, in the year 1850, caused a writ of *scire facias* to issue out of the Honorable the Supreme Court of the Colony, for the cancellation of the said grant, on the grounds that the defendant was not the legal representative of the said deceased, he not being born in wedlock, but that your Petitioner (James M'Intosh) was and is the eldest son and lawful heir of his deceased father, and that the said (so called) Robert M'Intosh obtained the deed of grant by fraud.

1st count.

That the defendant filed a general demurrer to the writ of *scire facias*, which was, after argument, disposed of by the judgment of the Court, which was delivered by His Honor Sir Alfred Stephen, Knight, &c., Chief Justice of the Supreme Court, on the 2nd day of April, 1851, in favour of the said defendant; the Court holding that the deed of grant was a nullity, and that the writ of *scire facias* was unnecessary and improper; the grant being issued in error, and by misrepresentation, to a dead man, and that therefore the grant was simply void, without proceedings of any kind. His Honor further held, that it was hardly necessary to cite authorities to shew that there could be no grant without a grantee, and that the writ shewed that the defendant in this case was neither the grantee nor the representative of the grantee, and that the writ seemed to be not sustainable by principle or precedent.

2nd count.

That in the month of June, 1851, at the sittings for the trial of causes, at the Supreme Court, the material question as to heirship was determined by the verdict of a jury of four persons, tried before the Chief Justice aforesaid, in favour of your Petitioner, as to the illegitimacy of the so called Robert M'Intosh, in which trial an affidavit, made by the defendant in the month of May, 1851, as to the day of his birth and christening, was put in as evidence in the cause, which proved against him in the said trial.

3rd count.

That in the month of September, 1851, on the 10th day thereof, at the sittings, the Court delivered judgment in the demurrer to the third count of *scire facias*, in favour of the plaintiff; that the defendant did, by a successful personation, cause the Crown to deliver the said grant to him, the said defendant; the Crown at the same time believing that they were delivering the same to original promisee, the said Robert M'Intosh, deceased, and that he, the defendant, thereby made himself grantee.

That on the 24th day of September, 1851, the Court allowed the said defendant to raise two issues on the said demurrer, which was set down for trial on the 15th day of March, 1852, before His Honor the Chief Justice and a jury of four persons, which case was tried on the 15th and 16th days of March, when the jury found a verdict for the plaintiff on both issues, with leave to enter 1s. damages, if it should be found necessary, to make the verdict complete.

That the defendant, on the 20th day of March, 1852, moved for a new trial and arrest of judgment, which was argued before His Honor the Chief Justice, on the 22nd and 23rd of April. The arrest of judgment was refused by the Court. The argument for the new trial was argued. The Court reserved their judgment.

Fraud.

That a count was then added to the plaintiff's *scire facias*, raising the issue of heirship, which was afterwards tried during the sittings in June and July, 1852, before His Honor the Chief Justice and a jury of four persons; the issue was to determine who was the eldest son and heir of the said Robert M'Intosh deceased. That after the trial three-fourths of the jury found for the defendant.

That after this verdict the Court granted the defendant a new trial upon the other issues (judgment having been deferred in the mean time) but which trial was never proceeded with, the issues being immaterial; in addition to which the Attorney General, on the dismissal of a motion made for a new trial by the plaintiff, called in the *scire facias*, since which no proceedings have been taken in the matter.

That your Petitioner, in carrying on the above suit, exhausted all his means, and has not been able from that period up to the present time to prosecute his just rights; having also met with a serious accident, by having his right leg shot away in Victoria, on board ship, by a cannon, which occasioned him further serious delay and expenditure, and since his return to this Colony he has been endeavouring to re-open the matter, without success.

That your Petitioner having made application to the Honorable the Minister of Lands to have his case referred to the Court of Claims, for inquiry and report as to your Petitioner's right to a grant of the land situated in George-street, measuring one rood eight and three-quarter perches, known as the "Bull's Head" property, has received in reply a letter from the Department of Lands, dated the 14th August, 1863, informing him that this was not a case for the Court of Claims.

That

That your Petitioner having thus failed to obtain relief on the Equity side of the Supreme Court, by the decision given in May, 1848, and having also failed to repeal the grant so falsely and fraudulently obtained by the so-called Robert M'Intosh in the *scire facias* action, notwithstanding his (the Petitioner's) having had a verdict given in his favour, and notwithstanding the judgment delivered on the 2nd April, 1851, shewing that the grant was a mere nullity, is now left without remedy, unless your Honorable House will interfere in his behalf.

Your Petitioner, therefore, humbly prays that, as the Honorable the Minister for Lands has been applied to, and refused to allow your Petitioner's claim to be referred to and reported upon by the Court of Claims, your Honorable House will take your Petitioner's case into consideration, and grant to your Petitioner such relief as to your Honorable House shall seem proper, your Petitioner being left without remedy in the premises, unless your Honorable House will interfere in this behalf, by granting to your Petitioner a Committee of inquiry into the whole circumstances of your Petitioner's case. And your Petitioner further prays to be allowed to be heard at the Bar of your Honorable House, and to produce authenticated documents and records of the Supreme Court in support of his application for redress in the premises. And that your Petitioner may be allowed to call and examine witnesses, and that the proper officer of the Supreme Court may be called upon to produce the records, judgments, and verdicts, delivered by His Honor the Chief Justice, in the *scire facias* case of 1850, number 1861, "The Queen *v.* M'Intosh."

And your Petitioner will ever pray, &c.

Dated this twenty-second day of August, in the year of our Lord one thousand eight hundred and sixty-three.

JAMES M'INTOSH.  
August 26th, 1863.



1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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PROGRESS REPORT FROM THE SELECT COMMITTEE

ON THE PETITION OF

MR. JOHN BUSBY;

TOGETHER WITH THE

MINUTES OF EVIDENCE

AND

APPENDIX.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

17 *December*, 1863.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

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1863.

1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES No. 44. FRIDAY, 4 SEPTEMBER, 1863.

43. Mr. John Busby :—Mr. Sadleir, *with the concurrence of the House*, moved, pursuant to amended notice,—
- (1.) That a Select Committee be appointed to consider and report upon the Petition of Mr. John Busby, presented to this House on 15th October, 1862, with power to send for persons and papers.
- (2.) Such Committee to consist of Mr. Robertson, Dr. Lang, Mr. Dangar, Mr. Cunneen, Mr. Raper, Mr. Morrice, Mr. Flett, Mr. Stewart, and the Mover.
- Question put and passed.

VOTES No. 61. TUESDAY, 6 OCTOBER, 1863.

8. Mr. John Busby :—Mr. Sadleir (*with the concurrence of the House*) moved, without notice, That the Select Committee, appointed to consider and Report upon the Petition of John Busby, have power to report the Minutes of Evidence taken before them, from time to time, to this House.
- Question put and passed.

VOTES No. 80. THURSDAY, 17 DECEMBER, 1863.

3. Mr. John Busby :—Mr. Sadleir, as Chairman, brought up a Progress Report from, and laid upon the Table the Minutes of Evidence taken before, the Select Committee for whose consideration and report the Petition of Mr. John Busby was referred, on 4th September, 1863, together with Appendix.
- Ordered to be printed.

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1863.

MR. JOHN BUSBY.

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## PROGRESS REPORT.

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THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 4th September last, “to consider and report upon the *Petition of Mr. John Busby*,”—“with power to send for persons and papers, and also to report the *Minutes of Evidence taken before them from time to time to this House*,” and to whom, on the 29th of the same month, was referred for consideration and report, the “*Petition of Mr. James M‘Intosh*,”—have agreed to the following Progress Report:—

Your Committee having examined the Petitioner, Mr. John Busby, and witnesses in the margin,\* also having considered the documentary evidence attached, find that Mr. J. Busby accompanied his late father, J. Busby, Esquire, Civil Engineer, to this Colony, in the year 1824; and that, in the letter of appointment from the Secretary of State to his father, a promise was made as further inducement for his father to emigrate with his family, “That if any of your sons, who may proceed with you, take with them capital to the amount of £500, they will be considered as settlers, and have grants of land, with the usual indulgence of convict labour, if approved of.” This arrangement appears to have been of a special character.†

\* W. Elyard, Esq.  
W. R. Davidson, Esq.  
H. Connell, Esq.

† Q. 66.

That Mr. J. Busby, on his arrival in the Colony, or shortly after, obtained a Government situation, by which, according to the regulations then in force, he was, while holding such situation, debarred from taking land; and that, although the free grant system was abolished in 1831, yet the granting land under promise from the Secretary of State was still continued, and that Mr. Busby, on the faith of this, applied, on his resignation of office in 1835, for a grant of land, but was refused by Sir R. Bourke on the plea, “That His Excellency the Governor did not consider the expression in the Despatch of the Secretary of State therein referred to, as amounting to a promise;” and adding, “That it may be possible that had you been of the proper age, and unprovided with employment at the time when free grants were made, you might have obtained one; but His Excellency does not consider you have any claim, &c., unless by express promise, when an entirely different regulation for obtaining land prevails in the Colony, and free grants are abolished.” (*Appendix B.*)

Mr.

Mr. Busby subsequently applied to Sir G. Gipps and the Minister of Lands, but was informed that they could not disturb the former decision. On applying to Sir W. Denison he advised Mr. Busby to petition Parliament, which Petitioner has done at the earliest period possible, it appearing that the original letter to his father, marked No. 1, was mislaid in the public offices of the Colony, (*Appendix No. 2*); and that Mr. Busby had to appeal to the Secretary of State for a copy, which was not received until 6 August, 1861. By this loss or neglect Mr. Busby laboured under considerable disadvantage in his applications.

It further appears that several persons, as may be seen by the evidence attached, who were in somewhat similar circumstances, having held Government appointments, received grants of land of various extents at the expiration of their tenure of office as recent as 1836, some of whom had no capital whatever, it being evident that this condition was relaxed in many instances. Mr. Busby, however, at the time of his application was, as he states, in possession of a capital of £700, out of which, in consequence of the refusal he received, he was obliged to purchase land on the Hunter River to the amount of £293, where he resided for some time.

That your Committee conceiving as others have received grants of land under somewhat similar circumstances, they would respectfully recommend Mr. John Busby's case to the consideration of the Government.

RICHD. SADLEIR,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 15 December, 1863.*

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1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PETITION OF MR JOHN BUSBY.

ERRATUM.

Page 3, paragraph 1, of Progress Report, last line but one—omit  
“ if approved of”

Busby,  
sq.  
t., 1863.

Government would not give land to any one in the public service, but promised the parties they should get it when they left. A gentleman in the same department applied for land, and they wrote him back, saying “ When you leave the service you will get the land.”

9. Who told you that? The gentleman himself told me all about it. There were two who received land under similar circumstances. The late Mr. George Miller and Mr. Connell. I know some got it before they went into the service; in fact some got two grants.

10. And others got it after they left the Government service? Yes.

11. Did you apply for a grant of land after you left the public service? I did.

12. To whom did you apply? To the late Governor Sir Richard Bourke.

13. What was his answer? That he did not consider the letter from the Colonial Office amounted to a promise.

14. Did you apply to any other Governor? Yes, I renewed my application to Sir George Gipps, without mentioning that I had applied to his predecessor,—in order that he might come to the question with an unbiassed mind; however, he finding I had applied, without entering into the merits of the question, refused my application. I applied also to Sir William Denison, who said he felt a delicacy in interfering where so many had gone before him, and his advice was that I should apply to the present Government.

15. The promise contained in this document is conditional upon your taking out £500 with you? I believe very few did that—I know I did not; but when I left the public service I had £700.

16. Were you obliged to purchase land in consequence of this refusal? I was not obliged, but it was my taste to employ my time in that manner, and I purchased land in the Hunter district.

17. You purchased land with your capital? Partly.

- J. Busby,  
Esq.  
16 Sept., 1863.
18. How much did the land cost you? It was in the very bad time, and it came to only a small sum—it cost me £293.
19. That sum would have stocked your Government land if you had got it? It would have gone a considerable way towards it.
20. Do you know what was the value of Government land at that time? I have been offered an order to select at as low a price as 2s. an acre.
21. What was the Government price or value? No one had money to buy land with in those times.
22. Was no price set by the Government upon land? I think £1 an acre.
23. What year was that? 1845.
24. How many acres could you have claimed if your claim had been allowed? I do not know.
25. Have you no idea what quantity of land you could have claimed under this promise? There were certain rules. I think it was about two sections. I know many got grants without any conditions at all.
26. What did Sir William Denison tell you to do when you applied to him? He said he felt a delicacy in giving an opinion upon a matter which his predecessors had declined to entertain, and advised me to apply to the existing Government about five years ago.
27. Did you apply to any Ministry? I went to Mr. Murray, who was then Secretary for Lands and Works, and he said that, after search had been made in the public offices, the document could not be found.
28. That document was missing? Yes.
29. Have you that communication from Mr. Murray? Yes. (*The witness handed in the same. Vide Appendix.*)
30. Did you apply to any other Minister? Yes, I applied subsequently to Mr. Robertson, and he said he could see no reason to re-open a case which had been decided.
31. *By Mr. Stewart*: You think two sections of land was the quantity to which you were entitled under the conditions upon which you came out? I think so. I know one gentleman who came out at that time who said he had not a sixpence, and he got four sections, but he was a courtier and I was not.
32. In addition to the land, you were to receive, according to that document, the usual amount of convict labour? Yes.
33. You did not make the application for some years? I did not make the application for some years, until I left the Government service.
34. At that time grants were not given as they had been when you first became entitled? No land was granted after 1831, excepting where a previous promise had been made, and Government then fulfilled their promise when they thought fit.
35. Your claim arose in 1823? Yes.
36. What was your reason for not applying before? Because Government would not give land to any one who was in the public service, until they left it.
37. You were engaged in the mean time in the Government service? Yes, ten years.
38. *By Dr. Lang*: When did you leave the Government service? In 1834.
39. You are aware that the practice of giving grants of land had been discontinued for three years at that time? Yes.
40. Except in cases where special promises could be pleaded? Yes, that was what Governor Darling—I think it was—said to this Mr. Miller to whom I have referred, “We cannot give you land while you remain in the public service, but when you leave it you will get the land.”
41. If you had left the Government service before the practice of giving grants of land was discontinued, you would have had an unquestionable claim? I should think so; that is, supposing I had the means to come up to the regulations.
42. *By Mr. Raper*: These regulations were to the effect that, by bringing £500 cash with you, you would be entitled to a grant of land, and other indulgences? Yes.
43. You say you did not bring that money with you? No; but Governor Darling extended the time to the period of our leaving the service, and it is upon that I lay claim to the grant. I then was qualified, for I had more than the sum.
44. You say there have been instances of other officers receiving grants? Yes. I do not know how many. Dr. Douglass got one the other day, after the Secretary of State had refused it to him. The reason assigned for not giving it to me was that the Governor did not consider it amounted to a promise. Whether he meant to say that the Secretary of State did not know what he was writing, or that he was humbugging me, I cannot say.
45. You cannot say what promises these persons you have referred to had? It was under a general promise they received their grants.
46. *By Dr. Lang*: When did these gentlemen leave the public service? I cannot say exactly.
47. You cannot say whether it was before or after? I know it was in the time of Governor Bourke, for the system of grants was discontinued when he came.
48. *By the Chairman*: Have you any documents proving that Governor Darling extended this time? No, but I have no doubt there is some record of it in the Colonial Secretary's Office. Government found the attention of their officers was diverted from their public business by their own private matters, and that they actually, in some cases, employed the public money in their private speculations.
49. Have you anything else you wish to state to the Committee? Only that I have spent double the amount stipulated in the purchase of stock and implements. I find merely from memory that I can account for more than £1,000.
50. Where did you buy your land? In the district of the Hunter.
51. And you have spent more than £1,000 in the purchase of land and stock? Yes, and improvement.

52. You were then compelled to become a settler, because of the refusal of this grant of land? There was no compulsion; it was my taste; I thought it a very desirable thing. I promised myself more satisfaction from it than I found it yield. J. Busby, Esq.
53. *By Mr. Stewart*: Can you name any persons who got a grant of land after these regulations? Yes, the two I have mentioned—the late Mr. George Miller, and Mr. Henry Connell. 16 Sept., 1863.
54. Do you know at what time those two arrived? Mr. Miller a little before myself, and I think Mr. Connell about the same time.
55. They were in the public service some years, and subsequently received a grant of land? Yes, but they never settled upon their land—they sold their orders.
56. You think you were equally entitled to a grant? I think I was more entitled, for I possessed the means to settle upon the land—and they sold their orders.
57. *By the Chairman*: How long did you continue on your property at the Hunter? Between eight and nine years. I was previously settled on the Williams, where I lost a considerable sum by being flooded out.

William Elyard, Esq., called in and examined:—

58. *By the Chairman*: You are Principal Under Secretary? Yes. W. Elyard, Esq.
59. Do you know the object of your being summoned here? To produce the correspondence relating to a petition presented to the Legislative Assembly, on the part of Mr. John Busby. 16 Sept., 1863.
60. Have you any documents bearing upon that question? The petition appears to refer to a claim which he considers he has to a grant of land under some arrangement made in England with his father before he came out. I find on record that an application was made by Mr. John Busby, jun., in 1837, during the government of Sir Richard Bourke, and that a reply was given, of which this is a copy. (*The witness handed in the same. Vide Appendix.*)
61. Have you any other documents bearing upon the case? No. I see that, in the Report of the Committee in 1837 on the subject of the tunnel for supplying Sydney with water, reference is made to the terms on which Mr. Busby, senior, was engaged in England, and to a promise of a grant of land, but that seems to have been to himself; I do not find any mention made of his sons.
62. Have you ever seen this letter (*handing letter dated Downing-street, 29th March, 1823, to witness*), containing a promise to the father as to his sons, if they came out? Yes. This no doubt is the letter referred to in the reply given by Sir Richard Bourke.
63. Are you aware that that letter was mislaid in the public office in this Colony, and that Mr. John Busby had to apply to the Secretary of State for a copy of it? It appears that Mr. Busby applied to the Colonial Office in Downing-street, for a copy of the letter addressed to his father respecting his appointment as Mineral Surveyor in this Colony, and that a copy of it was sent out to the Governor by his Grace the Duke of Newcastle, and forwarded to Mr. Busby. In this letter the words quoted in the petition to the Assembly will be found.
64. Are you aware whether any persons who came out under a similar promise received grants after they left the public service? Persons in whose favour reserves were made during the government of Sir Thomas Brisbane had them converted into grants.
65. Do you recollect any person, under a promise from Home, receiving a grant after leaving the public service? I am not able to state from memory. Such a promise would most likely be acted upon.
66. Do you know whether Governor Darling extended the time for these grants to any of these parties who had come from Home under a similar promise, and had held situations in the public service? I am not able to answer that question without reference. They would perhaps know better in the Surveyor General's Office. I do not think such promises were usual. The arrangement with Mr. Busby appears to have been of a special character.
67. Did Mr. Busby make any subsequent application to other Governors, are you aware? I am not aware of any, excepting that already referred to.
68. *By Dr. Lang*: You are not aware of any person having received a grant of land in consequence of a promise made previous to the discontinuance of free grants, while that person was holding a Government appointment? I cannot state that such was the case from memory.
69. *By the Chairman*: Will you have the goodness to search into the records of your office, and see if there have been any such cases? This information might perhaps be more readily furnished by the Lands Department. I think they were not so strict latterly in considering the holding of Government appointments as an objection to the grant of land. Many valuable allotments in the neighbourhood of Sydney were granted by Governor Darling to public officers. During the government of Sir Thomas Brisbane, persons who came out to settle in the Colony brought letters from Downing-street, authorizing grants of land to be made to them in proportion to their means, and such persons received grants, although in several instances appointed to offices by the Governor. In other cases land was reserved, as before mentioned, with the understanding that it would be granted at some future date.
70. *By Dr. Lang*: Would such indefinite promises have effect after the discontinuance of the free grant system? I should think they would, providing the delay had not originated with the party. For instance, if a person had an authority and might have selected land, but omitted to do so, I imagine that the claim would not be admitted, but otherwise I think any promise would have been acted upon. Of course I can now only state this as a matter of opinion.
71. *By the Chairman*: Do you not think the circumstance of a gentleman going into the Government service and remaining in it for some years, would at that time have been an obstacle to his obtaining a grant of land? Yes, unless under the circumstances I have before referred to.

- W. Elyard, Esq.  
16 Sept., 1863.
72. Are you aware whether there was any regulation to that effect? It was the rule; I do not know that there was any specific regulation.
73. *By Mr. Stewart:* It was acted upon for some years? It was during the government of Sir Thomas Brisbane, with the exception of the cases of those who came out to obtain land; but I am not certain that it was not deviated from in the time of General Darling; I rather think it was.
74. *By the Chairman:* Have you any idea of the scale of grants according to capital? It was tested by the number of prisoners a person was able to maintain free of expense to the Government. If he could take one man he received 100 acres; if ten men, 1,000; if twenty men, 2,000. During the government of General Darling, the settler was required to prove before a Land Board the means he possessed, by which the extent of the grant was determined.
75. Was there any scale as to the amount required to support a prisoner? No. Of course if any one undertook to support a prisoner he must find the means of doing so, either out of his own capital or by obtaining credit. The object was to relieve the Government of the cost of maintaining these prisoners, as well as to establish the claim of the settler to land.
76. Have you any idea of the value of land at the latter part of General Darling's time? I could not say, for the value of land has varied so much at different times. General Darling left in 1831, and I do not think at that time land was of any great value, except perhaps in towns. The upset price of Crown land was at one time 5s., raised to 12s., and subsequently to £1 per acre.

TUESDAY, 22 SEPTEMBER, 1863.

Present:—

MR. CUNNEEN,  
MR. DANGAR,

DR. LANG,  
MR. STEWART.

RICHARD SADLEIR, ESQ., IN THE CHAIR.

Walker Rannie Davidson, Esq., called in and examined:—

- W. R. Davidson, Esq.  
22 Sept., 1863.
77. *By the Chairman:* You are the Surveyor General of the Colony? I am.
78. You know the object of this Committee? Yes, I am aware that it is to inquire into the claim of Mr. Busby for a grant of land.
79. Are you aware of any instance where a party having received a promise of a grant of land from the Home Government, has come out here, entered the service of Government, and, after leaving the service, has had a grant issued to him? I know one case—that of the late Mr. George Miller.
80. He had been in the Government service, and afterwards received a grant? Yes, he was in the Commissariat Department.
81. Are you aware of any other case? Mr. White had a grant, but I think he received it while he was in the Government service. He had a promise.
82. He received it on a promise from Home? Yes.
83. Was there any scale for these grants at all? Yes, I believe it was according to the capital the parties at the time held.
84. Have you any idea of the Government value of land at the time Mr. Miller received his land? Mr. Miller was promised the land in 1823, and he received it in 1836. His grant was 2,560 acres. Land was merely of nominal value; there were no Government sales until the 1st August, 1831.
85. *By Mr. Stewart:* The upset price was 5s. at that time? I think the regulation came into operation on the 1st August, 1831.
86. When that came into operation, 5s. was the upset price? Yes.
87. Do you think Mr. Miller did not receive his grant while he was in the public service, in consequence of his holding a Government appointment? Yes, I think so.
88. Are you aware that many gentlemen in the public service were debarred from that privilege? Yes. Mr. Harrington's was another case; he did not receive his grant until he left the service.
89. He subsequently did receive a grant? He did receive a grant, I know.
90. Gentlemen coming out in the public service after a certain date—after 1825—were, in consequence of holding appointments, precluded from that privilege? Yes, after that it ceased.
91. In those cases they received the land after they had left the service of the Government? Yes. Mr. Harrington received his under a particular order from the Secretary of State; Mr. Miller received his from the Governor.
92. Do you know whether, in Mr. Miller's case, that was conceded by the Colonial Government, they considering his claim sufficiently strong? Yes, by the Colonial Government.
93. *By the Chairman:* Do you know whether General Darling issued some notice intimating that these promises were extended in the case of officers in the Government service? I am not aware of any notice of that kind.

Henry Connell, Esq., called in and examined:—

- H. Connell, Esq.  
22 Sept., 1863.
94. *By the Chairman:* What is the date of your arrival in the Colony? In 1825, during the month of April of that year.
95. Did you come out here as a settler? Yes; at least I came out to the Colony at the request of an uncle, Mr. Rowland Walpole Soane, who was then residing at Hobart Town, Van Diemen's Land.
96. Did you bring out any promise of land? I brought out an order from Earl Bathurst.

97. Why did you not get that grant at once? I obtained the order to select soon after my arrival in the Colony, but having omitted to describe the boundaries of the land so selected, which I was not aware at the time was incumbent on me to do, the order was subsequently cancelled by Sir Richard Bourke.

H. Connell,  
Esq.

22 Sept., 1863.

98. Did you enter into the public service? Yes, I got an appointment under Major Ovens, who was the Governor's Private Secretary.

99. Did your being in the public service prevent your getting the land? No, Sir Thomas Brisbane was then on the eve of leaving the Colony, Major Ovens had died, and I had an offer from Mr. Lithgow to join the Commissariat.

100. I understood you to say that Sir Richard Bourke refused to give it you? Yes.

101. On what ground? Because there was no record of the selection; although I had selected it, the particulars had not been sent in to the proper office at the time.

102. Whose fault was that? It was chiefly owing to my own negligence, or omission to do what appeared to be necessary.

103. Did you subsequently get a grant of land? After a great deal of trouble on my part, the Government allowed me to refer my claim to a Court that then existed for the settlement of such cases, and they decided in my favour.

104. What quantity of land did you receive? 600 acres.

105. Do you know of any one besides yourself receiving a grant of land under similar circumstances? I am of opinion that many persons received grants of land under circumstances similar, or very nearly so, to mine; I am however unable to particularize more than one, namely, that of Mr. George Miller, who served in the same department with me (the Commissariat) for many years.

106. Did he receive a grant of land after he left the service? I think it was in the interval between his leaving the Commissariat Department and taking the office of Manager of the Savings' Bank.

107. Would you consider the latter as a Government office? I think it was not generally considered so at that time.

108. Have you any idea of the quantity of land he received? I think two sections, 1,280 acres.\*

109. Was there any scale of grants at that time? Land was generally granted in sections in proportion to the means applicants possessed of cultivating it. The minimum grant consisted of 640 acres, the maximum grant 2,560 acres; but exceptions were very often made in the quantities, arising from peculiar circumstances.

110. Have you any idea what was the value of Government land at that time? The value of land varied very much, from 10s. to £2 an acre, and it generally depended on the quantity offered for sale, the purchaser having the liberty of selecting in any of the surveyed districts.

111. That was the market value, not the Government value? The market value.

112. Had you any assigned servants in addition to your land? No, I did not require any.

113. Had any others? Not that I am aware of at that time. In the early days I believe parties had the privilege of getting them and other indulgences, but the practice began to be discontinued soon after my arrival in the Colony.

114. *By Mr. Cunneen*: Do you know anything about the claim of Mr. John Busby for compensation on account of land he considered he was entitled to? No, I do not know the particulars connected with it, further than that I understood from him, when he was in the Commissariat, that he had a promise or an order when he came out with his father, and I know he was under the impression that when he left the Commissariat, whatever quantity of land he could shew he had the means of cultivating, to the extent of £500, would be granted to him.

115. You had a written order from Earl Bathurst? Yes, I brought out a written order.

116. Are you aware whether Mr. Busby had a written order? I believe his father had an order embracing the members of his family; I think he stated so to me—I speak merely from his own statement; I have otherwise no knowledge respecting his claim.

117. *By Mr. Stewart*: You think it would be the same in effect whether he or his father had a promise that he should receive certain privileges? Yes, I think it was stated that his sons were to get grants of land in proportion to their means.

118. If the father had such a promise, would it not be equally as binding as if each member of the family had the promise? Most assuredly.

119. And the parties would feel equally entitled to claim it? I think so.

120. At that period a regulation had come into operation which prevented gentlemen receiving grants of land during the period of their holding office? It was generally understood so. I recollect, during the time I was in the Private Secretary's office (from whence emanated all authorities connected with grants of land), promises of grants or reserves were repeatedly made to naval surgeons upon their retiring from the Government service, as Surgeon Superintendents of convict ships; and I am aware that many afterwards obtained the land so promised.

121. *By Dr. Lang*: Do you recollect what was the date of Earl Bathurst's order that you brought out with you? I rather think it was dated in the year 1824, because I arrived here in 1825.

122. When did you get your grant eventually? In Sir Richard's Bourke's time; it was subsequently confirmed by Sir George Gipps.

123.

ADDED (*on revision*):—On consideration, I think it very probable that Mr. Miller received the maximum grant of 2,560 acres, and that the figures above quoted by me rather represented the amount he sold the land for, namely, £1,280, being at the rate of 10s. an acre.

- H. Connell, Esq.  
22 Sept., 1863.
123. Are you aware of any instance in which the sons of settlers, bringing out orders from Earl Bathurst, got grants of land from the Government in virtue of a general promise, such as that given to Mr. Busby? I am unable to specify any instance, although the impression on my mind is very strong that such instances have occurred. I was a good deal connected with the land business, for I was in Major Ovens' office when I first landed.
124. But you do not recollect any instance? I do not recollect any particular instance.
125. Are you aware whether there were cases in which the sons of immigrants, bringing out orders from Earl Bathurst, got orders from the same quarter subsequently to their arrival? I cannot speak positively on this point—orders may have been subsequently obtained.
126. You have stated that the price of land was £1 to £2 an acre—what particular time do you refer to? About the period of Sir Richard Bourke's administration. A friend of mine obtained £1 per acre for 640 acres. I myself got 12s. an acre, and Mr. Geo. Miller, I believe, 10s. an acre; while others, with small grants, obtained as much as £2—the several purchasers having the liberty of selecting where they pleased.
127. *By the Chairman:* Then you are quite clear, that though free grants ceased these promised grants were given? I only refer to Mr. George Miller as a proof of that. There is scarcely a doubt in my mind, as far as I can recollect.
128. Have you looked at this petition of Mr. Busby—that part in which there is an extract from the promise made with respect to the sons? I am not aware of any of the particulars, further than from having to-day read Mr. Busby's petition.
129. You will see an extract from the letter of the Home Authorities, in which there is a promise to Mr. Busby's sons—do you think that promise should stand? Most decidedly. I do not see how the grant of land can be equitably withheld from Mr. Busby, always provided that he has the requisite means, in accordance with the promise made his father. I would be disposed to go further even, and give it as my opinion, that if Mr. Busby is enabled to shew that his means were exhausted whilst making fruitless efforts to obtain the land promised him, he would even then be entitled to the land or its value.
130. *By Dr. Lang:* Do you think that condition allows of a grant being made to the sons at any future period, when they might accumulate property in the Colony? It is a very difficult question to answer; because if it were so, the matter might remain open for an unlimited time. I am of opinion that there should be a reasonable limit, and that Mr. Busby should have applied for the land soon after leaving the Government service, or give a satisfactory explanation why he did not do so; the delay, however, if any, is likely to be prejudicial to himself alone.
131. Does it not seem to imply, from the form of expression—"who may proceed with you and take with them capital to the amount of £500"—that Earl Bathurst meant to pledge the Government to a grant of land if they took out that capital with them? Certainly the words would seem to bear that construction, but I cannot see what possible difference it could make whether a settler brought the capital with him to the Colony, or received it from his friends on arrival, as in my case, or accumulated it on the spot.
132. There is an ambiguity about them? Yes; it was not so worded in the letter I brought out, or in many of the letters I have seen.
133. *By the Chairman:* Did your letter specify any capital? No, it merely said in proportion to the means I shewed of being able to bring the land into cultivation.
134. Are you aware whether Mr. Miller had any capital? I do not think he had—but I only give it as my opinion. He entered the Commissariat when he arrived here in Mr. Wemy's time, and was ordered soon after to Melville Island, Torres Straits; he remained there some time, and then came back to Sydney. After some years he joined the Savings' Bank, and then received the grant. Either in Sir Richard Bourke's, or Sir George Gipps' time he brought the case before the Government, and managed without much difficulty to get the order to select.
135. He seems to have received a large grant—Do you think he produced evidence to shew that he had the necessary capital? I do not think he brought forward any evidence of capital. I am of opinion he had not any capital at that time. I think the small rate pay of the Commissariat department simply allowed its officers to exist, without saving, and I am pretty sure he had no means from Home.
136. Had you any amount of capital when you received your grant? I had no funds of my own; but the relation already referred to guaranteed that the necessary amount, equal to 600 acres of land, should be forthcoming when the Government approved of my claim. This guarantee I forwarded with my application to Mr. Lithgow, Assistant Commissary General, then acting for Major Ovens, during the illness of the latter, and the land was accordingly granted.
137. They were not very particular at that time? No, by no means—rather the reverse; land was freely granted to females as marriage portions, to military pensioners, and many others.
138. You think persons received these grants not having capital? I am of opinion that many persons did.
139. Government did not press the proof of capital? Proof was generally required of the means applicants possessed of bringing the land into cultivation, but it was not very rigorously enforced, and a good deal of laxity on the part of the Government in such matters prevailed at that time. Many persons brought out to the Colony, from Home, furniture and goods of various kinds, which were generally invoiced at double and treble their market value, thus enabling them to increase their capital, nominally of course, and obtain the largest grants allowed, viz.—2,560 acres. The calling for proof of capital, indeed, appeared to me at the time to be a mere matter of form.

PETITION OF MR. JOHN BUSBY.

APPENDIX.

(To Evidence given by Mr. John Busby, 16 September, 1863.)

A. No. 1.

M. 1125.

Colonial Secretary's Office,  
Sydney, 6 August, 1861.

Sir,

In compliance with the request made in your letter to the Under Secretary of State, I am directed to transmit to you, the copy of a communication made to your late father, from the Department of the Secretary of State, in 1823, respecting his appointment as Engineer and Mineralogist to this Colony, which has been received in a despatch dated 20th May last.

John Busby, Esq.,  
17, Stanley-street, Sydney.

I have, &c.,  
W. ELYARD.

Received, 8th August.

Downing-street,  
29 March, 1823.

Sir,

I am directed by Lord Bathurst to acquaint you, in reply to your application to proceed to New South Wales, as Mineral Surveyor and Civil Engineer, that His Lordship feels disposed to authorize the Governor of that Colony to issue to you the sum of £200 per annum, on the condition of your giving the Government the benefit of your services for 200 days in each year; such salary to be continued to you for three years from the date of your employment in the service of Government, after your arrival in New South Wales; at the end of which period the Governor will be instructed to allot to you a grant of land as a remuneration for your services, in case he shall feel satisfied with your conduct during your residence in the Colony.

I am, moreover, to point out to you that no house will be provided for you, unless your whole time throughout the year is devoted to the public service, and that you must not under any circumstances expect to receive rations for yourself and family. In the event of your acceding to these terms, a passage will be forthwith ordered for yourself and your family, on board some vessel sailing from the river for Port Jackson.

I am also instructed to acquaint you, that if any of your sons, who may proceed with you, take with them capital to the amount of £500, they will be considered as settlers, and have grants of land, with the usual indulgence of convict labour.

Mr. John Busby,  
95, Grass Market, Edinburgh.

I am, &c.,  
R. WILMOT.

A. No. 2.

Office of Lands and Public Works,  
25 September, 1856.

Sir,

With reference to your memorial, I have the honor to inform you, that no correspondence on the subject of your claim to a grant of land can be traced, either in the office of the Colonial Secretary or in that of the Surveyor General; but if you favour me with copies of any that did take place, the matter shall be further inquired into.

John Busby, junr., Esq.,  
34, Burton-street, Sydney.

I am, &c.,  
T. A. MURRAY.

Received, 26th—answered same day.

(To Evidence given by W. Elyard, Esq., 16 September, 1863.)

B.

(37-4662.)

Colonial Secretary's Office,  
Sydney, 7 October, 1837.

Sir,

In reply to your letter of 18 May last, submitting your claim for a grant of land, I have the honor to inform you, that His Excellency the Governor does not consider the expression in the despatch of the Secretary of State therein referred to as amounting to a promise. It may be probable that, had you been of the proper age and unprovided with employment at the time when free grants were made, you might have obtained one, but His Excellency does not consider that you have any claim to a grant on the cessation of your employment, unless by virtue of an express promise, when an entirely different regulation for obtaining land prevails in the Colony, and free grants are abolished.

Mr. John Busby, junr.

I have, &c.,  
E. DEAS THOMSON.

C.



C.

Sydney, 12 October, 1863.

Sir,

When I had the honor to meet the Committee on my claim, it did not occur to me to adduce the case of my relative, Mr. Jas. Busby, when asked if I had brought capital to the Colony. We came together, and were alike without means. This fact was not deemed an obstacle. He stated his purpose to remain, and got his grant of 2,000 acres, as may be seen in the records of the Survey Office. We both expended more than double the sum required by the rules, and relieved the Government of the expense and control of so many convicts. The Government, when convinced that the purpose was *bond fide*, was not rigid, although many abused its bounty. Had the importation of capital been a *sine qua non*, no Australian could have obtained land by grant. It may be suggested that I could not reasonably have hoped for it under the proviso of bringing capital. I answer that no idea then existed of the discontinuance of grants, or that such an objection would be urged. The Board for investigating claims were liberal in their estimate of the assets of claimants, but, although it might be assumed they were imported, did not question the fact.

I have, &amp;c.,

JOHN BUSBY.

Richard Sadleir, Esq., M.P.,  
Chairman of the Board.

1863-4.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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FINAL REPORT FROM THE SELECT COMMITTEE

ON

MR. JOHN BUSBY

(PETITION OF MR. JAMES M'INTOSH);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

24 *February*, 1864.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

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1864.

[*Price*, 1s. 3d.]

422—*a*

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1863-4.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 44. FRIDAY, 4 SEPTEMBER, 1863.

43. Mr. John Busby :—Mr. Sadleir (*with the concurrence of the House*) moved, pursuant to amended notice,—
- (1.) That a Select Committee be appointed to consider and report upon the Petition of Mr. John Busby, presented to this House on 15th October, 1862, with power to send for persons and papers.
- (2.) Such Committee to consist of Mr. Robertson; Dr. Lang, Mr. Dangar, Mr. Cunneen, Mr. Raper, Mr. Morrice, Mr. Flett, Mr. Stewart, and the Mover.
- Question put and passed.

VOTES, No. 57. TUESDAY, 29 SEPTEMBER, 1863.

27. James M'Intosh :—Dr. Lang moved, pursuant to notice, That the Petition presented by him on the 4th September, from Mr. James M'Intosh, be referred to the Select Committee now sitting on the Claims of Mr. John Busby, with power to send for persons and papers, for consideration and report.
- Question put and passed.

VOTES, No. 61. TUESDAY, 6 OCTOBER, 1863.

3. Robert M'Intosh :—Mr. Lucas presented a Petition from Robert M'Intosh, of Marsh Bank, Botany Road, near Sydney,—setting forth his claim to certain Premises in Sydney, which formed the subject of a Petition, presented to this House in September last, by one James M'Intosh, which last-mentioned Petition was referred on the 29th September to the Select Committee now sitting on a Petition of Mr. John Busby;—and praying that the said Petitioner, Robert M'Intosh, may have leave to appear in person, or by Counsel, or Attorney, before the said Select Committee, in reference to the Petition of the said James M'Intosh.

Petition received.

Mr. Lucas then (*with the concurrence of the House*) moved, without notice, That the Prayer of the said Petition of Robert M'Intosh, be granted.

Question put and passed.

\* \* \* \* \*

8. Mr. John Busby :—Mr. Sadleir (*with the concurrence of the House*) moved, without notice, That the Select Committee appointed to consider and report upon the Petition of John Busby, have power to report the Minutes of Evidence taken before them, from time to time, to this House.
- Question put and passed.

VOTES, No. 67. WEDNESDAY, 25 NOVEMBER, 1863.

4. James M'Intosh :—Dr. Lang presented a Petition from James M'Intosh, of Redfern, in the Colony of New South Wales, gentleman, referring to his former Petition, which, on the 29th September last, was referred to the Select Committee then and now sitting on the claims of Mr. John Busby; and praying that Petitioner may be allowed to examine witnesses in the Room personally, and to call for papers, and otherwise conduct the inquiry in the matter on his own behalf.
- Petition received.

Dr. Lang then (*with the concurrence of the House*) moved, without notice, That the prayer of the Petition now received be granted.

Question put and passed.

VOTES,

## VOTES, No. 80. THURSDAY, 17 DECEMBER, 1863.

3. Mr. John Busby :—Mr. Sadleir, as Chairman, brought up a Progress Report from, and laid upon the Table the Minutes of Evidence taken before, the Select Committee for whose consideration and report the Petition of Mr. John Busby was referred, on 4th September, 1863, together with Appendix.  
Ordered to be printed.
- 

## VOTES, No. 114. WEDNESDAY, 24 FEBRUARY, 1864.

3. Mr. John Busby (Petition of Mr. James M'Intosh) :—Mr. Sadleir, as Chairman, brought up the Final Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee on the Petition of Mr. John Busby,—being in reference to the Petition of Mr. James M'Intosh, which was referred to the said Committee on 29th September, 1863, for consideration and report.  
Ordered to be printed.
-

1863-4.

**MR. JOHN BUSBY.**  
(PETITION OF MR. JAMES M'INTOSH.)

**FINAL REPORT.**

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 4th September, 1863, "to consider and report upon the Petition of Mr. John Busby"—"with power to send for persons and papers, and to report the Minutes of Evidence taken before them, from time to time, to this House," to whom, on the 29th of the same month was referred, for consideration and report, "the Petition presented by Dr. Lang, on the 4th September, from Mr. James M'Intosh"—before whom, on the 6th October, 1863, Mr. Robert M'Intosh obtained "leave to appear in person, or by counsel or attorney, in reference to the Petition of the said James M'Intosh"—and before whom also, on the 25th November, 1863, Mr. James M'Intosh was "allowed to examine witnesses in the room personally, and to call for papers, and otherwise conduct the inquiry in the matter on his own behalf"—have agreed to the following final Report :—

Your Committee, having examined the witnesses named in the margin,\* and allowed the petitioner, James M'Intosh, in support of the petition, and Robert M'Intosh against the petitioner, to appear and support their views of the case, are of opinion that James M'Intosh is not, as he represents himself to be, either the heir at law or the eldest brother, but appears throughout to be acting in the assumed capacity of agent for the family, although Thomas Barker, one of the Trustees, is still alive, as it is evident there were children born in wedlock before him, namely, Mary, now Mrs. Wilson; John, now deceased, who has left a numerous family; of whom some are sons, and who willed all his property to his wife, now Mary Jane Bawn; also Eliza, now Barnes. The property in question was held under lease implying a promise of grant to one Sergeant Daniel Humm, and purchased from him by Robert M'Intosh, senior.

- \* Mr. J. Stewart.
- Mrs. M. Wilson.
- C. B. Stephen, Esq.
- F. J. Garrick, Esq.
- Mr. G. J. Crouch, junr.
- W. G. Pennington, Esq.
- Mrs. M. Bawn.

Your Committee find this to be a very complicated case, it having been already twice tried in the Supreme Court, once in the year 1850, to repeal the grant, because it was alleged to be obtained by fraud, <sup>228, 253.</sup> when it was decided against James M'Intosh. The grant having been issued, through misrepresentation, to a dead man, was pronounced a nullity, and did not therefore require repealing, the estate being

being still in the Crown. Another issue was raised that the estate  
 367, 369. was not void, but voidable, the Jury having determined that the  
 grant was fraudulently obtained.

The case was again tried in 1852, on the question of heirship,  
 the father, Robert, having died intestate; at least his will, which it is  
 140. asserted he had made, not having been found, and it being alleged that  
 Robert M'Intosh was illegitimate. This trial, however, was decided  
 232. in favour of Robert by a majority of the jury.

A new trial was granted to James M'Intosh, but, owing to  
 259. some error of his solicitor, was never gone into.

On this issue the Attorney General decided that the case could  
 not be re-opened, as there was no precedent on the books for so doing.

369. A new trial was also granted to Robert, which never took place.

Upon the question of re-opening the case, Mr. Garrick con-  
 sidered, while, he said, he has no doubt of the integrity of his claim,  
 that James M'Intosh is barred by statute of limitation from a fresh  
 269, 271. trial; that although a promise was made by the Crown, yet the Court  
 held that a promise was not an interest in the land, even although the  
 party be in possession, and that the case was not one for the Court of  
 Claims.

Mr. Pennington, however, conceives that the present Attorney  
 General may be induced to take a different view of the case from his  
 376. predecessor, and issue a fresh *scire facias*, so as to enable James M'Intosh,  
 315. or the rightful heir, if Robert be not the heir, to proceed to a new  
 trial. He is of opinion that there has been a failure of justice in this,  
 370. and that through no fault of the prosecutor.

Your Committee, therefore, finding it is not a case for the  
 Court of Claims—that the deed issued to Robert M'Intosh is of no  
 value, being a nullity, as issued, through misrepresentation, to a dead  
 man—that the property virtually lies in the Crown—that, according  
 to the Proclamation of June, 1829, the Crown gave assurance to all  
 parties who had fulfilled the conditions attached to grants that they  
 would issue deed of grant—that Robert M'Intosh, by frequent pay-  
 ments from the rental of the estate to the other children of the family,  
 through the Trustees, before he received said grant, as alleged falsely,  
 did thereby acknowledge their interest in the property—and that both  
 solicitors examined (Messrs. Garrick and Pennington), consider there  
 has been a failure of justice in the case,—would respectfully  
 recommend the whole matter at issue to the reconsideration of the  
 Crown in the way suggested by Mr. Pennington, who thinks the  
 proper way to raise the question again is for the Crown to grant a  
*scire facias*, which he considers is a matter entirely in the discretion  
 of the Attorney General. The said Robert M'Intosh still retains  
 possession of the property.

RICHARD SADLEIR,  
 Chairman.

*Legislative Assembly Chamber,*  
*Sydney, 23rd February, 1864.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 10 SEPTEMBER, 1863.

MEMBERS PRESENT :—

Mr. Sadleir, | Mr. Stewart,  
Mr. Dangar.

Order of the House appointing the Committee, by direction of the Chairman, read by the Clerk.

Printed copies of the Petition of Mr. John Busby—on the Table.

Committee deliberated as to their course of proceedings.

*Resolved*,—That Petitioner, Mr. John Busby, and the Principal Under Secretary, be summoned to give evidence at the next meeting,—the latter to produce all Papers connected with the subject of the Petition.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 16 SEPTEMBER, 1863.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.  
Mr. Stewart, | Mr. Raper,  
Mr. Dangar, | Dr. Lang,  
Mr. Cunneen.

Proceedings of the last meeting, by direction of the Chairman, read by the Clerk. Mr. John Busby, *Petitioner*, called in and examined.

The following Papers *handed in* by witness :—

- (1.) Letter from Colonial Secretary, dated 6th August, 1861, enclosing copy of a letter from the Colonial Office, Downing-street (29th March, 1823), to John Busby.
- (2.) Letter from Minister for Lands and Works, dated 25 September, 1856, to John Busby, junior.

Witness withdrew.

Mr. William Elyard, *Principal Under Secretary*, called in and examined.

Copy of a reply to an application by Petitioner for a Grant of Land, to Sir Richard Bourke, in 1837, *handed in*.

Witness withdrew.

Committee deliberated.

Motion made (*Dr. Lang*), and *Question*,—That the Surveyor General be requested to attend the Committee to state whether he is aware of any person having received a grant of land, on his leaving the Government service, subsequently to the discontinuance of the system of free grants, in consequence of a promise made to him while in the public service.—*agreed to*.

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 22 SEPTEMBER, 1863.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.  
Mr. Stewart, | Mr. Dangar,  
Mr. Cunneen, | Dr. Lang.

Proceedings of the last meeting, by direction of the Chairman, read by the Clerk.

Mr. Walker Rennie Davidson, *Surveyor General*, called in and examined.

Witness withdrew.

Mr. Henry Connell called in and examined.

Witness withdrew.

[Adjourned to Wednesday, 30th inst., at *Eleven* o'clock, to consider Progress Report.]

WEDNESDAY,



WEDNESDAY, 30 SEPTEMBER, 1863.

MEMBERS PRESENT:—

Mr. Sadleir in the Chair.

Mr. Cunneen, | Dr. Lang.

Proceedings of the last meeting, by direction of the Chairman, read by the Clerk.  
The Clerk then brought under the notice of the Committee, the evidence of the last witness, Mr. H. Connell, who had, on revision, considerably amplified or re-written extensive portions of it.

Committee considered the same, and admitted such alterations as were not substantially different from the text.

Consideration of Progress Report postponed to next meeting.

Printed copies of evidence to be *circulated* during the interval of adjournment.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 7 OCTOBER, 1863.

MEMBERS PRESENT:—

Mr. Sadleir in the Chair.

Mr. Raper, | Dr. Lang,  
Mr. Stewart, | Mr. Cunneen.

Proceedings of the last meeting, by direction of the Chairman, *read*.

Committee deliberated and decided upon further postponing the consideration of Progress Report, and in the mean time, calling in Messrs. James and Robert M'Intosh.

Order of the House, referring the Petition of James M'Intosh to this Committee, by direction of the Chairman, *read*.

Order granting leave for Robert M'Intosh to appear in person, or by counsel or attorney, before this Committee, by direction of the Chairman, also *read*.

Parties called in.

Printed copies of the Petition of James M'Intosh,—on the Table.

Mr. James M'Intosh, at the request of the Chairman, stated his case to the Committee.

Strangers requested to withdraw.

Committee deliberated.

Parties recalled.

Mr. James M'Intosh requested to attend again on Wednesday next, at 11 o'clock, and be prepared to prove, by evidence, that he is the rightful heir of Robert M'Intosh (his father), deceased.

Strangers requested to withdraw.

Committee resumed the consideration of Mr. Busby's case.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 14 OCTOBER, 1863.

In consequence of the adjournment of the House from 13th to 20th instant, the meeting, called for this day, lapsed.

TUESDAY, 1 DECEMBER, 1863.

MEMBERS PRESENT:—

Mr. Sadleir in the Chair.

Dr. Lang, | Mr. Dangar.

Committee met pursuant to summons.

Proceedings of the last meeting, by direction of the Chairman, read by the Clerk.

Letter from Mr. Busby, dated Sydney, 12 October, 1863, read by the Chairman.

The same ordered to be appended to the evidence.

Committee deliberated, and agreed to postpone the further consideration of Progress Report to the next meeting.

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY,

FRIDAY, 4 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.

Mr. Cunneen,		Mr. Dangar,
	Mr. Raper.	

Committee deliberated.

Chairman submitted Draft Progress Report (case of Mr. John Busby.)

The same read 1°.

Committee deliberated.

Further consideration of Draft Progress Report postponed.

Chairman then laid before the Committee a list of witnesses, prepared and proposed to be examined before this Committee by James M'Intosh.

Committee deliberated.

Messrs. James and Robert M'Intosh called in,—

Whereupon, Chairman explained the course of proceedings agreed to by Committee, viz. :—In the first place to receive evidence in proof of James M'Intosh being the heir-at-law of his deceased father.

Strangers requested to withdraw.

Committee further deliberated.

Parties again called in and informed of the next day and hour of meeting.

[Adjourned to Tuesday next, at half-past *Eleven* o'clock.]

TUESDAY, 8 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.

Mr. Cunneen,		Mr. Stewart,
	Dr. Lang.	

Proceedings of the last meeting, by direction of the Chairman, *read*.

Consideration of Draft Progress Report (case of Mr. John Busby) further postponed.

Committee deliberated.

Messrs. James and Robert M'Intosh called in.

Mr. James M'Intosh proceeded to state his case to the Committee ;

And strangers being requested to withdraw,—

Committee deliberated.

*Resolved*,—That Mr. James M'Intosh be requested to furnish a list of witnesses required to prove that he is the eldest son and heir of Robert M'Intosh, deceased.

Parties called in and informed.

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY, 11 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Cunneen,		Mr. Dangar,
	Mr. Morrice.	

In the absence of the Chairman Mr. Cunneen called to the Chair.

Letter from Mr. Sadleir (Chairman),—excusing attendance through illness, *read*.

Committee deliberated.

Mr. James M'Intosh called in and informed that, in the absence of the Chairman, (Mr. Sadleir), the Committee are unwilling to enter upon the inquiry into his case this day.

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 15 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.

Mr. Cunneen,		Dr. Lang,
Mr. Dangar,		Mr. Stewart,
Mr. Morrice,		Mr. Raper.

Proceedings of the last Meeting, by direction of the Chairman, *read*.

Draft Progress Report (case of Mr. John Busby) read 2°, paragraph by paragraph.

Paragraph 1 read verbally, amended, and agreed to.

Paragraphs

Paragraphs 2, 3, 4, and 5, severally read and agreed to without amendment.  
 Motion made and *Question*,—That the Report, as verbally amended, be the Report  
 of this Committee,—*agreed to*.  
 Chairman to report.

Case of Mr. James M'Intosh then resumed.  
 Committee deliberated.

Letter from J. F. Garrick, Esq. (a witness summoned for this day); stating his  
 inability to give any evidence as to Mr. J. M'Intosh's heirship—*read*.

Parties called in.

And Mr. James M'Intosh proceeding further to state his case,—

Strangers requested to withdraw.

Committee further deliberated.

Parties recalled.

Mr. John Stewart called in and examined.

The following papers handed in :—

- A. Subpœna to John M'Intosh to attend in an action by *scire facias*. Queen v. R. M'Intosh. June, 1851.
- B. Ditto to Elizabeth M'Lean, Mary Wilson, Mrs. Bates, and John Stewart. 30 May, 1851.
- C. Conveyance by R. M'Intosh to Thomas Barker and Charles Gray, in trust for the widow and children of late R. M'Intosh.
- D. Copy of Memorial from R. M'Intosh to Commissioners of Court of Claims. 5 May, 1834.
- E. Bond (incomplete) for securing an annuity of £40.

Witness withdrew.

Mrs. Mary Wilson called in and examined.

[Adjourned to Friday next, at *Eleven* o'clock.]

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FRIDAY, 18 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Sadleir,

Dr. Lang.

In the absence of a Quorum the meeting, called for this day, lapsed.

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TUESDAY, 22 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.

Dr. Lang,

Mr. Dangar,

Mr. Cunneen.

Committee met pursuant to summons.

Proceedings of the last meeting, so far as they relate to the case of Mr. James  
 M'Intosh, by direction of the Chairman, *read*.

Parties called in.

Mr. Cecil Bedford Stephen, *Judge's Associate*, called in and examined.

Witness withdrew.

Mr. Francis James Garrick called in and examined.

The following papers handed in :—

- Copy of Chief Justice's Minutes in Reg. v. M'Intosh, marked B.
- Judgment delivered upon the first *scire facias* action, Reg. v. M'Intosh, 2 April, 1851 (newspaper report), marked B 1.
- Receipts signed R. M'Intosh, marked C 1, C 2, C 3.
- Receipt „ E. Humphrey, „ D.
- Receipts „ Thos. Barker, „ E, F, G, H.
- Copy, Baptismal Register, „ I.
- Copies of Letters, &c., referred to in case of James M'Intosh, marked K.

Witness withdrew.

Mr. George John Crouch, Junr., called in and examined.

The following papers handed in :—

Two Demurrers, filed 24 August, 1850—(R 1 and S 1).

Plea of Defendant, filed 24 September, 1851—(T 1).

Witness withdrew.

Reassembling of the Committee to be arranged by Chairman.

[Adjourned.]

11

1864.

TUESDAY, 5 JANUARY, 1864.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.

Dr. Lang,  
Mr. Stewart,Mr. Morrice,  
Mr. Dangar.

Committee met pursuant to summons.

Proceedings of the last meeting, by direction of the Chairman, *read*.

Letter from A. H. M'Culloch, Solicitor, a witness summoned for this day, declining to attend the Committee, on the ground of having attended on three several occasions in obedience to summonses, without having been called upon to give evidence—laid before the Committee by the Clerk.

The same considered.

Messrs. James and Robert M'Intosh called in.

Mr. M'Culloch's letter read by the Chairman to the parties.

Mr. William George Pennington, *Secretary to the Court of Claims*, examined.Register No. 1 of Memorials to the Court of Claims *produced* by witness.Mr. Newcombe's Report, *Reg. v. M'Intosh*, handed in by Mr. James M'Intosh.

Witness withdrew.

Mrs. Mary Jane Bawn called in and examined.

Witness withdrew, and—

Room cleared.

Committee deliberated and decided upon considering at their next meeting, the expediency of appending certain papers handed in, as well as their further course of proceedings in this inquiry.

[Adjourned to To-morrow, at *Eleven* o'clock.]

WEDNESDAY, 6 JANUARY, 1864.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.

Dr. Lang,

Mr. Morrice.

Committee deliberated, and, with a view of specially considering further course of proceedings,—

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 12 JANUARY, 1864.

MEMBERS PRESENT :—

None.

In the absence of a Quorum, the meeting, called for this day, lapsed.

FRIDAY, 15 JANUARY, 1864.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.

Mr. Morrice,  
Mr. Dangar,Dr. Lang,  
Mr. Stewart.

Committee met pursuant to summons.

Proceedings of the last meeting, by direction of the Chairman, *read*.

Probate of the Will of Mr. John M'Intosh, and Marriage Certificate forwarded by Mrs. Bawn (the last witness), and laid before the Committee.

Committee deliberated, and *resolved*,—That any further evidence is unnecessary, and that a Report be forthwith brought up.

Whereupon, heads of Draft Final Report drawn up, and read by Chairman.

*Ordered*,—That a Draft Final Report be framed therefrom, and be printed and circulated, prior to next meeting.

Committee further deliberated, and decided that it is inexpedient to append any of the Papers handed in by Mr. James M'Intosh and others, during this inquiry.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY,

## 12

FRIDAY, 12 FEBRUARY, 1864.

MEMBERS PRESENT :—

None.

In the absence of a Quorum, the meeting, called for this day, lapsed.

TUESDAY, 16 FEBRUARY, 1864.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.

Dr. Lang, | Mr. Dangar.

Committee met pursuant to summons, and deliberated.

Proceedings of the last meeting, by direction of the Chairman, *read*.

Draft Final Report submitted, and read 1<sup>o</sup>.

Committee considered the same.

*Ordered*,—That the Draft Final Report, as read, be printed, and circulated prior to next meeting.

[Adjourned to Friday next, at *Twelve* o'clock.]

FRIDAY, 19 FEBRUARY, 1864.

MEMBERS PRESENT :—

Mr. Sadleir in the Chair.

Dr. Lang, | Mr. Raper.

Draft Final Report read 2<sup>o</sup>, paragraph by paragraph.

Paragraph 1 read, amended, and agreed to.

Paragraph 2 read, amended, and agreed to.

Paragraph 3 read, verbally amended, and agreed to.

Paragraphs 4, 5, and 6, read and agreed to without amendments.

Paragraph 7 read, verbally amended, and agreed to.

Paragraph 8 read and agreed to without amendment.

Paragraph 9 read, amended, and agreed to.

Motion made (*Dr. Lang*) and *Question*,—That the Report, as amended, be the Report of this Committee—*agreed to*.  
Chairman to report.

LIST OF WITNESSES.

	PAGE.
Bawn, Mrs. Mary Jane .. .. .	14
Crouch, Mr. George John, junior..	11
Garrick, Francis James, Esq. .. .	7
Pennington, William George, Esq. .	12
Stephen, Cecil Bedford, Esq. .. .	7
Stewart, Mr. John .. .. .	1
Wilson, Mrs. Mary .. .. .	4

ERRATUM.

Omit the words "*Vide Appendix*" in Minutes of Evidence, *passim*.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

MR. JOHN BUSBY.

(PETITION OF MR. JAMES M'INTOSH.)

TUESDAY, 15 DECEMBER, 1863.

Present:—

MR. CUNNEEN,  
MR. DANGAR,  
DR. LANG,

MR. STEWART.

MR. MORRICE,  
MR. RAPER;  
MR. SADLEIR,

RICHARD SADLEIR, ESQ., IN THE CHAIR.

Mr. James M'Intosh appeared in support of the Petition.  
Mr. Robert M'Intosh appeared against the Petition.

Mr. John Stewart called in and examined:—

1. *By the Chairman:* Where do you reside? At Paddington.
2. How old are you? Sixty-one.
3. Do you know anything of James M'Intosh, the petitioner? I have known James M'Intosh since he was a boy.
4. Did he come out in the vessel with you? No, he was born here.
5. Have you any idea what was the date of his birth? I do not know whether it was in 1816 or 1817—I will not be sure.
6. It was between 1816 and 1817? I think so.
7. Do you know whether his mother was legally married at the time she came out? I do not know; they always went as man and wife in the regiment.
8. You had no proof yourself of their marriage? No.
9. Do you know whether they had any son or sons before James? They brought two sons with them—Robert and John.
10. What was the time of their coming out? Some time in January, 1814—I do not know what date.
11. Is John dead? Yes.
12. Do you know what would be the age of John if he were living? I could not say. He was a lump of a child when we came out—creeping about the decks.
13. How old should you say he was at that time? From a year to two years old. I could not say. I was only a boy myself at the time.
14. John was then, you think, about two years old? Not so much. I think between one and two years old.
15. Do you know if Mr. Robert M'Intosh, senior, were married in England, in Ireland, or here? I know that when he joined the regiment—when he came as band-master at the Isle of Wight—that was when I first saw him—they passed for man and wife.

Mr. John  
Stewart.  
15 Dec., 1863.

- Mr. John Stewart.
- 15 Dec., 1863.
16. He was married before the birth of John? I could not say that.
  17. Was there any other son besides John? Yes, Robert M'Intosh.
  18. Who is here? Yes.
  19. Have you any idea what age Robert was when he came out? I could not say; I always took him to be two or three years younger. We were boys together on board.
  20. You seem to know the age of one of the boys—could you not tell the age of the other? No, I could not form an idea; I was a boy myself at the time; he was pretty well as big as me, but was not so old.
  21. You are sixty-one? Yes.
  22. Are you aware whether there were any sons born between Robert and John, or others before James? I do not recollect any.
  23. Was there not another son who died? I do not remember any other.
  24. Have you any idea whether John has left any family? Yes.
  25. Are there any sons of that family? Yes.
  26. Is John's widow now alive? Yes.
  27. Have you any idea whether any will was made by John in favour of his widow? I know no further than I have heard.
  28. Have you heard that there is a will made? Yes.
  29. Have you any idea in whose favour that is made? Only from what I have been told. I have been told that it was in favour of his widow.
  30. Entirely in favour of his widow? So I am told.
  31. I think you said his wife was alive in Sydney? She was the other day.
  32. *By Mr. Cunneen*: Are you aware whether the John M'Intosh you have mentioned was the child of the same parents, both father and mother, as Mr. James M'Intosh, the petitioner? Yes, they brought him out in the ship as his father and mother before James was born; James was born here of the same parents.
  33. *By Dr. Lang*: Would any person in the situation of the elder Mr. Robert M'Intosh have been allowed to come out with a person who was not his wife? No.
  34. *By the Chairman*: That was the military rule? Yes.
  35. Did the regiment come from head quarters? From head quarters of the 46th regiment, with Colonel Mowle; he came out as band-master, and joined at the Isle of Wight.
  36. *By Mr. J. M'Intosh*: Were you summoned in the *scire facias* action, in June, 1851, with John M'Intosh as a witness in this case for me against the defendant? I was summoned; I cannot say whether that was the case.
  37. Look at that (*handing witness a summons*) and see if that is the same case? Yes. (*Vide Appendix.*)
  38. Did you give evidence in the *scire facias* case when John M'Intosh was examined? I gave evidence in the same case.
  39. Was John M'Intosh summoned with you? Yes, he was in the Court.
  40. *By the Chairman*: What were you called upon to prove? The questions were something similar to what have been put to me now.
  41. About the heirship to the property? Yes, questions similar to what have been put to me now, as well as I can remember.
  42. *By Mr. J. M'Intosh*: I think that is your summons too (*handing a summons to witness*)? Yes. (*Vide Appendix.*)
  43. You gave evidence in that case? Yes.
  44. You stated you were eleven years old when you arrived in the Colony, in 1814? Yes.
  45. Was the defendant as big as you? Pretty well as big as me, as well as I can remember, but he was not so old—he was forward for his age.
  46. That is easily accounted for. Used you and him occasionally to quarrel—was he man enough to tackle you? Yes.
  47. He was man enough to take his part with you? Yes, we used to quarrel sometimes, as boys will.
  48. You stated at the trial how much younger you thought he was than yourself—you have sworn that he must have been above seven years of age? I said he was three or four years younger than me; I always considered him so.
  49. Were you eleven years of age then? I was.
  50. *By Dr. Lang*: Were you born in 1803? In 1802, on the 23rd of May.
  51. *By Mr. J. M'Intosh*: Did Mrs. Stewart give evidence in that case too? Yes.
  52. Do you know Mrs. Stewart's age now? Yes.
  53. What age is she? I think fifty-seven.
  54. Did she swear that defendant was older than she is? I could not say; I was not in Court.
  55. Was Mrs. Bates also examined in that case? Yes.
  56. Did she state the age of defendant, when he landed, to be ten years old? I do not know what she stated.
  57. Do you remember whether Mr. Driver was examined as a witness or not? I believe he was.
  58. He was a witness brought by the defendant, not by me—do you know that? Yes.
  59. Do you know that Mr. Driver swore that he was then forty-eight? No, I could not say that; I was not then in Court.
  60. You heard that? I heard so.
  61. Do you recollect that Mr. Manning was there? Yes.
  62. Was he one of the counsel for the plaintiff? Yes.
  63. I suppose you never saw his writing? No.
  64. You were then eleven years of age? I was over eleven.

65. And he was then able to take his part against you? We used to quarrel sometimes, as boys will—that I remember.
66. Was he as tall as you? I think he was, but I was small at my age.
67. Is it reasonable to suppose that he could have been as young as seven years old? I could not say.
68. If you were on your oath——? I speak the same as if I were on my oath.
69. *By the Chairman*: Did you swear that he was about seven years of age? I do not know what I swore. I said I thought he might be three years younger than me; I think those are the words I said.
70. *By Mr. J. M'Intosh*: There was a second trial in 1852—in July? I do not remember the year or month I was there.
71. It was a simple issue who was the son of the late Robert M'Intosh? It was something about that.
72. *By Mr. R. M'Intosh*: Did you come to this Country with myself, with Robert M'Intosh, the band-master of the 46th regiment and his wife, who were the father and mother of this young man? Yes.
73. Did they bring me in the ship with them? Yes.
74. Is it a rule laid down that no unmarried woman is to come from the head quarters of a regiment? Yes.
75. Do you recollect whether John M'Intosh was sucking at the breast when we came out? I do not recollect whether he was sucking; I recollect that he was a lump of a child creeping about.
76. He could not walk? I cannot remember; I remember he was creeping about.
77. Was he more than eighteen months old when we came out? I should not think he was; from a year to two years old.
78. Do you remember Quarter-master Macdonald coming with us? Yes.
79. Do you remember his having to be married at the Isle of Wight before he was allowed to bring his wife on board? No; Quarter-master Macdonald was married before the regiment went to the West Indies, and my father went with it.
80. It is not usual to bring women from head quarters unless they are married? Not if it is known.
81. Was there any one else who came out with us—my sister? Yes, Eliza.
82. Was she older or younger? Older.
83. Did you know my father? Yes.
84. Was there any likeness between me and my father? Yes.
85. Is there any likeness between me and James M'Intosh? Yes.
86. Do you know, of your own knowledge or belief, that I am any other person's child than Robert M'Intosh's? No, I never heard any other; I always saw you pass as your father's son.
87. He always brought me out and acknowledged me as such? As far as I ever heard.
88. *By Mr. Raper*: Have you any recollection of what age the sister was? I think about my age. I have heard them say that she was a little older than my sister. I had a sister who came out with me; she was next to me, younger than myself, and they used to be playing together.
89. She would then be about sixty-one? About sixty-one, if she were living.
90. Do you know the time when Robert M'Intosh was married? I do not know; they were married when they came and joined the regiment.
91. Do you recollect hearing at what time they were married? No.
92. *By Mr. Stewart*: You only knew them when they came and joined the regiment? Yes, at the Isle of Wight.
93. When was that? In 1813.
94. Shortly before embarking? Yes; Colonel Mowle engaged them in London.
95. *By Mr. R. M'Intosh*: Your father was a soldier, and mine was band-master in the same regiment? Yes.
96. You knew us a long time in Cockle Bay, now called Darling Harbour? Yes.
97. You lived convenient to us? Yes, for all but about two years, when I was away in India with the regiment.
98. Before you went away, and after you came back? Yes; I went away in 1816 or 1817.
99. Did you not see me with my father as one of the family? Yes.
100. You never heard anything to the contrary? No.
101. *By the Chairman*: Did you ever hear that he was illegitimate? I never heard it from his parents.
102. Did you ever hear that he was illegitimate before this charge was made by Mr. James M'Intosh? I heard it spoken of, but not by his parents.
103. *By Mr. R. M'Intosh*: Before the first trial? No, I do not think I ever heard it before that.
104. *By Mr. J. M'Intosh*: Have you seen the marriage lines? I may have seen them when I was at Court, but I do not remember them.
105. Did you ever hear Mrs. Bates, or Mrs. M'Lean, say that Eliza M'Intosh was not the daughter of my father? I knew that always.
106. How did you know that? From your mother telling my mother.
107. Did you ever hear Mrs. Bates or Mrs. M'Lean saying that the defendant was illegitimate—that he was not born in wedlock? I have heard our old woman say that she had talked with the other, who said it was the case.
108. *By the Chairman*: Was that before the trial, or since? Since the trial.
109. *By Mr. Cunneen*: Who did you hear say so? Mrs. Bates, in talking to old Mrs. Hill—Mr. George Hill, the Mayor's, mother.

Mr. John Stewart.

15 Dec., 1863.



- Mr. John Stewart.  
15 Dec., 1863.
110. *By Mr. J. M'Intosh*: Did you ever hear Mrs. M'Lean say that my father told her that when he married the former Mrs. M'Intosh, my mother, she had three children? I do not know that I heard her say it, but I heard that she did say it.
111. You have heard among the old hands that there were two families of us? Yes.
112. That some of the children were not M'Intosh's? Yes.
113. You have heard it whispered about by some of the old hands that these two were illegitimate—that they were not M'Intosh's? I know it was talked about.
114. *By the Chairman*: All that was since the trial? Yes.
115. Do you recollect during the trial hearing this affidavit of Robert M'Intosh read, stating where he was born, and where he was christened? I may have heard it, but I do not recollect it.
116. *By Mr. R. M'Intosh*: Have you any doubt in your mind that I am a M'Intosh? No.
117. From your own knowledge, and what you have seen of me from the beginning to the end, have you any doubt that I am a M'Intosh, son of Robert M'Intosh? No, I have always said I took you to be a M'Intosh.
118. *By Mr. J. M'Intosh*: Will you swear he is a M'Intosh? No, I cannot do that.

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Mrs. Mary Wilson called in and examined:—

- Mrs. Mary Wilson.  
15 Dec., 1863.
119. *By the Chairman*: Are you a sister of Mr. James M'Intosh? Yes.
120. Are you a sister of Robert too? For what I know; I do not know rightly; I always considered that we were sisters and brothers together.
121. Were you born in this Colony? Yes.
122. About what date? I shall be forty-nine the 2nd of next June.
123. Do you know anything of your father and mother coming into the Colony? No, I was born a few months after their arrival here. I saw my age from the registry taken from St. Philip's Church.
124. You know nothing further than from report? No, except that I heard my brother Robert used to go to the topmast of the vessel to amuse the officers, and that my mother was frightened.
125. Do you know when your mother was married? My mother's marriage lines were in the Court.
126. Do you know what was the date? 1807; I could not remember the month.
127. Do you know what children she had by your father before James was born? No, I do not. There was Robert M'Intosh, and John M'Intosh, and Eliza Barnes; I do not know rightly whether any were dead.
128. Is John M'Intosh dead? Yes, he died here.
129. Has he a widow? Yes.
130. Are there any sons left? Yes.
131. Was John M'Intosh older than James? John M'Intosh was not born here; I was the first born here; I am older than James.
132. Do you know when John was born? I do not; he was born before my father came to the Colony.
133. *By Mr. Raper*: Have you any idea what age your brother John was? No.
134. You do not distinctly know the difference between the age of John and yourself? No.
135. *By the Chairman*: Do you know what was the age of John when he came to the Colony? No.
136. You never heard? No.
137. Can you tell what age Robert was when he came to the Colony? No; as far as I can remember he was a man grown—since I can remember; and I have heard him say that on the voyage he used to go to the topmast to amuse the officers of the 46th regiment.
138. *By Mr. J. M'Intosh*: Did you ever hear father and mother say what age he was when they landed in the Colony in 1814? No.
139. Were you in Parramatta when my father died? Yes, and before our father's death some time.
140. Did he send Mrs. Burns to Sydney for his box and papers before his death, and say his will was made, and his family all provided for? I will tell you as it happened: I was living with Mrs. Dickson, the sister of the late Surveyor General, Mr. Oxley, and that lady, when my father was ill, went to see him, as he was staying at my sister's. She had previously said to me, "Mary, do you know whether your father has made a will?" I said I did not; so she went to my sister's, where father was very ill, and was lying upon the sofa in the front parlour. He said he was very ill; and she said "You have a large family, you had better get your will made, and I will send to Dr. Sherwin who was attending my father." He said it was made, and told my sister to take his keys, and that in his chest there was a pillow-case, containing papers, and among these was his will.
141. Did he send Mrs. Burns to Sydney for the box and papers? I cannot say; he told my sister to take care of the chest.
142. Did the chest come to Parramatta with the papers? Yes, the chest did come up.
143. Mrs. Burns was older than the defendant Robert? Yes.
144. Did she come and tell Mrs. Dickson or you that the papers were taken away from the house? The truth is, and the truth will always out: My father died the same day at 12 o'clock, and Robert was there; Mrs. Dickson went back, and I went with her. My father died on the 3rd November, 1829, and was buried on the 5th. A few days after, my sister came to Mrs. Dickson crying, saying that when they came down to breakfast in the morning Robert

- Robert was gone, and they had found the keys hanging in the chest; Mrs. Dickson said she would send the constable after him, and that he would be transported. My sister said she did not wish to do that, but that she would see him, and try to arrange matters.
145. *By the Chairman*: Do you know yourself that Robert had taken them? I did not see them, but my sister said he had taken them. Mrs. Mary Wilson.  
15 Dec., 1863.
146. *By Mr. J. M'Intosh*: Did you hear afterwards where he took them to? We heard that he had gone in the direction of Lane Cove, and that he had been seen at Mr. M'Donald's with them.
147. Where did he land in Sydney with them? Mrs. Stewart said she had them for a fortnight.
148. Used he to lodge there? He rented a house there.
149. *By the Chairman*: What you say about the papers is all hearsay? No, he had them, and brought two deeds of gift into Court.
150. *By Mr. J. M'Intosh*: You remember that my father lived at the corner of Kent and Erskine Streets? Yes.
151. I suppose you know of your own knowledge that he made an application for a grant of the "Bull's Head" property? I have heard him say so.
152. Do you recollect, after this pillow-case was taken away, there was no will to be found? No; my brother said afterwards he would divide the property, and we did not wish to prosecute him.
153. *By the Chairman*: How do you know there was any will at all? My father told Mrs. Dickson he had made a will.
154. *By Mr. J. M'Intosh*: Some time after, the defendant applied for letters of administration? Yes.
155. At the time he applied for letters of administration in 1830, do you recollect the widow, Mrs. M'Lean, put in a caveat to stop his administering? I believe she did.
156. Do you remember that the defendant said, that if he were allowed to take out letters of administration he would secure the widow with a small portion of £40 a year for life, and divide the property among the family? Yes, I recollect Mrs. Burns coming down to Mrs. Dickson's, and saying that my brother was going to make arrangements with us for taking out letters of administration, and I went to Sydney to a cottage in Castlereagh-street.
157. To Mr. Carter's, the Master in Equity? Yes.
158. What did you go there for? To make arrangements with him to divide the property. He said our stepmother should take £40 a year, and that he would divide the rest among the family.
159. Was there anything about the youngest in this arrangement? —
160. Do you recollect whether Mr. Barker was one of the trustees in this matter? Yes, I heard he was.
161. Do you recollect John M'Intosh ever telling you, or do you know that he got this quarterly money under the promise from Mr. Barker? Yes.
162. Did you get your quarterly money from the defendant? Yes, up to 1836; until he got this grant, I believe.
163. It was never disputed before that? No, he paid it before.
164. What did he tell you in 1836? He said the Governor had given him a grant of the property—that it was his, and that he would not give me any more quarterly money.
165. What did you do then? He told me he knew I could not go to law, as I had no money. I asked him why he did not give it me—that he had no occasion to take it; my husband was a respectable man, and of good connections. He said he was not obliged, and he would not give it me.
166. Did he stop all the other money? He did not give it to the others, and my sisters had to go to service.
167. He kept the little ones? For a time, but they soon went to service. Charley was twelve when he went to do for himself.
168. You know that John got his quarterly money under this trust deed? Yes.
169. If I read this—this is a conveyance—can you recollect anything about it? If I can remember it I will say yes, if not I will not. (*Mr. M'Intosh read the document and handed it in. Vide Appendix.*)
170. *By the Chairman*: Did you ever see that document before? I cannot remember these words exactly. I remember the gentleman reading a paper. I do not know what it was, but it was that my brother was to administer to the property.
171. *By Mr. J. M'Intosh*: You remember that the property was to be divided? Yes, and that the money was to be £6 12s. 6d. a quarter.
172. *By the Chairman*: Did you ever see Mr. Barker or Mr. Gray? No, I never went to them; my brother John went several times to them. Robert said to me, "If you do anything, you cannot do anything to me, but to Mr. Barker."
173. *By Mr. J. M'Intosh*: Did Robert M'Intosh present a memorial to the Court of Claims? I heard he did.
174. *By the Chairman*: Did you ever see that memorial? No.
175. *By Mr. J. M'Intosh*: Do you know how he got the grant? I heard he wrote to the Governor, but that his application had not gone through the Court of Claims. Mr. Pymble told me that he wrote the letter to the Governor; he borrowed the paper at my house.
176. Do you remember what year that was in? 1836, I think; somewhere about that. (*Mr. M'Intosh handed in a paper. Vide Appendix.*)
177. Do you recollect my ever coming to Lane Cove for money? Yes, I recollect your calling at my brother's.

- Mrs. Mary Wilson.  
15 Dec., 1863.
178. Did I bring a note from Mr. Barker on that occasion? Yes, I think you did.
179. I went to Mr. Barker for the money, and he told me my brother had drawn it all—where were you living at that time? At Lane Cove River.
180. *By Mr. R. M'Intosh*: Were you not living at my house? Either in your house or over the river. (*Mr. J. M'Intosh handed in a paper. Vide Appendix.*)
181. *By Mr. J. M'Intosh*: Do you recollect whether any moneys were collected by the Curator of Intestate Estates on account of my late father's property? Yes.
182. Are these the receipts? Yes. (*Mr. J. M'Intosh produced several receipts.*)
183. All the time you were receiving your quarterly money, was Mr. Barker acting as a trustee? I always understood he was a trustee.
184. Would you know any of Mr. Barker's handwriting? No.
185. *By Mr. R. M'Intosh*: You recollect living with Mrs. Dickson? Yes.
186. Where were you when my father died? At Parramatta.
187. Were you in the School of Industry? No, I was living five years with Mrs. Dixon altogether, part of which was in Park-street, Sydney.
188. How long were you living there? Five years.
189. Where did you go after that—were you not living at my place? First to my brother John's, and then to your place.
190. Did you get married from my place? Yes.
191. Did you bring a baby with you in your arms to my place before you were married? Yes.
192. How long were you living there? About eighteen months.
193. What money did I give you? You never gave me any; you have taken it away from me.
194. What did I give you? All you gave me was my board; I had no clothing from you; I had clothing of my own.
195. You were married from my house? Yes.
196. Did I give you anything when you were married—your husband and you? You gave me some of the quarterly money.
197. Did I give you any land? Yes; you kept three quarters' money, and gave me ten acres of land that cost you £5.
198. Did your husband mortgage it to one George Watson, a butcher? That was a long time after.
199. For £250 or £150? I do not know how much it was. You said you would give the ground instead of the money, as your wife would not allow you to pay the money. You did not sign the conveyance for some time, and you then threatened you would not give a conveyance unless my husband let you have a paddock of oats that was worth £20.
200. Did you ever redeem that land? No, we did not wish to redeem it.
201. What did you do with the money that arose from the mortgage of that land? It went towards a lawsuit; this property was then in the hands of the Court.
202. Did you not mortgage it to raise money to bring an action against me? Some of it—only my part.
203. Are not these papers and documents you have talked of part and parcel of the lawsuits already tried in the Supreme Court? At the beginning—the first part of it.
204. Did you not mortgage the property I gave you and your husband? My husband mortgaged it.
205. You joined in it? Yes.
206. Did you not give it to Mr. Fitzhardinge to commence the lawsuit—were you not all in it? Which lawsuit?
207. The whole of them? I went to Mr. Fitzhardinge's at the time of the first action—not this action.
208. You lost in the lawsuit all the property I gave you? You never gave me money; you took away my money.
209. You say that Mrs. Dickson, when my father was ill, came down and examined the box of papers? No, I did not say Mrs. Dickson; I never knew that she saw the box; she went to my father, and said he had a large family, he had better make a will —
210. You know nothing of that of your own knowledge? I heard it from her.
211. Was not that all stated in the Supreme Court? It was all mentioned in that last case.
212. Was not the evidence given—was it not taken down there? If so you will see it.
213. Were you not present, and did you not give evidence? Yes.
214. Did you give evidence on oath in the Supreme Court, in 1851, about the pillow-case, the papers, and the things you have stated just now? Yes; the Judge asked me, and I gave answers the same as I have done now. I could not say the year it was in; I think about twelve years ago.

TUESDAY, 22 DECEMBER, 1863.

Present:—

MR. CUNNEEN, | MR. DANGAR,  
DR. LANG.

RICHARD SADLEIR, ESQ., IN THE CHAIR.

Mr. J. M'Intosh appeared in support of the Petition.

Mr. R. M'Intosh appeared to oppose the Petition.

Cecil Bedford Stephen, Esq., Judge's Associate, called in and examined:—

215. *By the Chairman*: You have been summoned in the case of M'Intosh to produce certain papers from the Supreme Court? To produce the Judge's note-book and judgments. C. B. Stephen,  
Esq.

216. Do you produce those documents? I have been desired by the Chief Justice to read this statement to you. (*The witness read the same, viz.:*—) 22 Dec., 1863.

"The Chief Justice will, with pleasure, furnish the Committee with a copy of his notes of the evidence in the case mentioned; but he conceives the principle to be of importance that a Judge's notes are not public property, nor accessible except as a matter of courtesy—not in any instance of right. As to the 'judgment' mentioned by the Committee, if the formal judgment be intended, the Chief Justice has not the custody of such records; and if the written reasons for that formal judgment be meant, such papers are published always by the newspaper reporters, and are not in the Chief Justice's possession in any other form."

217. *By Mr. J. M'Intosh*: In what month in 1850 did the first *scire facias* issue to repeal this grant? I know nothing about the *scire facias*. I have the printed judgments outside if you wish to read them; they are simply extracts from newspapers, and the Chief Justice desired me to say that it would be inconvenient for me to leave them here, as they are constantly being referred to.

218. Is that in your handwriting (*handing a paper marked B to witness*)? No. I went through the note-books, and made a memorandum wherever I found any entry relating to M'Intosh's case; I wrote it out, and signed it myself, and this appears to be a copy made by Mr. Crouch.

219. Can you tell the Committee is that the first proceeding that was taken by me? If this is a correct copy of the memorandum made by me (which I do not know, but presume it is), the first mention of *Reg. v. M'Intosh* in the Chief Justice's note-book is under date of 3rd August, 1850.

220. There might have been a *scire facias* issued before this—you cannot tell? I do not know of any.

221. Can you tell the Committee when the Chief Justice delivered the first judgment in this *scire facias*? No. I have a scrap-book, containing the printed judgments cut out of the newspaper, outside.

222. Have you any record of the verdicts that were given in these *scire facias* cases? They will be with the Prothonotary.

Francis James Garrick, Esq., called in and examined:—

223. *By the Chairman*: You have been summoned here to give evidence in the case of F. J. Garrick, James M'Intosh? Yes. F. J. Garrick,  
Esq.

224. Do you know anything of the case? I know a great deal about it; but I do not know upon what points you desire to be informed. I will answer any questions that may be put to me. 22 Dec., 1863.

225. *By Mr. J. M'Intosh*: I believe you were an articled clerk to Mr. Andrew Hardie M'Culloch, when you had my case before you? I was.

226. Do you know of your own knowledge when my first *scire facias* issued? I do not; it issued, I believe, before I went into the office.

227. My second or amended *scire facias*, are you aware that it issued on the 3rd August, 1850? Not of my own knowledge.

228. Are you aware that the *scire facias* that issued on the 3rd August, 1850, issued on the ground of fraud? I believe a *scire facias* issued on the ground of fraud, which *scire facias* that was I do not remember.

229. Just look at that (*handing a paper to the witness*) and see if that will refresh your memory? That does not refresh my memory as to dates, because I am ignorant of dates.

230. Did you draw out that case? Yes, the case was drawn by me for the opinion of counsel, Mr. Manning.

231. Did you draw that from other papers? Yes, I drew it from other papers that were before me. I have no doubt that the statement in that is correct, but when you ask me of my own knowledge I am unable to state anything. I have no personal knowledge, and as it is some years ago I cannot recollect dates.

232. After that verdict of March, 1852, it states here, which is perfectly true, "I can say of my own knowledge" — ? I recollect of my own knowledge the count being added raising the

F. J. Garrick, the issue whether Robert M'Intosh was the heir at law or not. I do not know whether it was in 1852 or not; it was after the determination of the other issue. The question whether Robert M'Intosh was heir at law was determined in Robert M'Intosh's favour.

Esq.  
22 Dec., 1863.

233. Was the heirship in this case tried twice? Not to my own knowledge.

234. Do you know what this issue was that was tried here? I believe there was a prior issue, but I cannot speak to that of my own knowledge.

235. Are you aware that the issue tried here was, "Who is the eldest son and heir of Robert M'Intosh"? I believe that was the prior issue that was found for you.

236. This is the last thing that was tried—who was the eldest son? Yes, that was the last, but I believe there was a prior issue on the records of the Court.

237. It was of a different nature—was it not upon the illegitimacy of the defendant? That I cannot tell; I cannot speak from my personal knowledge. I believe it had reference to the same question, but how the language of the *scire facias* or count was framed I cannot recollect.

238. *By the Chairman*: Did I not understand you to say that this was the case you got up for Mr. Manning? Yes.

239. That does not prove a fraud? That proves nothing.

240. What we want to get at is this question—whether James M'Intosh is the heir at law or not? Of which fact I have no knowledge.

241. Will you look at that (*handing witness the petition referred to the Committee*)? I have read that, and I believe all the facts therein stated to be correctly stated. Of my own knowledge I know nothing; I believe there was a prior issue as to legitimacy, which was determined in favour of James M'Intosh, and there remained that issue upon the records of the Court when the *sci. fa.* was amended by adding another count.

242. Are you aware whether there was another trial in 1852, raising the issue of heirship? I do not know of my own knowledge, but I believe there were two issues, both substantially to the same point, one on the record of the Court in favour of James M'Intosh, the other in favour of Robert M'Intosh; whether they were technically worded in the same way I do not know.

243. *By Dr. Lang*: But both of the cases involved the same point? I believe substantially they did. I do not know whether the issue was worded in the same way—whether he was son or not, or whether he was heir or not; I do not know what shape it assumed.

244. *By Mr. J. M'Intosh*: Have you any recollection of the trial of 16th March, 1852—this (*handing witness a newspaper extract*) may call it to your recollection? No, I have not a personal recollection of that trial, though I was in the office when it took place.

245. You do not recollect any judgment in this case being delivered? Only the judgment refusing to grant a new trial on the ground of the application being made too late; you having omitted to count the Sunday, which the Court held to be fatal.

246. Have you any recollection of that judgment having been delivered (*handing a paper to witness*)? This determines the grant to be a nullity, being in favour of a dead man.

247. That was the first judgment that was delivered in Court—have you a recollection of that? Not a personal recollection; I have a broad recollection of the fact happening.

248. Have you any recollection of the decision of the Equity Court in the case of M'Intosh? None whatever of my own knowledge.

249. Can you speak from the papers you have seen, as to what estate my father held in the land? The Court decided that such interest was no estate at all. (*Mr. James M'Intosh handed in a paper, marked B 1.*) Newspaper reports of judgments are generally received as correct, and are referred to by counsel.

250. Did you see anything among the papers in the course of the proceedings to shew that this land was in trust? Yes, I saw something, I forget exactly what it was; I think it was a deed signed by Robert M'Intosh; I am not sure.

251. I may refresh your memory—had you a deed of lease and release from M'Intosh to Mr. Barker? I think it was a memorial to Mr. Barker and some one else.

252. Purporting to be executed by the defendant to Thomas Barker and Charles —? Yes.

253. Was it registered? Yes. It was the memorial I saw—I did not see the original.

254. Have you any knowledge whether the trustees acted under it? I have heard that Robert M'Intosh made payment of the rent to Thomas Barker, and I think I have seen receipts for the rent signed by Mr. Barker.

255. Have you seen these (*handing to witness the several papers marked E, F, G, H*)? Yes, I recognize these as receipts I have seen before.

256. Are you aware, from your knowledge of this case derived from the papers, whether this property at my father's death formed part of the real or personal estate? The Court has decided that the interest which Robert M'Intosh held at his death was nothing; therefore my opinion outside of that is nothing. The Judges came to similar decision in the case of *Cockcroft v. Hansey*, and they also subsequently decided in the same way in a case of my own, *Guy v. Holt*.

257. Was the material question in the *scire facias* action as to the interest of my father in the land? If my recollection is correct, no question as to the nature of his interest in the land arose.

258. What was the question before the Court? A *scire facias* to call upon Robert M'Intosh to shew cause why the grant should not be repealed, on two grounds, one of which was that it was obtained by fraud, with the collateral issue that he was not heir at law. I think I can explain the whole matter from the first, if the Committee wish it. I believe the first count was to repeal the grant on account of its having issued to a dead man. You were beaten upon that, because the Court held that a grant to a dead man was a nullity, and did

not

not require repealing. Then, I believe, there was an issue as to Robert M'Intosh being a F. J. Garrick, son, but whether heir at law I do not know, which issue I believe was found in your favour. Then there was an amended issue on the *scire facias* whether Robert M'Intosh was heir at law or not, which was determined in his favour. I think on the determination of that issue the Court directed a new trial, which was never gone on with. Esq.  
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259. *By the Chairman*: What was the objection to the new trial? According to the rules of Court you have to make application for a new trial within so many days of a verdict, and the Court held that Sunday counted as one of the days, whereas it had been treated as a *dies non* by Mr. M'Culloch.

260. *By Mr. R. M'Intosh*: Was not that case tried after? Not to my knowledge.

261. Was there not a verdict for the Crown after? That verdict for the Crown, as you call it, and the verdict for you, is the same thing.

262. Did you conduct the case for Mr. James M'Intosh when you were at Mr. M'Culloch's? No, Mr. Young did.

263. From your knowledge of Mr. Young, do you believe that he conducted the case honestly and justly? I decline to answer the question.

264. In what you had to do with it did you do your best for him? What little I had to do of course I did.

265. Did he come to you shortly before he came to this House, to bring an action for him? Yes.

266. Has he paid you a sum of money? Yes, a small one.

267. And all this pile of papers you have been looking at has been before you as his attorney—as a lawyer? Yes.

268. Did you bring any action against me? No.

269. Why? Because he was barred, I thought, by the statute of limitations.

270. I believe you were in Mr. Rowley's office, and another gentleman was in the same office? Yes.

271. And you gave James M'Intosh the opinion that he could not go on with the case? Yes; but I had no doubt whatever of the integrity of his claim, and that the land is not yours.

272. That is your personal opinion? You have been pressing me for it, and that is my answer.

273. You are his lawyer? I beg to say that I have no interest in the case, and that I am leaving the Colony, probably for good.

274. Do you recollect, when you were in Mr. M'Culloch's office, that I offended you in some way? Not that I know of; I do not think you ever offended me in my life.

275. When the case was tried was the verdict for me or for James M'Intosh? For you.

276. Was not John M'Intosh heaped up—was not the main pinch——? I do not know what you mean by the main pinch of the case. I believe it was always understood that you were not the heir at law.

277. On the pinch of the trial—when Sir William Manning was engaged—did you not introduce John M'Intosh? I am sure I forget. I think he had something to do with it.

278. Did you ever obtain a verdict in his favour in your office in any shape? I believe one verdict.

279. What was that? I believe the substantial question whether you were Robert M'Intosh's son, upon which issue I think it will be seen in the record a new trial was granted.

280. You did not prosecute it? I believe not.

281. Was there ever a verdict given to me except the one given to the Crown? Not to my knowledge.

282. *By the Chairman*: I think you mentioned that John M'Intosh's name was mixed up in this trial? I believe so.

283. You do not consider him as heir at law? James M'Intosh was treated as the first one born in wedlock. I believe there were three before him—Robert, a girl, and John.

284. *By Mr. R. M'Intosh*: In the trial of the question of the heir at law, did you put in these documents and papers? I do not know what evidence was put in; the case was conducted by counsel, and anything that was put in will speak for itself, as it will be marked by the Clerk of the Court in the same way that Mr. Palmer now marks any papers handed in.

285. Can you recollect how many cases you conducted for James? I think two issues of fact and one of law.

286. Did you ever obtain any costs against me? I think not. I believe we never got any costs, but I think there was one case in which you were liable to pay costs, but there were cross claims, and they were settled in that way.

287. Was there ever a verdict found for James? Yes, or a verdict for the Crown, which comes to the same thing.

288. Can you tell how the *scire facias* came to be got rid of? I believe, but I only know from hearsay, that you got it called in.

289. Do you know that the Attorney General called it in? Of course it would be the Attorney General who would call it in, but through your instrumentality.

290. You do not know of your own knowledge that it was through me? No, I only heard it was through you.

291. Did Mr. M'Culloch object to its being called in? That I do not know.

292. You know nothing about the equity suit that was not tried through your office? No.

293. The only law proceedings taken through your office was this *scire facias*? Yes.

294. There were two issues upon that, one in my favour and one in favour of Mr. James M'Intosh? Three issues—two of fact and one of law.

295. Was it an issue of fact as to the heir at law—was that one issue? Yes.

F. J. Garrick, 296. The other was a verdict for the Crown? Yes.

Esq.

297. *By Mr. Cunneen*: Can you inform the Committee for what reason the Court held the grant to Mr. Robert M'Intosh a nullity? Because it was made to a dead man—to a non-entity.

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298. If the deceased Robert M'Intosh had obtained the grant before his death, would such grant have been valid? Yes.

299. He dying without obtaining such grant, through negligence, would his heir at law have an equitable claim to a grant of land from the Government? He would have no better equity than the other children, because the Court decided that the interest of Robert M'Intosh had, when he died, was no estate at all—he had no descendable interest.

300. I believe it is represented that he had not that interest, because he had not taken out the grant to which he had a right if he had taken the necessary steps? Yes. It is a pure fiction of law—one of those things which we cannot account for.

301. Have you any idea who was the heir at law of Robert M'Intosh? I have an idea, but no knowledge of my own on which to base that idea. I have merely formed an opinion from having made myself acquainted with the evidence during the progress of the case.

302. *By the Chairman*: If the deceased had no interest whatever in the property, how can there be an heir at law to it? There cannot be an heir at law, but the Court had not at that time decided he had no interest. The suit of M'Intosh v. M'Intosh went upon the assumption that he had an interest, but in the case of Cockerroft v. Hansey, which was confirmed by Guy v. Holt, it was decided that there was no interest.

303. As it has been decided by the Court that there is no interest in the estate, how can there now be an heir at law? That you have to determine.

304. *By Dr. Lang*: Was it not frequently the case that land was in the occupation of parties, in the olden time, without any formal deed from the Crown? Yes, in numerous instances.

305. Does not the law recognize such occupation as constituting a right on the part of the holder? It would depend upon the fact of whether the Crown issued a lease to that individual. If a person were in occupation upon a simple promise from the Crown, the Court held such an occupation is not an interest in land.

306. There must be a formal deed? There must be a lease.

307. *By the Chairman*: This is nothing but a simple promise? No.

308. *By Mr. Cunneen*: I would call your attention to the third paragraph of the petition. (*The witness read the same.*) Do you know whether he was entitled to such grant? I have no doubt he was.

309. Then if he failed through inadvertence to take out the grant before his death, would not the heir at law have a right to take out the grant after death? The Court decided not.

310. *By Mr. R. M'Intosh*: If the Crown sent a letter to the persons in possession, and told them they should have a grant in their lifetime, would they then have a right? The Court held not; they held that a promisee has no right in land, whether the promise is by writing or parol.

311. If I were in possession and asked the Crown for a deed of grant, and it were given me, could any representative of the family oust me? The Court have decided that they cannot. In Cockerroft and Hansey it was decided that the Government had a right to prefer any one, even a stranger, who was in possession.

312. *By Mr. J. M'Intosh*: That is in cases where a man gets a grant honestly? Of course; fraud will re-open anything.

313. *By the Chairman*: Suppose it to be obtained by fraud, should not the Crown pursue the matter? Yes, they did so by *scire facias*, and James M'Intosh was virtually beaten.

314. *By Mr. J. M'Intosh*: On what ground? That you were too late for a motion for a new trial.

315. *By the Chairman*: Could the Crown still re-open the case? It is supposed the Crown can do anything.

316. *By Mr. R. M'Intosh*: Could not James M'Intosh re-open the case if he chose to go to a lawyer? These are nice points to decide upon. I think he could have capsized the whole thing if he had returned to the Colony a year or two earlier, so as to have stayed the statute of limitations.

317. I believe you were present at the last trial? Yes.

318. You have seen James M'Intosh and myself? Yes.

319. You have seen us all present together? Yes. I am not quite sure whether I saw your sister; I think I did, if she is the person who is now outside; I do not believe I have seen her since.

320. Do you see any family likeness between James M'Intosh and myself? I think there is a strong family likeness.

321. Were we examined in the Court? Yes; James M'Intosh shaved off his whiskers to look unlike you, and he then looked as much like you as it was possible to do.

322. *By Mr. J. M'Intosh*: You have known the M'Intosh family as long as you can recollect? Some of them.

323. Do you know that the defendant is Robert M'Intosh's son? How on earth can I know?

324. Can you say he is? No.

325. Could you say John M'Intosh was? Certainly not. (*Mr. J. M'Intosh handed in a certificate of baptism, marked I.*)

326. *By Mr. Cunneen*: Will you look at the paragraph in the petition at the bottom of the second page? (*The witness read the same.*)

327. Is it usual, in applying to the Court of Claims, to do so through the Minister for Lands? I think that would be the proper course; he has charge of the department, and he would refer

refer the matter to the proper Court, which is the Court of Claims. I do not think I ever had a case, but I believe that would be the usual course. The Court of Claims can only entertain an application for a grant where no grant has issued; but if a grant has issued, the jurisdiction of the Court of Claims determines.

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328. *By Mr. J. M'Intosh*: If the grant has issued wrongfully? They have no jurisdiction to inquire.

329. *By Mr. Cunneen*: Do you think this is a fit case to go to the Court of Claims? Certainly not; the Court of Claims has no jurisdiction to entertain it, because, suppose they found all the facts, they are not competent to give relief.

330. What is the difference between this case and those that are entertained in the Court of Claims? In this case a grant has issued; on the cases that the Court entertains, they decide whether the grant shall or shall not issue, and whether it shall issue to particular individuals or to certain others.

331. *By Mr. Dangar*: Was not Tawell's case something like this? I really forget the particulars of that case. (*Mr. J. M'Intosh handed in certain documents.*)

Mr. George John Crouch, junr., called in and examined:—

332. *By the Chairman*: You are summoned here in the case of *M'Intosh v. M'Intosh*? I am.

Mr. G. J.  
Crouch,  
junr.

333. *By Mr. J. M'Intosh*: Have you all the papers in the *scire facias* actions? I produce all the papers from the Supreme Court in the case of the *Queen v. M'Intosh*.

334. Can you shew the Committee the judgment in the first case? We keep no record of the judgments delivered.

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335. From what date have you the proceedings? From the 3rd August, 1850; I produce the whole of the records in the *Queen v. M'Intosh*, No. 861, for which I received the summons. I have here the *præcipe*, dated 3rd August—that is the commencement.

336. How many verdicts have you? There are two trials.

337. What dates are they? The first trial took place on the 11th, 13th, and 14th June, 1851, and the second the 15th and 16th March, 1852.

338. When was the other trial? There were only two trials.

339. Have you the process book with you? No, I have not.

340. Who was the first trial given to? The verdict was given by three-fourths of the jury, by consent of both parties; on the first issue for the defendant, and on the second for the Crown. Here is the record itself (*producing the same*), with the Associate's endorsement.

341. What was the issue at the first trial? Whether the defendant was heir at law, and whether he did procure such grant by representing him to be such heir, and had the same issued to him upon faith in the truth of such representation.

342. Who was the next given to? It did not resolve itself into a question of heirship in the second trial. In this trial it was found that the defendant did represent himself to be the original Robert M'Intosh, and that the Governor issued the grant upon the supposition that the defendant was such original Robert M'Intosh.

343. And not only that he was not such Robert M'Intosh, but was a stranger to the blood of the M'Intoshes? No.

344. *By Mr. R. M'Intosh*: Under that, did my attorneys move for a new trial? I find a notice of motion for a new trial "on behalf of prosecutor," filed on the 19th June; and a notice of motion for new trial by defendant on the 20th April, 1852. The new trial was granted in the latter case, on the 29th September, 1852, but it was not continued; there was a *nolle prosequi* entered by the Attorney General.

345. *By Mr. J. M'Intosh*: You have no account of this trial which took place on the 10th, 11th, and 12th July, 1852? I have no record of any such proceedings.

346. Have you any documents, dated 24th August, 1850? Yes, I find a demurrer by defendant, Mr. M'Intosh, to the *scire facias*, and a demurrer by the defendant, the Honorable John Nodes Dickenson, both dated on that day. (*The witness handed in demurrers.*)

347. Have you any document dated 11th August, 1850? I have not.

348. Have you any dated 24th September, 1851? I find pleas to the third count of the *scire facias* were filed the 24th September, 1851. (*The witness handed in the same.*)

TUESDAY,



TUESDAY, 5 JANUARY, 1864.

Present :—

MR. DANGAR,  
DR. LANG,MR. MORRICE,  
MR. STEWART.

RICHARD SADLEIR, ESQ., IN THE CHAIR.

Mr. James M'Intosh appeared in support of the Petition.  
Mr. Robert M'Intosh appeared in opposition to the Petition.

William George Pennington, Esq., called in and examined :—

W. G.  
Pennington,  
Esq.

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349. *By the Chairman* : You are the Secretary of the Court of Claims? I am.
350. Do you produce the records of that Court? I produce the register of memorials presented under the original Court of Claims Act.
351. Is there anything in it referring to this case of M'Intosh? I find an entry, "No. 522. Robert M'Intosh, Lane Cove, Cumberland. Land in George-street called the 'Bull's Head.' Date of memorial, 5th May, 1834"; and there is a memorandum in the book now produced to this effect—"Struck out, there being no attendance."
352. That is the only reference there is to it? Yes. I have not the original memorial in my custody, but I could have procured it if the Committee had so desired. I doubt, however, if it will be found to contain more information than is contained in this book.
353. *By Mr. J. M'Intosh* : Is it a usual thing when a man puts in an application for a grant through the Court of Claims, to follow it up? Certainly.
354. After it is tried and decided, how does the Commissioner give a certificate? The duty of the Commissioners is to send in a report to the Governor. They are the officers to whom the Government delegates the investigation of these claims.
355. Was that done in this case? No, it appears not; it appears that the applicant did not proceed with his claim—that he abandoned it, I suppose.
356. Can you say of your own knowledge that the Commissioners never did give a certificate in that case? If the Commissioners had made a report, it would have appeared in this book.
357. *By the Chairman* : In fact it does not appear to have come before the Commissioners at all? No.
358. *By Mr. J. M'Intosh* : The case was called on, was it not? I cannot say; I should rather think from the entry that it was called on, and the applicant not being in attendance the case was struck out.
359. *By Mr. Stewart* : It is usual in these cases to appoint a day for the hearing of the case? Yes, the application is always published in the *Gazette*. It has always been the practice to give notice of the claim for two months in the *Government Gazette*, to give the opportunity for caveats and counter claims to come in, and at the expiration of the two months it is usual for the Commissioners to appoint a day for taking the case into consideration. This memorial, I presume, was advertised for two months, and a day appointed for the hearing, on which day no one attended.
360. It was then struck out? Yes.
361. *By Dr. Lang* : Does that preclude the case from being revived? No, the party might have presented another memorial, or applied to have his former memorial reheard.
362. *By Mr. J. M'Intosh* : If that grant had issued on that memorial, would it have been to Robert M'Intosh, of Lane Cove? It is impossible to say—that was entirely in the discretion of the Commissioners. If the Commissioners thought the counter-claimant had the juster claim of the two they would have reported to that effect, and the grant would have issued to the counter-claimant.
363. If the grant had issued upon that memorial, would it not have been in accordance with it, to Robert M'Intosh, of Lane Cove? No doubt it would, but that is not the question you put just now.
364. Can you say from your own knowledge that the grant was made to Robert M'Intosh, of Sydney, his heirs and assigns? I never saw the grant, I think.
365. It speaks so in nearly all the papers? Yes, I suppose it would be so.
366. You are acquainted with the verdicts that were given in the *scire facias* cases—some of them? I know them from having read the newspaper reports.
367. Do you recollect one on the 16th March? Perhaps it would be better for me to give the Committee, from my recollection, a sort of synopsis of the case. Mr. James M'Intosh consulted me professionally some time ago, and I then entered fully into the case. About the year 1850, or 1851, Mr. James M'Intosh obtained a *scire facias* to repeal a grant made to his brother, upon certain grounds—among others, that of the grant having been fraudulently obtained. To that *scire facias*, I believe, there was a demurrer, which demurrer was determined in favour of the defendant, on the ground that the *scire facias* shewed the grant to be a void grant. Upon that, I think, the *scire facias* was amended—to the best of my recollection—and another issue was raised, that the grant was not void but voidable; and that issue was determined in favour of the Crown. Well, then, the issues raised by one of the defendant's pleas were tried in the Supreme Court, I think about the year 1850. I recollect the trial very well, for I think I was in Court at the time it was tried. The issue raised in that case was, that Robert M'Intosh was not the heir; in fact, it was a question of heirship—who was the heir at law. The jury, after a very long trial, found a verdict in favour of the defendant; that is to say, they found the issue of heirship in favour of Robert M'Intosh, the defendant.

368.

368. That was the second trial of heirship? No, the first trial of heirship. James M'Intosh, the prosecutor, applied to the Court for a new trial of that issue, and through some blunder of his attorney—I do not know who was his attorney at that time, Mr. M'Culloch, I think—through some blunder of his attorney, or of the attorney's clerk, he failed in getting a new trial.

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Esq.

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369. On what grounds? The application was not in time, or some purely technical ground; so that the Court never heard the case for a new trial argued upon the merits. However, in that trial there was only one issue raised. There was another issue raised as to the fraud in obtaining the grant. That issue was tried, I think, in the following year, if I recollect right; and from the evidence produced in that case, the jury, I believe, found a unanimous verdict for the Crown; that is, that the grant was fraudulently obtained; that the authorities had been deceived by Mr. Robert M'Intosh's personation of his father, and that the Crown was misled by his statement—believed Robert M'Intosh, father and son, to be one and the same person—in giving Robert M'Intosh, the son, a grant that was intended for the father. That issue having been found in favour of the Crown, Robert M'Intosh then applied for a new trial, and the Court, I think some months afterwards, granted a new trial, and that new trial, for some reason or other which I am unable to discover, but which Mr. M'Intosh, the prosecutor, can possibly explain, never took place, and there the matter rests; that is to say, the case stands thus:—One issue, the issue of heirship, was tried, and found for the defendant; no new trial could be had of that issue, from the blunder of the attorney. The second issue was tried, and found for the Crown; a new trial was granted, but no new trial has ever taken place.

370. *By the Chairman*: Then, in fact, the Crown only can proceed now—have you any idea of the case? The opinion that I have formed of the case is that there was a failure of justice, and that through no fault of the prosecutor—although through his attorney, and therefore probably his own—he had been prevented from obtaining a fair trial of the question of heirship; and then, moreover, he ought to have gone to a new trial on the question of fraud; but justice, it seemed to me, would have been substantially satisfied by directing a new *scire facias* to issue. I, as his attorney, applied to the Attorney General to issue a new *scire facias*, but the Attorney General declined to issue a new *scire facias*, because he said there was no precedent in any of the books for a second *scire facias* to issue in respect of the same matter of complaint.

371. *By the Chairman*: That seems to have stopped the thing altogether? Yes.

372. Are you aware that the opinion was that there was no fraud at all in the matter, and that the Chief Justice ruled that he was the heir, and that it was not a fraud though he did get the deed improperly? On the question of fraud the jury certainly found a verdict in favour of the Crown, and, as I understood the case, the Court ordered a new trial on the ground that the verdict was against evidence. I think that was it.

373. *By Mr. Stewart*: In what way does the case now stand in reference to the last proceedings in the Supreme Court? As to the first issue of heirship, it failed altogether; as to the second issue of fraud, a new trial was ordered, and the prosecutor, according to the rules and practice of the Supreme Court, ought to have set it down for trial at the sittings then next following. Ten years having elapsed since that new trial was ordered, the prosecutor is of course entirely out of Court.

374. That will leave the parties altogether as they originally stood? The original *scire facias* is entirely dead and gone—it is impossible to revive it.

375. *By the Chairman*: Is it impossible for M'Intosh to proceed now to a new trial? It is impossible.

376. *By Dr. Lang*: Do you think the question can be raised in any other way? I think the proper way to raise the question is for the Crown to grant a *scire facias*. I think it is a matter entirely in the discretion of the Attorney General, and it is possible that another Attorney General might take an entirely different view of it from that taken by his predecessor.

377. *By Mr. Stewart*: The Crown are the only parties now to move in it? The Crown are the only parties to raise the question at law; there is a possibility of raising it in a Court of Equity, but it is very doubtful.

378. *By Dr. Lang*: Do you think it likely any issue can be arrived at from the proceedings of any Committee of this nature? No, I do not think it can be attended with any useful result. The Committee might recommend a rehearing of the case before the Court of Claims, but it is very doubtful whether the Court of Claims would try a question that had been already determined by a jury.

379. *By the Chairman*: Do you think it is a case that the Court of Claims can entertain at all? No, because the only ground upon which the Court of Claims can entertain it is that the grant is a void grant, and that the property is in the Crown, and it is the Commissioners to say to whom the Crown shall grant it; but they could only arrive at that by trying the question of fraud again, and that they would not do; for though a very good tribunal to try ordinary claims, it is not a good tribunal to try complicated questions of fact.

380. *By Mr. Stewart*: Are you aware of any such cases having come before and been disposed of by the Court of Claims? No, I do not think it likely there has been such a case—I do not know of such.

381. It would be difficult to bring the question before the Court of Claims if there were no precedent for it? I can see no grounds, after a case has been once tried by a jury, to resubmit it to the Court of Claims upon the same point.

382. *By the Chairman*: In fact the Court of Claims cannot supersede the judgment or decision of a jury? No.

383. *By Mr. J. M'Intosh*: Was this case ever before the Court of Claims? Yes, the record shews it.

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Esq.  
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384. But the Court had no opportunity of inquiring into it? No.
385. *By Mr. Stewart*: In fact, according to that, the grant was issued without the intervention of the Court of Claims? Yes, I suppose the party found he could get his grant without coming to the Court of Claims, and he did so.
386. *By Mr. J. M'Intosh*: Are you aware that the grant was advertised in the *Government Gazette*? I know nothing except what I see in this book.
387. Are you aware of the practice of the Government at that time? No.
388. In the case of a death was it referred to the Court of Claims? I cannot say for certain.
389. You are Secretary now of the Court of Claims? Yes.
390. In the case of a death, where a man had a promise of a grant of land, would it be referred to the Court of Claims? Yes, certainly.
391. This case never was referred to you—never was tried by you? I know many grants are issued which do not pass through the Court of Claims—it is a very common thing.
392. They are issued to the original applicants? No, it is very often they are issued to the heir at law.
393. *By Mr. Stewart*: If the Crown saw no difficulty the grant could be issued? Yes, it is entirely in the discretion of the authorities.
394. *By Mr. R. M'Intosh*: Do you know that the Court of Claims is only for the purpose of investigating a case where there is a dispute? No, it goes much further than that. However, the Act of Council expressly describes the functions of the Court of Claims. The Commissioners of the Court of Claims may be called upon to advise the Government in any case.
395. After the deed has issued from the Crown? Not after the deed has issued, of course.
396. You have spoken about the *scire facias*—do you know whether there were two or three? Only two trials.
397. One as to the heir at law, and the other was a verdict for the Crown? Yes.
398. Are you aware that it was the Attorney General or the Queen who issued the *scire facias* in the *Queen v. M'Intosh*? Yes, because a *scire facias* can only issue in the name of the Crown.
399. When the Crown got the verdict, was not the verdict in the hands of the Attorney General? No, in the hands of the prosecutor of course. A *scire facias* is a—
400. Was not the *scire facias* in the hands of the Attorney General, to act as he thought fit? I presume so.
401. Do you know the reason he withdrew it? No.
402. Did you see anything written by the Chief Justice in the paper? I read the paper, but perhaps it would be wasting the time of the Committee, to state matter of which I have no knowledge except from the newspaper.
403. If a person has been at law for ten or twenty years, and had the assistance of Sir William Manning, Mr. Darvall, and all the head men of the Colony, to prosecute his case, do you mean to say that he has not had fair justice done to him? I thought there had been a failure of justice in this case, because Mr. James M'Intosh had been prevented a new trial in consequence of the neglect of his attorney.
404. Would you think there had been a failure of justice when the case had been conducted by the leading members of the bar, and prosecuted for ten or twenty years? That is a matter of opinion.
405. *By Mr. J. M'Intosh*: In cases that are referred to the Court of Claims—is it not where there is a grant issued? Where the Crown has made a promise, it is the duty of the Commissioners to advise the Crown to whom a grant should be issued.
406. In this case has there ever been a grant issued in point of law? Yes, there is a grant to Robert M'Intosh, which I suppose is a good grant until it is impeached.
407. Is it the case or not, that where a grant is obtained by fraud it is void? Yes, certainly.
408. It passes no legal estate to any one? No.
409. *By Mr. R. M'Intosh*: It is void as a matter of law? Yes, of course.
410. *By Mr. Stewart*: That is a matter of clear law? No doubt; that was the question sent to the jury—to try whether the grant was obtained by fraud or not.
411. On that question a new trial was granted? Yes.
412. *By the Chairman*: What was the decision of the jury in the trial of fraud? A verdict for the Crown.
413. *By Mr. J. M'Intosh*: Is it the case, where a verdict is given for the Crown, that the benefit of that verdict goes to the subject? It is the Crown prosecuting by James M'Intosh.
414. What is the object then of a subject taking out a *scire facias*, if the verdict is for the Queen and he does not get the benefit of it? These are really only matters of legal opinion, and many of them are points upon which the Committee are just as well informed as a professional witness.
415. Is it not for the benefit of the subject? Of course it is like any other prosecution. (*Mr. J. M'Intosh handed in a paper. Vide Appendix A 2.*)

Mrs. Mary Jane Bawn called in and examined:—

Mrs. Mary  
Jane Bawn.  
5 Jan., 1864.

416. *By the Chairman*: Do you know what you are summoned here for? No.
417. You do not know what the case is? Yes, a little—not exactly.
418. About the two M'Intoshes—about some disputed property? Yes.
419. Are you a relation of the family? A sister.

420. *By Mr. J. M'Intosh*: Was your former husband summoned on this case? He was summoned on a case in 1851. Mrs. Mary Jane Bawn.
421. A *scire facias* case? Yes.
422. As a witness for James M'Intosh? Yes. 5 Jan., 1864.
423. Did he give evidence upon it? I believe he did; that I cannot say—I was not present.
424. *By the Chairman*: Do you know anything of the trial yourself? No.
425. What do you know of this case personally—of your own knowledge? I cannot say I know anything at all, scarcely. I know my husband has received money from his eldest brother as regards his property, both here and in Van Diemen's Land. We received money here, and timber there.
426. *By Mr. J. M'Intosh*: What was it for? As regards rent for the "Bull's Head."
427. In consideration of what document did you receive it? My husband had a trust deed, and I always understood that it was from that that there was a settlement.
428. *By the Chairman*: A settlement between Robert M'Intosh and your husband? Yes.
429. *By Mr. J. M'Intosh*: And all the other members of the family? And all the other members of the family as well. Sometimes Robert has paid his brother £10 a quarter; it was less than that at some other times, but I could not say what it was. We went to Van Diemen's Land, and his brother owed my husband some money, and he wrote him for it, and said timber would suit him as well as money, or better, as he was making up furniture, and Robert sent him some cedar.
430. Did he receive it from the death of his father up to 1836 without its being stopped? That I cannot say; he received it some time before I was married. At one time, prior to our marriage, he said he had not received the quarter's money.
431. Do you recollect, when you came back, Robert saying why he had stopped the money? When my husband came back his trade was very bad, and he said that with what little money was coming to him he would make a start in. He asked Robert for the money that was due to him, and Robert said he could not give it him just at present, but that in a little time he would try and give him some. He did give him some money at this time, and some time afterwards he told my husband the Government had given it to him—meaning the property. My husband, in answer, said, "How could the Government give it to you?" A little dispute took place, and Robert went away. We never got any money from that time.
432. *By the Chairman*: In what year was that? I could not tell you; I have a very bad memory.
433. *By Mr. J. M'Intosh*: Did he tell you that he had got a grant? He said Government had given it to him, but he did not mention the word "grant."
434. *By the Chairman*: All you know about the matter is, that this money was given for a certain period, that after that time it was withdrawn, and that Mr. Robert M'Intosh said the Government had given him a grant? He did not say anything about a grant; he said Government had given it to him.
435. *By Mr. J. M'Intosh*: Can you tell the Committee whether there was one trial or whether there were two trials of heirship? I believe there were two; I know there was one in 1851, for I had a child born in 1851.
436. *By Dr. Lang*: You are the sister of Mr. J. M'Intosh? No, I am the widow of John M'Intosh, his brother, and now the wife of George Bawn.
437. It was of your former husband you were speaking just now? Yes.
438. *By the Chairman*: Have you sons by John M'Intosh? Yes, I have had a very large family.
439. How many sons have you? I had fifteen children in all by John M'Intosh.
440. How many sons by John M'Intosh have you alive? Five.
441. Did John M'Intosh make a will when he died? Yes.
442. To whom did he leave his property? To me.
443. Entirely? Entirely.
444. In that will is there anything respecting this property—the "Bull's Head"? That I cannot say. I have the will at home, or the probate.
445. Can you furnish that to the Committee? Yes.
446. *By Mr. R. M'Intosh*: You are the sole executrix? Yes; the will was signed and drawn by Mr. Norton.
447. *By Mr. J. M'Intosh*: Did your husband in his lifetime admit me to be heir at law of my father? He told me he did, because he could not shew what the law required—the register of his age. He told me he was about eighteen months or two years old when he came to this Country.
448. *By Dr. Lang*: He was an older brother than James M'Intosh? Yes.
449. *By Mr. R. M'Intosh*: Was he older than Mary M'Intosh? Yes.
450. *By the Chairman*: What was the date of your husband's coming out? That I cannot tell you.
451. How old was he? Forty-eight, but Mrs. Robert M'Intosh said he was forty-nine, and his age is put down upon his tomb as forty-nine.
452. When did he die? On the 14th May, 1860.
453. *By Mr. J. M'Intosh*: Your husband could not shew his registry of baptism? No, he could not; he was not born here.
454. Could he shew that he was the son of Robert M'Intosh? No; he had not his register.
455. *By Mr. R. M'Intosh*: You were married to John M'Intosh? Yes.
456. Do you know whether he was a brother of mine? I always supposed he was.
457. Do you know of your own knowledge that he was the son of Robert M'Intosh, the band-master of the 46th regiment? Yes.

- Mrs. Mary  
Jane Bawn.  
5 Jan., 1864.
458. That was your belief? Yes, and my father's belief.
459. Had you known John M'Intosh from a child, before you were married to him? I knew him a number of years.
460. Did you know my father? Yes, I knew your father.
461. *By the Chairman*: Did you know his mother? I cannot remember his mother, but my mother remembers her perfectly well.
462. *By Mr. R. M'Intosh*: Did you know me also? Yes.
463. Am I the son of Robert M'Intosh? I cannot say that.
464. Do you know anything to the contrary? No.
465. Did you ever hear anything to the contrary till this lawsuit commenced? No. I heard that your sister, Eliza —
466. *By the Chairman*: Did you ever hear of any doubt of his being the son of Robert M'Intosh, until the trial? I cannot say.
467. *By Mr. R. M'Intosh*: Did you ever hear John M'Intosh say that John Stewart came in the ship with us? Yes.
468. Did you ever hear him mention the name of the ship? Yes, the "Windham."
469. Did you or your husband give James M'Intosh lately a bond or agreement, which he has put in here? Not that I know.
470. Had you one in your possession? The trust deed?
471. Yes. Did you give it him lately? Yes.
472. The one you gave him is the one you have spoken of? Yes.
473. *By the Chairman*: When did you give him that deed? When he came from Melbourne.
474. Would you recognize that paper (*the deed handed in on a previous day was produced*) — is that it? \* This is it.
475. On what date did he come back from Melbourne? I think more than two years since.

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\* NOTE (*on revision*):—This answer is incorrect, inasmuch as I did not say "This is it." I said "I doubt it." I have since inspected the bond, and found it is not the deed I gave Mr. James M'Intosh. The deed I gave him is a trust deed, and is now in the possession of Mr. Owen, solicitor, Elizabeth-street.

1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MR. N. L. KENTISH.  
(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 14 July, 1863.*

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of Nathaniel Lipscomb Kentish, Gentleman,—

RESPECTFULLY SHEWETH:—

That a Petition was presented to your Honorable House, by the Honorable Member for Bathurst, on the 22nd September, 1861, setting forth a case of extreme injustice under which your Petitioner has, even at that remote date suffering, namely, under a false conviction of "calumny"; on which conviction your Petitioner had been sentenced by the Government to "summary dismissal from his office of Clerk of Petty Sessions at Molong, and from the public service," notwithstanding that up to that time he had enjoyed an unblemished reputation two and thirty years as an efficient and faithful servant of the Crown, in England and Australia—his alleged offence consisting wholly and solely of having "unjustifiably, on insufficient grounds," charged a brother officer with "blasphemy," and alluded to him as "a brawler and a sot," whose company he shunned.

That the said Petition was, by vote of your Honorable House, ordered to be printed, but such order having been rescinded, and the Petition not having been yet taken into consideration, Members of your Honorable House are but little aware of the several and extraordinary, but serious, facts following, six in number, each of which is fully established by the evidence taken by two Select Committees on the original Petition on this matter, presented to your Honorable House by the Honorable Charles Kemp, so long ago as May 3rd, 1860, but still in abeyance, viz:—

1st. That the letter, purporting to be the judicial report of the Molong Bench, drawn up in open Court by Luke Homan Siphthorpe, C.C.L., and subscribed by that gentleman, and by other three Magistrates, was officially addressed to the Honorable Colonial Secretary, on the 11th of September, 1859, under the vehement verbal protest from the Bench, of the Chairman, Robert Johnston Barton, Esquire, who then and there, in open Court, denounced that letter as an untruthful and unjust representation "in the teeth of the evidence," constituting the proceedings of that Court of Petty Sessions and of magisterial inquiry "a mockery of justice," to which document that gentleman and Justice—the senior Magistrate of the district—persistently and indignantly refused to attach his signature, as fully explained and reiterated in his evidence given before the Select Committee, January 25th, 1861, at pages 11, 12, 13 of "Proceedings of Select Committees, on the first Petition of Mr. N. L. Kentish."

2nd. That the said letter, purporting to be the judicial report of the Molong Bench, which had as a Magisterial Court of Inquiry been constituted for that occasion virtually a Court of Criminal Judicature, falsely intimated that your Petitioner had been convicted by the Molong Bench, of falsehood, of malice, and of slander, upon which false and wicked representation your Petitioner was forthwith sentenced by the Government to "summary dismissal from his appointment, and from the public service," and was accordingly dismissed, without one moment's notice, from his office, in the interior of the Colony, nearly 200 miles distant from Sydney, his successor—Mr. John Joseph Davies—having been gazetted a week before your Petitioner heard of his dismissal, and one day before that intimation was notified to the Molong Bench;—the letter of the four reporting Magistrates having stated, with deliberate falsehood, that "the whole of the charges, viz., blasphemy, brawling, and sottishness," brought by your Petitioner against Mr. Richard Blunt

Mitchell, "had been directly and positively contradicted by all the witnesses, six in number, who had been examined before the Molong Bench," and that "they, the subscribing Justices, deemed your Petitioner's imputations on Mr. Mitchell's moral character, malicious and mendacious," but that in fact, and in truth, it is abundantly "proven" by the evidence of all the witnesses examined before the Select Committees of two Parliaments (inclusive of that of the Chairman of the Molong Bench, and of two other Magistrates—Mr. Sibthorpe himself being one of them) that instead of your Petitioner's charges against Mr. Mitchell having been "directly and positively contradicted by all the witnesses," not one of the charges was contradicted even by a single witness; but on the contrary, it will be found that all three were affirmed and established by the most positive testimony, the truth of which was within the personal knowledge of the Chairman and other Magistrates, at that time on the Bench.

3rd. That a report was "brought up" and laid on the Table of your Honorable House on the 19th of April, 1861, by Alexander Dick, Esquire, Chairman of the second Select Committee, on the Petition of May, 1860, in which report it is affirmed by the Committee, in these words, namely,—that "there was nothing to justify the Magistrates of the Molong Bench, in reporting that your Petitioner's charges were malicious and mendacious."

4th. That that report having nevertheless omitted to state that "those charges had been fully substantiated, and directly and positively affirmed and established as 'proven,' "by the evidence given before the Molong Bench," and the Committee having entirely ignored every material circumstance which it was appointed for the express purpose of inquiring into and reporting upon, for the information of the Legislature and of the Government—having omitted even to state whether your Petitioner's three charges against Mr. Mitchell were well founded or unfounded; whether his official accusation of Luke Homan Sibthorpe, and other three Magistrates of the Molong Bench, of perfury and conspiracy, to defeat the course of justice by information upon oath, is a well founded or unfounded charge; or whether the official letter, addressed judicially by four of the Magistrates present at the inquiry in the Police Court of Molong, to the Honorable Colonial Secretary, condemning your Petitioner in the very strongest language, and perfectly acquitting Mr. Mitchell of each and all of Petitioner's three imputations,—is a truthful, just, and *bona fide* communication, or, as alleged by Petitioner, *mala fide* in both respects, and based on deliberate wilful perjury, committed officially by Magistrates in their judicial capacity, for the express purpose of deceiving the Government in two several respects, viz.:—1st, by the honorable acquittal of a culprit convicted before them, on the strongest uncontradicted testimony of numerous witnesses of extreme depravity, and of heinous offences of the deepest dye, impossible to a gentleman, and disgraceful to a Government officer, as surpassing in profanity and atrocity any conduct ever before heard of in Christian or mortal man, viz., that of continually and habitually invoking eternal damnation on his drinking companions, and on the whole human race; and by the condemnation, as guilty of calumny, of malice, and of falsehood, of an unoffending, experienced, and well accredited Government officer, who had but properly rebuked and resented the intense insult of the miscreant, and had done right in bringing the vile conduct of that Government officer (being a junior in the same service as himself,) under the notice of the Honorable Colonial Secretary.

5th. That the Chairman of the Select Committee (who himself drew up the report to the Legislative Assembly,) for many weeks promised to move its adoption, but always allowed his motion to lapse, until the dissolution of Parliament on the 11th of May, 1861. That, on the reassembling of Parliament on the 3rd September, 1861, after continuing for a week or two to elude the duty which, by usage of Parliament, falls upon the Chairman of every Select Committee, Alexander Dick, Esquire, at length positively refused to move the adoption of his own and Committee's Report, which report, although before the Legislative Assembly more than two years, has not yet been taken into consideration.

6th. That since that period the said Chairman of Committee, and each of the two Honorable Members (Silvanus Brown Daniel, Esquire, and George Markham, Esquire,) who in Committee, with the Chairman, drafted, agreed to, and almost exclusively are responsible for the report, have all three resigned their seats in Parliament, and are now filling appointments in the service of the Government. Under these intolerable and almost incredible, but authentically and officially established, circumstances, whilst yielding implicit assent to the just and important declaration enunciated by the Government in the Under Secretary's letter to the Magistrates of the Molong Bench, dated September 15th, 1859, in these words (worthy of the most impartial of just and learned Judges)—"If Mr. Mitchell's character be as reported, he is unfit for his appointment; and if he be innocent, Mr. Kentish ought to be punished for charging him unjustly with such a character." But protesting that that admirable doctrine has been deliberately violated, your Petitioner humbly prays that your Honorable House will be pleased to take into its just and earnest consideration, the anomalous and cruel case of your Petitioner, who has been a sufferer the last four years under a notoriously false conviction of "slander"; and in his advancing years, after a life spent in the faithful service of the Crown, has been dismissed, ruined, and disgraced by the Government of New South Wales for that very conduct which in Britain would have been honored with official commendation, namely, for rebuking and complaining of unparalleled infamy in a depraved junior in the same service as himself; and that you will be pleased to cause this, his earnest Memorial, together with his Petition of September, 1861, to be taken into consideration, with a view to the enforcement of strict justice, which has been so long palpably outraged with respect to himself, not only who asks for no other redress than would be given him by a jury of his country as compensation

pensation for having been deprived of his appointment, ruined, and disgraced for years under a false conviction, but with respect also to the several parties convicted, by the evidence taken before two Parliamentary Committees, of the heinous crimes of which they are publicly and officially accused on the oath of your Petitioner, but passed over in silence in Mr. Dick's report. In particular, your Petitioner implores, that as his strange case has already been before Parliament and before the present Government three years and two months, and all the evidence of the two Select Committees has been in the hands of Honorable Members upwards of two years; and further, as the usual privilege of addressing the Committee on the evidence previously to the drafting of their Report, was positively denied to your Petitioner, your Honorable House will be pleased to constitute itself a Committee of the Whole on this case, the evidence being before you, and Petitioner being able, orally or by evidence in writing producible, to establish all or either of the allegations of his Petitions, should further explanation on any point be required. And your Petitioner further and most earnestly prays that, on his allegations being thoroughly established to the entire satisfaction of your Honorable House, you will be pleased to recommend to His Excellency the Governor to command that it be notified to the public, in the *Government Gazette*, that your Petitioner's character, as a gentleman and Government officer of thirty-six years' standing, is unblemished—that he has been disgraced and ruined and expelled from his appointment, and from the public service, under a false conviction of "slander," revoked by the Government on the recommendation of your Honorable House, and that the loss of income and disgrace, distress, and suffering inflicted on him three years and nine months, have been wholly unmerited, and in violation of the righteous and eternal principles of truth and justice.

And your Petitioner, as in duty bound, will ever pray, &c.

N. L. KENTISH.





1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MR. THOMAS COOK.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 4 August, 1863.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of Thomas Cook, Justice of the Peace, late of the River Williams,  
now residing in Sydney,—

HUMBLY SHEWETH:—

That your Petitioner was deprived of the salary as Police Magistrate of the Upper Williams River District, in 1843, without any misconduct, and without any compensation being allowed for loss of office, although recommended by the Legislature of that period to the extent of a year's salary, but which has never been realized. This claim your Petitioner applied for in December last, by the advice of several Members of both Houses of this present Parliament, and forwarded to the Chief Secretary, accompanied, as suggested, with a truthful list of your Petitioner's Colonial services; but no satisfactory acknowledgment of such correspondence having been made to that application, your Petitioner most respectfully requests that your Honorable House will be pleased to take the matter into your impartial consideration, that justice may be done. Your Petitioner would not have pressed so much for this inquiry, had not the Colonial Secretary disappointed your Petitioner, in a promise he made before your Petitioner left the District for Sydney,—that your Petitioner should be appointed to some suitable situation under the Government; and believing the Colonial Secretary to be sincere, your Petitioner waited on from month to month at considerable expense, trusting to the Chief Secretary's oft-repeated promise during the last three years, when, at last, without any explanation or expression of regret, the Secretary-in-Chief threw your Petitioner off; a circumstance your Petitioner felt keenly at the time, and still feels the inconvenience of.

This interview, when the Colonial Secretary abandoned your Petitioner to his own resources, occurred in the private room of the Premier's office, where he had invited your Petitioner the day before to meet him on friendly terms and to talk over matters.

The cause of your Petitioner leaving the Country District for Sydney, was in consequence of an Act of Parliament transferring the duties of the Commissioners of Crown Lands to the Clerks of Petty Sessions, an event which deprived your Petitioner of the office of Commissioner of Crown Lands, which your Petitioner had held for four years over the Districts of Dungog, Port Stephens, and Clarence Town. The loss of this office compelled your Petitioner to move to Sydney, in expectation of the appointment promised in the year 1859—the result of which your Petitioner has endeavoured to lay before your Honorable and learned Assembly; considering it painfully hard, after serving the Government, in the wild bush, for upwards of twenty-five years, to be thrown at once upon the tender mercies of the world, without some provision for old age, although at the period alluded to, as now, your Petitioner was able and willing to do duty. Your Petitioner desires to add, that for upwards of ten years your Petitioner performed the duties of Police Magistrate without the slightest remuneration from the Government, and for the long period of twenty-five years had control of the police and all official matters affecting the District or its inhabitants.

And your Petitioner prays your Honorable House, upon the premises, to grant him such redress as to the wisdom of your Honorable House may seem expedient.

And your Petitioner shall ever pray.

THOS. COOK, J.P.

*Sydney, 30th July, 1863.*



1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

WILLIAM BLAND.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 29 September, 1863.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.  
The Petition of William Bland, Surgeon,—

HUMBLY SHEWETH :—

That your Petitioner arrived in New South Wales in the year 1814, and has ever since resided in the practice of his profession in the City of Sydney.

That your Petitioner having observed at a comparatively early period, the great abuses that then prevailed in the administration of the Government of the Colony, and the urgent necessity for a thorough reform of its political, as well as of its judicial system, took the liberty to address two letters through the Governor of the Colony—the late Major General Macquarie—to the Right Honorable Earl Bathurst, then Principal Secretary of State for the Colonies, in the year 1819, setting forth these abuses, and substantiating his statements with undeniable documentary evidence.

That, in consequence of these representations, Earl Bathurst was pleased to appoint a Commission of Enquiry into the state of the Colony generally, under an able and eminent barrister, Mr. Commissioner Bigge, on whose recommendations a Legislative and Executive Council was conceded to the Colony, and the Courts of Justice recognized and improved, while a variety of abuses of long standing and of great grievance to the community, were swept away, and the censorship of the press abolished.

That, on the establishment of the Benevolent Asylum, or Colonial Poorhouse, about forty-five years ago, your Petitioner spontaneously assumed the arduous and important duties of the medical attendant of the Institution, thereby superinducing upon it the character of a general hospital for the free and other inhabitants of the Colony, performing a vast number of important and delicate operations, which had previously been unknown in the medical practice of the Colony, upon the sick pauper inmates of the institution, and rendering it his personal, incessant, and entirely gratuitous services, for upwards of twenty-five years; thereby conferring inestimable benefit upon the community, and saving the Government and the public a large annual expenditure during that whole period, for medical attendance on the poor of the Colony.

That during the administration of their Excellencies Sir Thomas Brisbane and Sir Ralph Darling, your Petitioner was instrumental, in great measure, if not exclusively, in establishing the Sydney College, an educational institution that has since merged into the Sydney Grammar School, and that during the period of its separate existence, educated a large number of the Colonial youth, who are occupying prominent situations throughout the Colony; and that your Petitioner was thus enabled to render inestimable services to this community.

That during the interregnum that ensued, from and after the departure of Sir Ralph Darling, and the arrival of his successor, Sir Richard Bourke, when the whole population of New South Wales did not exceed eighty thousand souls, a formidable attempt was made by certain of the principal inhabitants of the Colony to get the waste lands of this vast territory declared of no assignable value—or rather as being dear at sixpence an acre—with a view to their being appropriated and divided among themselves in princely domains; and that at a later period, during the last Session of the purely Nominee Legislature, which expired in 1842, an Act was passed authorizing the Governor to borrow two millions sterling, at six per cent., for the promotion of immigration, and to charge the interest of the same, amounting to £120,000 (one hundred and twenty thousand pounds) sterling, per annum, on the ordinary revenue of the Colony; and that on both of these occasions your Petitioner was mainly instrumental in preventing the carrying out of measures that would otherwise have proved disastrous and ruinous to the Colony.

That, at a subsequent period in the history of the Colony, when its population had greatly increased, and its resources been extensively developed, your Petitioner was also mainly instrumental in the formation of the late Patriotic Association of New South Wales, the whole correspondence of which, with the Parliamentary Advocate of the period—Mr. Charles Butler—was exclusively conducted by your Petitioner, who thereby prevented the enactment of a Constitution, devised in the mother country, but entirely inapplicable to the circumstances of the Colony, and had consequently no small share in securing for it the free institutions it now enjoys.

That in these diversified and long continued efforts for the welfare and advancement of the Colony, extending as they have done, over nearly half a century, your Petitioner was unavoidably subjected to much personal inconvenience and to serious pecuniary loss—to the loss of numerous friends, whose political sentiments happened to differ from his own, and the determined hostility of numerous and powerful enemies.

Your Petitioner therefore humbly prays that your Honorable House will be pleased to take the premises, and especially the claims they establish on your Petitioner's behalf, into further and favourable consideration.

And your Petitioner, as in duty bound, will ever pray, &c., &c., &c.

W. BLAND.

*Sydney, 31st July, 1863.*

1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MR. SAMUEL GORDON.  
(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 29 September, 1863.*

To the Honorable the Legislative Assembly of the Colony of New South Wales, in  
Parliament assembled.

The Petition of Samuel Gordon, of Macquarie Road, in the City of Newcastle,  
in said Colony,—

HUMBLY SHEWETH:—

That a Company or Corporation, called the Australian Agricultural Company, was some years back endowed with large territorial grants in this Colony.

That the said Company, or its conducting Managers, in the year 1862, induced your Petitioner and a large number of other men to come to Newcastle, upon certain promises and agreements, which, in the case of your Petitioner especially, were systematically violated, and there is now £76 of a year's salary, or wages, withheld from Petitioner.

That, besides ill-treating your Petitioner in regard to his salary and other matters, the said Managers required him to defraud the Coal-miners of said Company of their weights.

That said Managers further damaged the trade in, and reputation of, the coal of Newcastle, by shipping coal containing dirt, which they agreed with a number of the Miners to send from the pit, at a cheaper rate than that agreed upon with said Miners for good coal, before they embarked for Newcastle.

That, not satisfied with thus inducing a large number of men to come to this Colony from Victoria, upon promises and agreements which they did not mean to fulfil, they then induced another large body of men to come from Adelaide, whose services were not really required, except by way of a competition with the services of the men from Victoria, and by these practices great losses and sufferings have been entailed upon the men and their families.

Petitioner humbly submits that this Company has forfeited the right to hold the possessions originally conferred upon it.

Petitioner therefore humbly prays that your Honorable House may be pleased to address the Crown to revoke all charters and grants hitherto made to, or conferred upon, this Company, and to take such other steps in the matter as to your Honorable House, in its wisdom and justice, may seem meet.

And your Petitioner will pray.

SAMUEL GORDON,  
Macquarie Road,  
Newcastle.

*New South Wales,  
16 September, 1863.*



1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

HUGH HENRY ROSE LOCKYER.  
(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 6 October, 1863.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned, Hugh Henry Rose Lockyer, of Sydney, in the Colony of New South Wales,—

RESPECTFULLY SHEWETH:—

That your Petitioner is the son of the late Major Lockyer, an old colonist and a faithful public servant.

That your Petitioner has been engaged, during the greater part of the last six years, in the Department of the General Post Office, as Mail Guard, but that the services of this class of officers being dispensed with in January last, he was thrown out of employment.

That your Petitioner, while in the discharge of his duty, had the misfortune to sustain a compound fracture of the left leg below the knee, by being thrown from the coach when in charge of the Mails containing remittances to the amount of many thousands, in paper and gold.

That your Petitioner, in consequence of this accident, is incapable of physical exertion in ways that might otherwise be open to him; and his medical advisers are of opinion that he will never again be fit for any employment requiring active bodily exertion.

That your Petitioner being entirely destitute of pecuniary means, and unable to obtain any employment suited to him in his present state, therefore humbly prays your Honorable House to take the premises into favourable consideration, and grant such relief as may seem meet; and your Petitioner, as in duty bound, will ever pray.

HUGH HENRY ROSE LOCKYER.





1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. JOSEPH COLLITS.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 26 November, 1863.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of Joseph Collits, of the Bugabigil Run, Lachlan River, Wellington District, grazier,—

RESPECTFULLY SHEWETH:—

That your Petitioner did, on the 30th day of December, 1861, purchase from Messrs. James and William Rankin (the original lessees), the Bugabigil Run, Lachlan River, Wellington District, together with two thousand head of cattle thereon, more or less, for the sum of £3,500.

That your Petitioner had for some time previous been in negotiation with Messrs. James and William Rankin for the purchase of the Bugabigil Run, and the final arrangements for the purchase were only concluded on the 30th December, 1861.

That on or about the 24th day of December, 1861, a proclamation was issued by the Government, declaring a very large tract of country in the Lachlan Pastoral District to be a gold field, under the denomination of "The Lachlan Gold Fields."

That for some months in the early part of the year 1862, an exceedingly large population—between 20,000 and 30,000 people—occupied a great portion of your Petitioner's run (so lately purchased from the said James and William Rankin) for the purpose of gold mining, and thereby deprived your Petitioner of the grazing advantage of the most valuable portion of the run, to your Petitioner's very serious loss.

That on the 19th September, 1862, a letter was addressed to your Petitioner from the Chief Commissioner of Crown Lands to the effect that the Chief Commissioner for the Western Gold Fields having applied to have withdrawn from lease that portion of the Bugabigil Run lying within five miles of the Lachlan River, and that the rent for which your memorialist would be liable would be charged upon the reduced area of fifty square miles. That although at that time no proclamation was issued withdrawing such portion of the run, yet your Petitioner's run was thereby virtually reduced to that extent, and that such reduction took away from your Petitioner the frontage to the Lachlan River, which was of very considerable value to your Petitioner for grazing purposes. That your Petitioner would further urge that in consequence of the withdrawal of the said river frontage, that portion of the run remaining to your Petitioner is, from the absence of water, rendered almost useless and incapable of carrying stock.

That by proclamation of 28th April, 1863, in the *Government Gazette*, a very large portion of your Petitioner's run has been absolutely withdrawn from lease.

That in consequence of the proclamation of the Lachlan Gold Fields, and the occupation of your Petitioner's run by a large gold mining population, your Petitioner was deprived of the advantages of his run, and your Petitioner could not depasture thereon the cattle he had just then previously purchased for a large sum.

That in consequence of such withdrawal from his run, and the occupation thereof for a long time by so large a population, your Petitioner has suffered great loss by the death of cattle and otherwise, which loss your Petitioner would not have suffered had his said run been left undisturbed.

That your Petitioner respectfully submits that by the withdrawal of the said run for the purpose of gold mining a large revenue has accrued to the Government, by means of the selling of portion of the land so withdrawn from lease, by fees charged on the granting of business licenses and miner's rights to occupy and work thereon, and that such revenue has been obtained by the sacrifice of your Petitioner's pastoral property.

Your Petitioner therefore humbly and respectfully prays that your Petitioner's case may be taken into consideration by this Honorable House.

And your Petitioner, as in duty bound, will ever pray, &c.

JOSEPH COLLITS.



1863.

## LEGISLATIVE ASSEMBLY.

## NEW SOUTH WALES.

## MRS. MARY SINGLETON.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 29 December, 1863.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of Mary Singleton,—

**MOST RESPECTFULLY SHEWETH :—**

That your Petitioner is the widow and sole legatee under the will of the late Benjamin Singleton, of Singleton, Hunter's River, miller.

That, in 1836 or 1837, the then Government of the Colony having determined to remove the police business of the District of Patrick's Plains from Singleton (where it had been carried on from the first establishment of a Court for that district) to Munimbah Creek, at which place Mr. John Cobb had promised a piece of land, on which to erect a Court House and Lock-up, a contract was made and buildings even completed, and by directions of the Government, were taken possession of by the then Police Magistrate.

That the inhabitants of the district, being inconvenienced by the position of the new Court House, assembled in public meeting, when His Excellency the Governor was addressed to the following effect:—"That Mr. Benjamin Singleton agreed to build a Court House and Lock-up, similar in plan and specification, in the town of Singleton, on condition that the house and land at Munimbah should be given up to him, and that meanwhile he would provide accommodation for the sittings of the Bench of Magistrates and the Clerk of Petty Sessions in a room adjoining his mill." To this address a reply was received from the Honorable the Colonial Secretary, under date 3rd December, 1838, that the offer was accepted.

That, on the 11th March, 1839, the site in the town of Singleton on which it was proposed to build the new Court House, &c., was approved, and the whole (with the important addition of three feet in the height of the room made at the request of the Magistrates) was on the 30th of August, 1841, handed over to Percy Simpson, Esq., Police Magistrate, and it has since been occupied for the use of the district.

That the cost of the Court House, &c., at Munimbah, by contract, was £625, but the addition alluded to was so much added to the value.

That Mr. Cobb, finding his expectations on giving the land at Munimbah were not likely to be realized, refused to give any title to the property, so that your Petitioner's late husband did not and has not received the equivalent promised for his outlay.

That your Petitioner is prepared to shew that she is the person entitled to receive compensation for the Court House now in the continuous possession and occupation of the Government upwards of twenty-two years, and for which no consideration has yet been given by the Government, but she is unable to enter the Courts of Law to prosecute her claim.

Petitioner appeals to your Honorable House, and prays that such relief may be granted as to your Honorable House may seem meet.

And, as in duty bound, Petitioner will ever pray.

MARY SINGLETON.

*Singleton, 4th Decr., 1863.*



1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. CYRIL CECIL.

(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 2 February, 1864.

To the Honorable the Members of the Legislative Assembly, in Parliament assembled.  
The Petition of Cyril Cecil, of Snails Bay, Balmain, in the Colony of New South Wales, Merchant,—

RESPECTFULLY AND HUMBL Y SHEWETH :—

That your Petitioner is and has been a merchant carrying on business in the City of Victoria, in the Colony of Hong Kong, and also trading with several of the Colonies of Australia, and is now a resident of Balmain, in the Colony of New South Wales.

That your Petitioner arrived in this Colony in the month of September, in the year of our Lord one thousand eight hundred and sixty-two, for the purpose of settling mercantile accounts with his agents, Messieurs Molison and Black, of Bridge-street, Sydney, brokers and commission agents. That your Petitioner did not find the said accounts in a satisfactory state, and could not get a statement of them, although he frequently demanded them; and was, in consequence, obliged to have recourse to lengthened legal proceedings in the Supreme Court of New South Wales.

That the said legal proceedings, in the shape of an action and cross-action—Messieurs Molison and Black being plaintiffs in the former, and your Petitioner plaintiff in the latter—were conducted before His Honor Sir Alfred Stephen, Knight, C.B., Chief Justice, in both of which verdicts were severally recorded for the plaintiffs—to wit, for Messieurs Molison and Black in the first action, and for your Petitioner in the second.

That at the commencement of one of these actions, to wit, on the twenty-eighth day of May, in the year of our Lord one thousand eight hundred and sixty-three, His Honor the Chief Justice aforesaid, on taking his seat on the Bench, declared that this was a case which should be settled by arbitration, and that Judges should have the power to compel litigants to go to arbitration; and when your Petitioner objected to such mode of disposing of the matter, and after a Jury had been duly empannelled, His Honor the Chief Justice repeated his former opinion, told the Jury that this was a case which should not have been brought into Court, and this he continued to repeat day after day during the progress of the trial, thus prejudicing, your Petitioner fully believes, the jury against him, as they were aware that he resisted arbitration in the matter, and as such a mode of dealing with the case was strongly urged by Matthew Henry Stephen, Esquire, Barrister-at-law, son of the said Chief Justice, who acted as counsel for the said Messieurs Molison and Black.

That during the progress of the trial, to wit, on the 29th day of May, in the year aforesaid, His Honor the Chief Justice, having observed your Petitioner conferring with his counsel, declared from the Bench, and in open Court, that your Petitioner was putting "a falsehood into the mouth of his counsel," a remark which filled your Petitioner with surprise and consternation, elicited a strong remonstrance from the counsel engaged on his side, and, in the opinion of your Petitioner, considerably influenced the minds of the Jury against him.

That,

That in a case tried before the Court in Banco, on Tuesday, the thirteenth day of October instant, Mr. David Lawrence Levy being plaintiff, and Messieurs Molison and Black defendants, His Honor the Chief Justice said (in open Court), in reference to the matters in litigation between Messieurs Molison and Black and your Petitioner, that in his (the Chief Justice's) opinion, gross fraud was committed on your Petitioner's side; and when pressed by counsel who individually was guilty of fraud, he (the said Chief Justice) stated as his belief that the fraud was committed by your Petitioner.

That on application for a new trial before their Honors the Chief Justice, Mr. Justice Wise, and Mr. Justice Milford, the Chief Justice stated that I had consented to arbitration. This your Petitioner most solemnly and emphatically assures your Honorable House was not the case—your Petitioner never consented to such a mode of settling the matter in dispute, but consistently resisted arbitration, as he can fully prove by most reliable evidence, should your Honorable House grant him an opportunity.

That your Petitioner has been refused a new trial mainly on the above ground, and further that, if granted, it would take up the time of the Court for ten or twelve months to go through the matters in dispute, an objection which, your Petitioner respectfully submits, is not only frivolous in a legal point of view, but improbable in fact, and highly prejudicial to the interests of your Petitioner, who submits he is entitled to every opportunity of getting ample justice.

That your Petitioner, in consequence of these several expressions of opinion on the part of the learned Judge, believes that his character as a mercantile man and a gentleman has been seriously injured, and that his position all through the said legal proceedings has been damaged thereby.

That the ends of justice have not, in consequence, been fairly and impartially carried out; that such conduct is likely to create or foster a prejudice in the minds of foreign merchants against commercial transactions with the Colony; and finally, that your Petitioner has been subjected to great pain, to probable loss of position, and to positive injustice, thereby.

And your Petitioner, therefore, prays that your Honorable House will take the premises into your favourable consideration, and accord him that justice which to your Honorable House may seem meet.

And your Petitioner, as in duty bound, will ever pray.

CYRIL CECIL.

October 19th, 1863.

1863-4.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MR. THOMAS BELL GIBBONS.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 16 February, 1864.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of Thomas Bell Gibbons, Storekeeper, of Burrowa,—

RESPECTFULLY SHEWETH :—

That, in the early part of the year 1858, James White, of Ballagama, Culaman, on the Yuglo Creek, in the District of the Lachlan, applied to the Government for the lease of a block of land, which he described as lying two and a half miles east and west of Narragugal Springs, on the Magpie Creek, and three miles north and south of the said springs.

That the said James White, in company with Thomas White, his brother, pointed out to Mr. Commissioner Beckham, the land in question, they being on the ground at the time, when Mr. Beckham took out his map and suggested some alterations in the boundaries, remarking that they would then secure all the good land in the vicinity.

That a period of nearly three years elapsed before White received any answer to his application, and he was then informed that he had not clearly defined the boundaries of the run applied for.

That, in consequence of this delay, White waived all claim to the run in favour of your Petitioner, who made application for a lease of it to be granted to him on the 20th of November, 1862, but received no answer to such application for a period of nearly twelve months, when he was informed that his application was waiting the report of Mr. Commissioner Beckham.

That, on the 27th of August, 1863, your Petitioner received a letter from the Government, informing him that the ground applied for formed part of Wyaling, Buddegower, Kolkiberti, Wallandry, and Yalgogoring Runs.

Feeling assured that there was some mistake, your Petitioner caused the ground to be examined; and from this examination, your Petitioner is fully convinced that the run applied for by him is not embraced in the runs above named.

That your Petitioner has been informed by persons long resident in the locality, that no surveyors have ever been upon the ground during their recollection. Your Petitioner has further been informed that Mr. Commissioner Beckham has only been twice upon the ground—the last time with the brothers White—upon which occasion he expressed his surprise that there was so much fine country there, which voluntary expression of opinion, coupled with his previous ignorance of the country, is quite at variance with his subsequent discovery and report that the whole of the land was under lease.

Your Petitioner, therefore, feeling that he has been aggrieved and damaged in this matter by the conduct of the said Commissioner, respectfully prays that your Honorable House will be pleased to cause such investigation to be entered upon as to your Honorable House may seem meet, and that justice may be done and relief in the premises afforded to your Petitioner.

And your Petitioner, as in duty bound, will ever pray.

THOMAS BELL GIBBONS.

*Burrowa, February 9th, 1864.*





1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

JOHN LEOPOLD YOUNG.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 31 March, 1864.*

To the Honorable the Members of the Legislative Assembly of the Colony of New South Wales, in Parliament assembled.

The humble Petition of John Leopold Young, of Kent-street North, in the city of Sydney, in the Colony of New South Wales, Master Mariner,—

SH EWETH :—

That your Petitioner, in the month of August last, whilst chief officer of the steamship "Murray," belonging to Messrs. Byrnes & Company, of Parramatta, was on the fourth of that month directed by their managing clerk, T. C. Chubb, to go on board the schooner "Policeman," and get her ready for sea with all possible speed (the Captain and chief officer not having joined her at that time). Circumstances occurred on the part of Chubb, which led your Petitioner to believe that it was his intention to run away with the vessel and cargo (Mr. Byrnes, who chiefly attended to the Sydney business of the firm, being confined to his bed at Parramatta, by serious illness).

That your Petitioner, acting under the belief before mentioned, proceeded to Parramatta in the night-time, and communicated his suspicions to Messrs. Byrnes, when a messenger was despatched to Sydney, who had Chubb apprehended; he was committed for trial, found guilty of forgery, and received a sentence of five years hard labour. Chubb was also committed to take his trial for an attempt to poison Mr. James Byrnes, which trial was to have taken place on the 17th December last, but was postponed until the 31st March next, and your Petitioner was subpoenaed to attend on the latter day, under a penalty of £100.

That since the first trial, which was concluded on the 1st October, 1863, your Petitioner has been out of employment in his profession, although he has had opportunities of being master of a ship, and also as chief officer; but having to attend and give evidence, as before stated, such employment could not be accepted with any certainty of his being in Sydney at the appointed time.

That after the postponement of the trial in December last, your Petitioner applied to the Honorable the Attorney General for compensation for loss of time and expenses of board and lodging, and received on the 9th January £10 (ten pounds), which is the only money your Petitioner has had from the Crown Law Officers for a period of five months, during which time he has been out of employment, except on a few occasions, the profits of which did not exceed £1 16s.

That your Petitioner having been prevented from following his profession, has been compelled, in order to pay for his board, lodging, &c., to dispose of his watch, nautical instruments, as well as his clothes, and, as may be presumed, has suffered much in mind and circumstances.

That your Petitioner was advised to address the Honorable the Colonial Secretary for pecuniary assistance towards his maintenance and support, and wrote to him on the 15th ultimo, and has since been informed that it is not in his power to grant your Petitioner's application.

That your Petitioner, during his long detention in Sydney, has made many appeals to the Messrs. Byrnes for assistance; but notwithstanding the services rendered to them, whereby their vessel and cargo was saved, the sum of £6 only has been given, the vessel and cargo being of the estimated value of from £1,000 to £1,200.

Your Petitioner being in the greatest distress, and having been threatened to be ejected from his lodgings, most respectfully submits his case to the favourable consideration of your Honorable House, in the hope that such relief will be granted as may be thought fit.

And your Petitioner, as in duty bound, will ever pray.

JOHN LEOPOLD YOUNG.

2nd March, 1864.



1863-4.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MICHAEL KEARNS.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 1 April, 1864.*

To the Honorable the Legislative Assembly of New South Wales.

The Petition of Michael Kearns, of Wiseman's Creek, near Bathurst, Farmer,—

HUMBLY SHEWETH, AS FOLLOWS :—

1. That your Petitioner, on the fourteenth of January, one thousand eight hundred and sixty-two, purchased from the Crown forty acres of unimproved land, situated at Wiseman's Creek, in the County of Westmoreland, selected by your Petitioner as a purchase under the thirteenth section of the Land Alienation Regulations, dated first November, 1861.

2. That your Petitioner thereupon paid to James Byrn Richards, Esquire, the District Agent for the Sale of Crown Lands, the sum of Eleven Pounds, namely, Ten Pounds for the Land, and One Pound for the Deed.

3. That your Petitioner obtained receipts in duplicate therefor, one of which was given to Mr. W. G. Thompson, the Bathurst Postmaster, and was by him forwarded to the Colonial Treasury, on the fourteenth January, 1862; the other of which was given to the said James Byrn Richards, on the eleventh of February, 1864, to be by him forwarded to the Surveyor General, and was enclosed in the letter, a copy whereof is set forth in the 10th paragraph of this Petition.

4. That on the second June, 1862, your Petitioner received a letter from W. R. Davidson, Esquire, the then Acting Surveyor General, informing your Petitioner that the said conditional purchase, made by your Petitioner on the fourteenth January, 1862, was cancelled by the Government, on the ground that it was within the Campbell's River Gold Field.

5. That on the twenty-eighth October, 1863, your Petitioner received another letter from the said Mr. Davidson, informing him that the land your Petitioner had applied for was found not to be within the Campbell's River Gold Field, as had been supposed, and that the above-mentioned cancellation had been revoked.

6. That between the said seventh of June, 1862, and the said twenty-eighth of October, 1863 (an interval of sixteen months and twenty-one days), your Petitioner had been compelled to make arrangements incompatible with the above-mentioned free selection.

7. That on your Petitioner's selection being cancelled, your Petitioner made several personal but unsuccessful applications at the said Bathurst District Land Office, for the repayment to him of the said sum of Eleven Pounds.

8. That on the second December, 1863, your Petitioner instructed his Solicitor to address the said Mr. Davidson the following letter :—

*" Bathurst, 2nd December, 1863.*

" W. R. Davidson, Esq.,  
" Acting Surveyor General,  
" Sydney.

" Sir,

" Mr. Michael Kearns, of Bathurst, has placed in my hands your several communications of the seventh June, 1862, and twenty-eighth October, 1863, the former of which informed my client of the cancellation of his conditional purchase of 40 acres of land, situate at Wiseman's Creek, upon the ground that the land was within

“ the Campbell’s River Gold Field (under which purchase my client paid a deposit of £11),  
 “ the latter informing my client that with reference to your former communication, the  
 “ cancellation referred to had been revoked.

“ I am instructed by my client to say, that upon receipt of yours of 7th June,  
 “ 1862, he ceased to occupy the land in question, and he considers that he is entitled to  
 “ a return of the amount of deposit money paid by him to Mr. Richards, for which he  
 “ holds that gentleman’s receipt; and it is for the purpose of requesting the return of  
 “ the amount so paid, viz., £11, that my client instructs me to make this application,  
 “ which, I trust, will meet at your hands with a favourable reception and early  
 “ attention.

“ Touching that part of your letter where you state that the land applied for is  
 “ not within the Campbell’s River Gold Fields, my client informs me that the land which  
 “ he selected is now being worked by miners, many claims having been opened out upon  
 “ it, and that it would now be useless to him for cultivation purposes. Trusting that you  
 “ will see the justice of my client’s demand for the return of the amount of his deposit  
 “ money,—

“ I remain, Sir,

“ Yours obediently,

(Signed) “ GILBERT WRIGHT.

“ P.S.—Cancellation cannot be revoked. My client cannot now be restored to  
 “ his former position, as he has made arrangements incompatible with it.”

9. That to this letter no reply having been made, on the 6th January, 1864, your  
 Petitioner instructed his said Solicitor to address the said Mr. Davidson the following  
 second letter :—

“ Bathurst, 6th January, 1864.

“ W. R. Davidson, Esq.,  
 “ Acting Surveyor General,  
 “ Sydney.

“ Sir,

“ Referring to my letter of the 2nd December, 1863, addressed to you,  
 “ touching my client Mr. Michael Kearns’s claim for the return of a sum of £11, being  
 “ an amount paid in respect of a piece of land free selected by him, but which afterwards  
 “ turned out to be portion of the Campbell’s River Gold Field, would you be good  
 “ enough to favour me with a reply to my communication, and state whether my client  
 “ may expect the amount above referred to to be refunded ?

“ Yours obediently,

(Signed) “ GILBERT WRIGHT.”

10. That to this letter no reply having been vouchsafed,—on the 11th February,  
 1864, your Petitioner instructed his said Solicitor to address the said James Byrn  
 Richards the following letter :—

“ Bathurst, 11th February, 1864.

“ J. B. Richards, Esq.,  
 “ Agent for Crown Lands, Bathurst.

“ Sir,

“ I beg to enclose you your original receipt, dated 14th January, /62, a  
 “ duplicate whereof was, pursuant to the Regulations, received and transmitted to the  
 “ Colonial Treasury on the same day. This receipt shews that Michael Kearns paid you  
 “ £11, being a deposit of 5s. per acre for forty acres of land, situate at Wiseman’s Creek,  
 “ selected as a purchase under the Regulations of 1st Nov., /61.

“ By two several letters, each dated 7th June, /62, addressed by the then Acting  
 “ Surveyor General—the one to my client, the other to yourself—this conditional purchase  
 “ was cancelled, for the reason in the said letters stated. I enclose you copies of two  
 “ several letters, dated respectively the 2nd December, /63, and 6th January, /64,  
 “ addressed by me to W. R. Davidson, Esq. For the reason stated in these letters, my  
 “ client is desirous of obtaining the repayment of the sum of £11, paid by him to you  
 “ on the 14th January, 1862.

“ Between the last-mentioned date, and 28th October, 1863, my client has made  
 “ arrangements incompatible with his free selection; and I request that you will be good  
 “ enough to submit to the Surveyor General, that it is not competent for the Govern-  
 “ ment to cancel the conditional purchase on the 7th June, 1862, and afterwards revoke  
 “ that cancellation on the 28th October, 1863. By the former communication the con-  
 “ ditional purchaser became entitled to his deposit, the bargain having then become null  
 “ and void; and it was not in the power of the Acting Surveyor General, by his letter of  
 “ the 28th October, 1863, to set up again, and enforce by his attempted revocation of  
 “ that date, a bargain which had been abandoned by his own letter of the 7th June,  
 “ 1862. I have therefore to request, on the part of Mr. Kearns, the repayment of this  
 “ sum of £11; and that you will represent these facts to the Surveyor General.

“ I am, Sir,

“ Yours obediently,

(Signed) “ GILBERT WRIGHT.”

11. That this letter was, with one of the said duplicate receipts for £11 referred  
 to in the third paragraph of this Petition, duly forwarded to the said W. R. Davidson, by  
 the said James Byrn Richards.

12. That no reply having been given to the communication referred to in the tenth paragraph of this Petition, your Petitioner instructed his said Solicitor to address the following letter to the Honorable the Secretary for Lands:—

“ [Immediate.]

“ Bathurst, 2nd March, 1864.

“ To the Honorable

“ The Secretary for Lands,

“ Sydney.

“ Sir,

“ In the matter of Michael Kearns' conditional purchase of 40 acres, I do myself the honor to transmit four enclosures, namely:—No. 1,\* Copy receipt given by Mr. J. B. Richards, Agent for the sale of Crown Lands, Bathurst, whereby that gentleman acknowledged to have received from the above-mentioned Michael Kearns the sum of £11, being a deposit of five shillings per acre on 40 acres of unimproved land, situated at Wiseman's Creek, in the County of Westmoreland, selected by a written application, as a purchase under the 13th section of the Land Alienation Regulations, dated 1st November, 1861, and £1 fee for the grant, a red ink duplicate of which was forwarded to the Postmaster, Bathurst, within 7 days of the date thereof, for transmission to the Colonial Treasurer, the Postmaster transmitting the same to the Treasurer on the 14th January, 1862, and the original of which receipt was forwarded by me to the said J. B. Richards, on the 11th day of February last.

“ No. 2,† Copy letter from me to Mr. W. R. Davidson, Acting Surveyor General, dated 2nd December, 1863.

“ No. 3,‡ Copy letter from me to the said W. R. Davidson, dated 6th January, 1864.

“ No. 4,|| Copy letter from me to said J. B. Richards, Agent, &c., dated 11th February, 1864, enclosing the original receipt and copies of the two letters lastly above referred to, for the purpose of being forwarded to the proper office in Sydney.

“ Referring to this correspondence, my client instructs me to represent that no reply has ever been made, either to his frequent personal applications, or to three several communications, although the money was paid on the 14th January, 1862—upwards of two years ago.

“ Since receiving the Surveyor General's letter of the 7th June, 1862, my client has made, as he was compelled to do, arrangements for the occupation of other land, which would be incompatible with, and prevent his completion of the conditional purchase.

“ The cancellation having been made, cannot, without the consent of the conditional purchaser, be withdrawn and uncanceled.

“ My client's contract to buy and the Government contract to sell was a mutual and bilateral contract—it was not unilateral with the Crown; and having been annulled by the vendor, by the letter from the Surveyor General, of 7th June, 1862, it could not be unrescinded by the Surveyor General, by his letter of 28th October, 1863.

“ The patience of my client having been exhausted, by correspondence with subordinate functionaries in your department, he has instructed me, as a last resource, to address you, as the now head of the department; and I am instructed to ascertain from you, whether, when a purchase is cancelled by the Government, the money paid thereby becomes forfeited to the Government?—in other words, is the honesty or conscience of the Government of a different quality to that which regulates the dealings between private individuals?—or is the Government without honesty or conscience?—if so, which, the late, or the present?

“ I have the honor to be,

“ Sir,

“ Your most obedient Servant,

(Signed)

“ GILBERT WRIGHT.

\* “ No. 1.—Copy receipt given by Mr. J. B. Richards, Agent for the sale of Crown Lands, Bathurst.

† “ No. 2.—Copy letter to Mr. W. R. Davidson, Acting Surveyor General, dated 2nd December, 1863.

‡ “ No. 3.—Copy letter to said W. R. Davidson, dated 6th January, 1864.

|| “ No. 4.—Copy letter to Mr. J. B. Richards, Agent, &c., dated 11th February, 1864.”

13. That on the seventh of March, 1864, the receipt of the letter last referred to was acknowledged.

14. That your Petitioner, notwithstanding that two years and three months have elapsed, remains without reply or redress in the premises.

Your Petitioner therefore humbly prays your Honorable House to cause an enquiry to be made into the truth of your Petitioner's allegations; and should they prove true, that your Honorable House will afford your Petitioner that relief and that justice to which he respectfully submits he is entitled, but which the Honorable the Executive Government have hitherto pertinaciously refused to him.

And your Petitioner will ever pray, &c.

MICHAEL KEARNS.



1863-4.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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DAVID MOORES.

(PETITION OF.)

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*Ordered by the Legislative Assembly to be Printed, 13 April, 1864.*

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To the Honorable the Legislative Assembly of New South Wales, in Parliament now assembled.

The Petition of the undersigned, late Foreman of the Stationery Department of the Government Stores,—

MOST RESPECTFULLY SHEWETH :—

That your Petitioner was employed in the Government Store Department for upwards of sixteen (16) years, during four (4) of which he held the appointment of Foreman of Stores.

That upon a re-arrangement of the Department in 1861, your Petitioner was appointed Foreman of the Stationery Branch, which situation he held until June, 1863, when, in consequence of a further re-arrangement having been effected by the late Government, the services of your Petitioner were dispensed with.

Your Petitioner has for the last eight (8) months, and is at the present time out of employment, and therefore suffers serious injury from the loss of his situation.

Your Petitioner begs further to state that, although he has been promised employment when an appointment suitable to his age and qualifications becomes vacant, no appointment has yet been offered to him.

In consequence of the great inconvenience arising from want of employment, and as your Petitioner was not removed from the public service from incapacity to perform his duties, or from misconduct on his part, he begs your Honorable House will take his case into your favourable consideration.

And your Petitioner, as in duty bound, will ever pray.

DAVID MOORES.

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1863-4.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MRS. CALLAGHAN.  
(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 19 April, 1864.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of Eliza Milford Callaghan, of Sydney,—

RESPECTFULLY SHEWETH:—

That your Petitioner is the widow of the late Mr. District Judge Callaghan, who accidentally met with his death, while on Circuit, on the 28th November, 1863.

That for a period of twenty-two years your Petitioner's husband held various offices under the Government of this Colony, with satisfaction to the public and credit to himself.

That by the untimely death of her husband, your Petitioner and her three young children are now left in a state of almost entire destitution.

That under the regulations promulgated under the Act 4 and 5 Gul. IV, cap. 24, your Petitioner's husband would have become entitled to a considerable superannuation allowance on his retirement from public duties.

That your Petitioner has applied to the Executive Council for a pension, precedents for such a grant appearing on the Estimates of Expenditure yearly submitted to your Honorable House, but that she has been informed that the Ministry did not feel themselves in a position to submit her application to the consideration of Parliament; at the same time stating that their refusal would not preclude your Petitioner's application to your Honorable House.

Your Petitioner, therefore, prays that the premises may be taken into favourable consideration, and that your Honorable House will grant her such relief as under the circumstances may seem meet.

And your Petitioner, as in duty bound, will ever pray.

ELIZA MILFORD CALLAGHAN

*Sydney, March 24th, 1864.*



1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. JAMES DOYLE.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 26 November, 1863.*

To the Honorable the Members of the Legislative Assembly of New South Wales, in  
Parliament assembled.

The humble Petition of James Doyle,—

SHEWETH :—

That your Petitioner was stopped by two armed men on the Queen's highway, near Reid's Flat, on the Fish River, on the 19th day of February, 1862, and robbed of a large amount of money and property.

That on the following day to that on which the robbery occurred, the account of the robbery reached the officer in charge of Police, Goulburn; and that on the following day, viz., 21st February, your Petitioner called on the same officer, requesting him to take some steps in the matter; that the said officer refused to do so, and did not act at all in the case.

That your Petitioner then applied to the Goulburn Bench in order that a search warrant might be granted, to have some of the places searched in the locality where the robbery occurred; but, to your Petitioner's astonishment, such request was refused by the Bench.

That your Petitioner has, since the robbery occurred, been put to great expense and loss of time, by having had to travel eight hundred and eighty miles in order to prosecute parties taken up on suspicion, but who, upon being tried, were found not to have been guilty.

That your Petitioner rests assured, that if immediate steps had been taken by the Police authorities at Goulburn they would have recovered the greater part, if not the whole, of the property taken, and perhaps captured the robbers.

That on account of the Police authorities at Goulburn not having acted at all on this occasion, your Petitioner feels justified in praying for such relief as your Honorable House may think proper to afford.

And your Petitioner, as in duty bound, will ever pray.

JAMES DOYLE.

*Sydney,  
294, Castlereagh-street,  
19 August, 1863.*



1863-4.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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MRS. PEGUS.  
(PETITION OF.)

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*Ordered by the Legislative Assembly to be Printed, 21 April, 1864.*

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To the Honorable the Members of the Legislative Assembly of New South Wales, in  
Parliament assembled.

The humble Petition of Ellen Rosa Pegus, of 238, Clarence-street, Sydney,  
Widow,—

HUMBLY SHEWETH :—

That your Petitioner's late husband, Campbell John Pegus, faithfully served  
the Government for upwards of eleven years (latterly in H. M's. Customs).

That, during the period of the above service, your Petitioner's husband suffered  
many privations in the discharge of his duties, especially during three years of his super-  
intendence of Gabo Island, which tended greatly to accelerate his death.

That your Petitioner's late husband, the said Campbell John Pegus, died on the  
seventeenth day of March last, leaving your Petitioner and four young daughters totally  
destitute.

Your Petitioner, therefore, humbly prays your Honorable House to take her case  
into your serious consideration, and afford her such relief as to your Honorable House  
shall seem meet.

And your Petitioner will ever pray, &c.

ELLEN ROSA PEGUS.

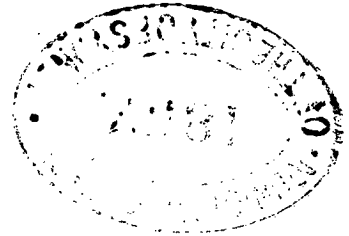
*Dated this twentieth day of April, A.D. 1864.*

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1863-4.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.



ALEXANDER BRAND.  
(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 22 April, 1864.*

To the Honorable the Members of the Legislative Assembly of New South Wales, in Council assembled.

The humble Petition of Alexander Brand, late of Nattia, near Berrima, in the County of Camden, now of 165, South Head Road, in the City of Sydney,—

RESPECTFULLY SHEWETH:—

That your Petitioner, in the year A.D. 1845, was employed by Ann Cutter, late of Nattia, in the County of Camden, in the Colony of New South Wales, licensed victualler, to build for her that house and premises known as the "Fitzroy Inn," situate at Nattia, in the County of Camden, in the Colony of New South Wales aforesaid, for which Petitioner received, in part payment, from said Ann Cutter, a promissory note for £250 sterling, bearing interest until paid. And Petitioner erected also other buildings for £100 sterling, making in all the sum of £350 sterling and interest accruing thereon.

That the said promissory note was admitted by said Ann Cutter to be due to Petitioner, in presence of Samuel North, Esq., Police Magistrate, and Alfred Cheeke, Esq., Barrister-at-law, and they advised Petitioner to take a lease of said "Fitzroy Inn" and premises from the said Ann Cutter, she, the said Ann Cutter, being willing to sign a lease of same in favour of Petitioner, to secure payment of the said promissory note and the interest accruing thereon.

That your Petitioner did obtain a lease for 14 years of said premises from the said Ann Cutter, and also a lease of 150 acres of land belonging to the said Ann Cutter, as advised by said Samuel North and Alfred Cheeke, Esqs.

That, in the year 1854, your Petitioner relet for three (3) years the aforesaid house and premises to Bartholomew Rush, with 100 acres of land, at the yearly rental of £100 sterling per annum; and Petitioner appointed Charles Throsby, junr., of Throsby Park, near Berrima aforesaid, his agent, to receive the rent thereof from the said Bartholomew Rush, which said rent the said Charles Throsby received, amounting to £300 sterling, for which said rent, nor for any part thereof, did he the said Charles Throsby account for to your Petitioner.

That the said Bartholomew Rush, after that his said lease had expired, remained in possession as tenant, at the said yearly rent of £100 sterling, and continued to and did pay the said yearly rent to the said Charles Throsby, until the first day of July, 1860, when the said Bartholomew Rush vacated the premises.

That before the said Bartholomew Rush vacated the said premises, and during the period of Petitioner's lease from the said Ann Cutter, an alleged release was forged by the said Charles Throsby, stating that Petitioner had released him from paying said £300 sterling, whereas your Petitioner had not released, but repeatedly requested a settlement from said Charles Throsby, but could not and never did obtain one from him.

That two other acts of forgery were committed by the said Charles Throsby, namely:—the transfer deed of the "Fitzroy Inn" had your Petitioner's name on it, and also the name of Ann Cutter, both in the handwriting of the said Charles Throsby.

That the said Charles Throsby, in the year 1858, went to England, and after he had returned to this Colony, told your Petitioner that he (Charles Throsby) had used for his own purpose the money he had received belonging to Petitioner; your Petitioner repeatedly afterward went to him to demand a settlement, but always found him intoxicated and unfit to transact any business.



That the said Charles Throsby died in the year 1860, having previously, in his last will and testament, appointed Mr. Billyard, the solicitor, one of his executors. Your Petitioner sued said executors in the District Court at Sydney, for £200 sterling, and the case was heard before the then Chairman of said Court, Mr. Arthur Todd Holroyd. During the said trial, said Mr. Billyard stated that Mr. Oliver Throsby saw Petitioner sign the release, whereas when the said Mr. Oliver Throsby was duly sworn and examined, he stated that he did not see your Petitioner sign any document; and notwithstanding the said Mr. Oliver Throsby's sworn testimony, the said Chairman of said Court dismissed the case, and said he did not believe, without explaining as to what he did not believe—and, when, passing the decision, ordered Petitioner out of Court; this was at Mr. Holroyd's last sitting.

That, on the 22nd day of December, 1853, the said Ann Cutter made her last will and testament, bequeathing to Petitioner the house and premises and said fifty (50) acres of land, as well as part of her personal effects, which said will was duly attested by three witnesses, namely, R. S. Montgomery, of Berrima, surgeon, John Finimore, of Nattia, blacksmith, and James Kinmore, of Mittagong, wheelwright.

That the said Ann Cutter departed this life on the 20th day of November, 1858, without revoking her said will. Petitioner then employed Messrs. Bradley and James, of Sydney, solicitors, to administer to said will, and gave it to them for that purpose, which said will is now in possession of Mr. Henry Burton Bradley, the remaining partner of said firm.

That, some time after your Petitioner had employed said solicitors to prove the said will, thirty-six horses belonging to Petitioner were stolen from his enclosed paddock and driven to Camden, where Petitioner found (19) nineteen of them in a paddock belonging to Sir Wm. McArthur, and Petitioner then claimed them as his property, and had them taken possession of by the police authorities; and the police authorities had possession of them several days; then Petitioner took proceedings against the parties for horse-stealing, and when the case of horse-stealing was called on for trial, Sir Wm. McArthur—Messrs. Hassell and Palmer sat as Magistrates—Sir Wm. McArthur called the Magistrates, Messrs. Hassell and Palmer, into a private room, where they remained a considerable time, and when they came out and were again seated upon the Bench, they dismissed the case and directed the horses to be sold, at same time fined your Petitioner in the sum of £4 sterling for the keep of said horses in one of Sir Wm. McArthur's paddocks. Petitioner then told them to sell one of his horses and pay the expenses, but they refused, and Petitioner had to pay them or go to gaol. Petitioner protested against the decision, and wanted to appeal to the Supreme Court, and requested said Magistrates to allow Petitioner three days to go to Sydney for that purpose, which they objected to, but ordered the horses to be then and there sold, which was done. Petitioner went to the sale and claimed the horses as his property, and protested against the sale. Petitioner was assaulted, and his life threatened and endangered; the attorney for Charker and others was in attendance, urging parties to purchase the said horses.

Shortly after, your Petitioner went to some of Sir Wm. McArthur's tenants' farms, to seek for the other horses that had been taken from his farm; he then found another working mare in possession of Samuel Sheather, one of Sir Wm. McArthur's tenants, which Sir Wm. McArthur and his stockman had sold to Samuel Sheather for the sum of £30 sterling, for which Sheather shewed Petitioner a receipt signed by Apps and witnessed by Galvin at the "Camden Inn." When Petitioner claimed the mare in the paddock at Sheather's farm, which had been lost from Petitioner's farm for upwards of twelve months, Samuel Sheather said to Petitioner, "If you take that mare from me "I will be ruined; she is the best working mare in Camden, and none others of my "horses will work, nor could I draw a cask of water from the river only with her."

Then other two horses that were stolen from Petitioner's farm at the same time, Petitioner found them in possession of John Buckman, of Mittagong, branded with Buckman's son-in-law's brand. Buckman then stated that he got them from Dr. Sherwin's nephew, known as Ned Kieth, and the said Ned Kieth, I am creditably informed, led the mare found in Samuel Sheather's possession to Camden, and disposed of her at "Camden Inn" to Apps, and that she run in Sir Wm. McArthur's paddock till Apps sold her to Samuel Sheather.

That at same time Mr. Charles Nicholson, J.P. at Berrima, seized ten milch cows, that were decided by Judge Carey and a Jury as the property of Petitioner; and the said Charles Nicholson, J.P., ordered his men to drive them 10 miles from the enclosed paddock of Petitioner into the yard of Berrima, and directed the said cattle to be kept within the prison yard gates for upwards of three (3) weeks, and thus ruined the said cattle, and could have no other intention than to ruin Petitioner, who had to pay for the food they had, or they would have all died.

That for the two last mentioned horses, that were branded with Buckman's son-in-law's brand upon them (namely, John Izard), Buckman obtained a summons for Petitioner to appear before the said Mr. Charles Nicholson, J.P., for Buckman's expenses and trouble, as also for branding and keeping in his paddock the said two horses. Mr. Charles Nicholson fined your Petitioner the sum of £4 10s. sterling, and Mr. Charles Nicholson said that if Buckman had charged three times as much he should have had it awarded him.

That a charge of false imprisonment was got up against Petitioner by Mr. Walsh, attorney at Goulburn—one of Charker's attorneys—for the police taking Charker, junr., who had the stolen horse in his possession; but a just and impartial Jury, and Judge Carey, decided the verdict for Petitioner.

That

That previous to the horse in the unlawful possession of James Charker being stolen, one of the party that stole the horse stole another mare from one of Petitioner's enclosed paddocks. Your Petitioner found her in the bush, tied to a tree; he unloosed her, when Petitioner was attacked by five ruffians. One, the man that had the cart, knocked him down; when Petitioner was on the ground he was jumped upon by said man and party, and kicked, &c. Bartholomew Rush, with seven of his men, yoked the mare in the cart to go to Moneroo; the man that had the cart was living in Rush's house at the time. Next morning Petitioner went to Berrima Court, before Mr. Burke, and laid the charge of horse-stealing and assault. A warrant was issued for the horse and the man. The police went about twenty miles from where the cart had come from, namely, "Fitzroy Inn," Nattia, and they found the mare yoked in the cart; they took the man and the mare to Berrima. The mare was placed in the gaol yard for a week, when Mr. H. Oxley, J.P. and M.P., sat as Magistrate. Mr. George Allman, of Yass, was retained by Rush and man that had the cart. The case of assault and robbery of the horse was laid by Petitioner, who proved the horse to be his property, and likewise proved the assault. Mr. Henry Oxley dismissed the charges, and wished to give the mare to the robbers; but Mr. George Allman, the aforesaid attorney, ordered the mare to be delivered to Petitioner, which was done. Petitioner was severely injured by the assault, but no redress was to be had.

That your Petitioner summoned to appear before His Honor Judge Carey, at the first sittings of the District Court held in Camden (in sittings 1859), several persons who had Petitioner's horses in their unlawful possession, and amongst them the aforesaid Samuel Sheather, when Petitioner proved the mare to be his property, and recovered a verdict for the sum of twenty-five pounds sterling (£25), being the value of the aforesaid mare in the estimation of His Honor. Immediately after the said decision by His Honor, Mr. James McArthur, of Camden, came into Court and requested the Judge to grant a new trial in the horse case of Samuel Sheather, as he (Mr. James McArthur) had an important witness to bring from Moreton Bay, when His Honor Judge Carey stated that the amount of the verdict must be paid into Court before a new trial could be granted; and the said new trial or cause of action was removed from Camden to Picton, and afterwards from Picton to Parramatta, and from Parramatta to Sydney. The £25 was given in a cheque, which was objected to by the Judge, and the cheque was withdrawn, but not replaced with cash. When the case came to Sydney Court neither Sheather nor the mare was brought to Court, but Sir Wm. McArthur said they were at Gundagai. Your Petitioner gave Sheather notice. Petitioner believes the case is still pending.

That your Petitioner detected Alfred Weakley, one of Sir Wm. McArthur's tenants, accompanied with James Reed, stealing from Petitioner's enclosed paddock four of Petitioner's working horses. He went to Berrima Court, before Mr. Charles Nicholson, J.P., and applied for a warrant or summons against Weakley and Reed, but Mr. Charles Nicholson would not grant either. Petitioner afterwards found the said horses in Sir Wm. McArthur's paddock.

That about the same time Petitioner detected the mare in Samuel Sheather's possession, Petitioner had another horse stolen from his enclosed paddock by James Charker, Bartholomew Rush, and George Cutter. As they stated—one stole, one became purchaser, and the other became witness. They all knew the horse belonged to Petitioner, who immediately pursued and overtook the said horse, on the high road, about 20 miles on the Sydney side of Goulburn, where Petitioner told the police that the said horse was his property. The police then took possession of the said horse, as well as James Charker, junr., who had him yoked in his dray. They took them to Goulburn, and the case for horse-stealing was heard before Mr. Zouch, Police Magistrate, and the horse was proved to be the property of Petitioner, and was delivered to Petitioner by order of Mr. Zouch and the Chief Constable.

Immediately after the delivery of the said horse to Petitioner, a constable was ordered by Mr. Zouch to request Petitioner to stop whilst Mr. Walsh (solicitor for Charker) and Mr. Zouch went into a private room, where they remained about 3 quarters of an hour. That meeting was after the Magistrate had left the Bench a considerable time, and the horse in Petitioner's possession upwards of an hour, when Mr. Zouch came outside the Court-house, in the yard, and ordered a common constable to take Petitioner's horse from him, when Petitioner refused to give up the horse, but the horse was taken by force. Although the Chief Constable had refused to have anything to do with the affair after delivering the horse to its proper owner, namely, your Petitioner, nevertheless the horse was again handed to Charker, and yoked in his dray, although Petitioner offered a bond, if required.

Your Petitioner instituted proceedings against Charker and others for horse-stealing, at the Police Office, Sydney, when the case was heard before George Hill, Esq., and Capt. John M'Lane, Esq., when they fully committed George Cutter, who was represented to have sold the horse to James Charker, to take his trial at the Criminal Court for horse-stealing; but Mr. Lutwyche, the then Attorney General, refused to prosecute criminally, but requested Petitioner to employ an attorney, and Petitioner would obtain his horse.

That Petitioner employed his solicitors—Messrs. Bradley and James—to recover the said horse from said James Charker, and paid them the sum of £40 sterling for that purpose, and the case was tried at the Supreme Court, Sydney, on — before Sir Alfred Stephen, Chief Justice, and a Jury of four (4), when the said case was dismissed; afterward a new trial was ordered, but was neglected by the Petitioner's attorneys, and your Petitioner was at that time unable to attend, for which he had a

certificate

certificate from the surgeon that attended him. So soon as Petitioner was able he came to Sydney, and appeared in Court, and stated the case to His Honor Sir John Nodes Dickinson, Esq., then Acting Chief Justice; and His Honor directed Petitioner to appear personally at the next term, at the same time give James Charker notice that a new trial was to be applied for. His Honor said that he would see that justice should be done to your Petitioner, but previous to the said term being held His Honor Judge Dickinson had departed from this Colony.

Your Petitioner appeared on the first day of the term, as directed by Sir John Nodes Dickinson, before the three Judges, and moved for a new trial of the horse case that was in the unlawful possession of James Charker, of Nattia. The Chief Justice (Sir Alfred Stephen) during the argument, said that the case against James Charker being a stolen horse, ought to have been tried by a Jury of twelve (12) instead of a Jury of four (4)—that admitting all faults, and that whatever injury might be done to Petitioner, the rules of the Court must be adhered to. Your Petitioner stated as it was not Petitioner's fault nor neglect, but that of his attorney's; but the case for a new trial for the horse found in the unlawful possession of James Charker was there and then ordered to be struck off the paper. Petitioner, as directed by Sir John Dickinson, gave Charker notice, but he did not appear.

Your Petitioner deposited the title deeds of the above-mentioned fifty (50) acres of land that he held as collateral security from the aforesaid Ann Cutter, which was willed to Petitioner by the said Ann Cutter, into the hands of Mr. Buckland, one of the partners of Sir Daniel Cooper, Buckland, & Co., who had supplied Petitioner with goods for many years, but was not owing him nor his partners any money; but believing the firm consisted of honorable men, caused Petitioner to place the deeds in their hands. When Petitioner asked Mr. Buckland to return the deeds to him, Mr. Buckland said he had given them up under a protest, but Petitioner could not and never did obtain any further redress from said Mr. Buckland.

That your Petitioner obtained verdicts before His Honor Judge Carey and a Jury, against the following parties:—At the District Court at Berrima, from which place the horses were stolen: Edmund Burke, Esq., J.P., one horse, £20 (stolen); Henry Oxley, Esq., J.P. & M.P. (stolen) spring cart; Mr. Terry, one timber carriage, £10; Mr. Thompson, of Camden, 2 horses (stolen)—that was sold at Sir Wm. McArthur's unlawful sale of Petitioner's horses; Bartholomew Rush, one horse, do.; James Ford, furniture, &c., £18; Charles Brooks, 1 gig, £10; 10 milch cows, by Walch, attorney, Goulburn; one cart found in the unlawful possession of one of Mr. Oxley's tenants, £16. At the District Court, Camden, before His Honor Judge Carey, Samuel Sheather, and Sir Wm. McArthur:—One mare (stolen) £25—a new trial granted, still pending; Wheeler, one of Sir Wm. McArthur's tenants, 2 horses, settled; Hershog, one horse, value £30, settled; a constable, one horse, settled; Chief Constable, one horse, not settled; Samuel Ward, butcher, (5) five horses, not settled; Mr. Harrison, blacksmith, one horse, not settled; other horses not yet ascertained.

That Mr. Gilbert Wright and Mr. Plunkett applied for a *rule nisi* to compel your Petitioner to surrender his estate, they being attorneys for said James Charker and others: but His Honor, the then Chief Commissioner of Insolvent Estates, Mr. Purefoy, upon hearing an explanation of the case by Petitioner, and a written statement which had been lodged in Court, protested against the sequestration of Petitioner's estate, but the said sequestration was confirmed notwithstanding, although at the time Petitioner was not owing one shilling to any person.

That your Petitioner has released his estate from sequestration, but your Petitioner, having been deprived of all his property or means, is unable to prosecute the aforesaid parties.

Your Petitioner, therefore, humbly prays your Honorable House will appoint a Committee to investigate the charges contained herein, and thereby grant your Petitioner such relief as your Honorable House may think fit.

And your Petitioner, as in duty bound, shall ever pray.

*Dated at Sydney, this tenth (10) day of December, 1862.*

ALEXANDER BRAND,  
165, South Head Road.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## TOM DIGHT MACKENZIE.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 29 March, 1864.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of Tom Dight Mackenzie, of Paddington, late Sub-Collector of Customs, at Albury, in the Colony of New South Wales,—

SHEWETH:—

1. That on the 10th day of April, 1854, your Petitioner was appointed to a clerkship in the Colonial Treasury.
2. That on the 1st day of March, 1857, he was transferred to the Customs Department; and, on or about the 1st June, 1860, was appointed Sub-Collector at Albury, at a salary of £300 per annum, on condition of his paying his own travelling expenses.
3. That on the said conditions he proceeded to Albury, where he remained until the month of September, 1861, when, by order, he returned to Sydney, where shortly after arrival he was put on duty as a landing-waiter, which he continued to perform until the month of July, 1862.
4. That after the month of April, 1862, the salary which was voted to him by your Honorable House, was not paid to him, but his monthly cheque was reduced to the rate of £225 per annum; and he has been unable to ascertain by what authority his salary was so reduced and withheld.
5. That in consequence of the Collector's informing him that he required lockers, your Petitioner consented to act in that capacity, under the promise that he should resume his position as landing-waiter on the first vacancy, and the Collector authorized him to, and he did, inform Mr. Still, the landing-surveyor, to that effect.
6. That on entering on duty as a locker, your Petitioner was placed in charge of the bond of Sir D. Cooper & Co.; thence was removed to that of Messrs. Gilchrist, Watt, & Co.; and lastly, was placed in charge of the Argyle Bond, which had hitherto employed two lockers.
7. That on the 31st day of October, 1862, a cargo of sugar, *ex* "Celine," consisting of 6,773 bags, as appears by entries in the stock-book, was placed in bond by Messrs. Scott, Henderson, & Co.
8. That on the 4th February, 1863, the last warrant for delivery of said sugar (being for 25 tons, and accompanied, as your Petitioner has been informed, by a re-weigh order for an anticipated balance) was written off in said stock-book as delivered.
9. That your Petitioner was placed in charge of said bond on the 5th day of February, 1863, and no warrant or other paper for delivery of, or otherwise concerning, the said sugar, ever passed through his hands, which an inspection of the stock-book will fully prove.
10. That your Petitioner was informed that there had not been found enough sugar in the bond to satisfy the last warrant for 25 tons, and that Messrs. Scott, Henderson, & Co. had overpaid to the amount of £15 10s. 11d.
11. That your Petitioner received a letter from the Collector, calling upon him, "by direction of the Honorable Treasurer," to pay into the hands of the Chief Clerk the sum of £15 10s. 11d., in order that the same might be refunded to Messrs. Scott, Henderson, & Co.
12. That your Petitioner wrote the Collector, and fully explained the impossibility of his knowing anything of the matter, and requested that the same explanation might be forwarded for the re-consideration of the Honorable Treasurer; but the said explanation was returned to him and never submitted to the Honorable Treasurer, whom, your Petitioner believes, was ignorant of the true state of the case.

13. That your Petitioner's cheque for the month of August was withheld from him, and he was informed the amount of £15 10s. 11d. had been paid over to Messrs. Scott, Henderson, & Co.

14. That your Petitioner, acting under advice, wrote to the Collector, requesting to be informed if the cheque was so withheld and appropriated by his direction, and received from the Collector an answer in the affirmative.

15. That your Petitioner was peremptorily forbidden by the Collector to communicate with the Treasurer, and, smarting under the injustice, acting under advice, and with no other apparent means of obtaining redress, your Petitioner wrote to the Collector, informing him that he should proceed at law against them for the recovery of the cheque so unjustly withheld.

16. That your Petitioner received a letter from the Collector, informing him that his letters written in the matter of the cheque had been laid before the Executive Council, and that they had decided that your Petitioner be dismissed for insubordination, and that he was therefore dismissed accordingly.

17. That subsequently to your Petitioner's dismissal the amount of £15 10s. 11d. was refunded to him, and the Collector informed your Petitioner's friends that your Petitioner was a good and efficient officer, and he would do anything to recommend him to any other department.

18. That your Petitioner was desirous of having the stigma of dismissal removed from his name, and solicited an inquiry into the case, which, as your Petitioner is informed, the Collector did, and still does, determinedly oppose; and preferred other charges against your Petitioner, in support of which he sought signatures to officially prepared papers, but of the nature of the charges so preferred your Petitioner has never been informed.

19. That your Petitioner has never been charged with neglect or imperfect performance of his duty by others than the Collector, whose demands it was impossible to comply with; and he has suffered great loss and injury by reason of the injustice and persecution to which he has been subjected. Your Petitioner, therefore, most humbly prays that your Honorable House will cause an investigation to be made into his case, and that justice may be done.

And your Petitioner will ever pray, &c.

TOM DIGHT MACKENZIE.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE PETITION OF

TOM DIGHT MACKENZIE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
21 April, 1864.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1864.

[Price, 1s. 5d.]

621-a

1863-4.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 133. FRIDAY, 1 APRIL, 1864.

18. Tom Dight Mackenzie :—Mr. Garrett, *with the concurrence of the House*, moved, pursuant to *amended* notice,—
- (1.) That a Select Committee be appointed to inquire into the allegations contained in the Petition of Tom Dight Mackenzie, and to report thereon.
- (2.) That such Committee consist of Mr. Eagar, Mr. Weekes, Mr. Burdekin, Mr. Tighe, Mr. Cunneen, Mr. Terry, Mr. Smart, Mr. Driver, Mr. Dangar, and the Mover.
- Debate ensued.  
Question put and passed.

VOTES, No. 144. THURSDAY, 21 APRIL, 1864.

4. Tom Dight Mackenzie :—Mr. Garrett, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose inquiry and report the Petition of Tom Dight Mackenzie was referred, on 1st April, 1864, together with Appendix.  
Ordered to be printed.

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1863-4.

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**TOM DIGHT MACKENZIE.**


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**REPORT.**


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THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 1st instant, “*to inquire into the allegations contained in the Petition of Tom Dight Mackenzie, and to report thereon,*” have agreed to the following Report :—

Your Committee have examined the witnesses named in the margin,\* and have arrived at the conclusion that the Government were justified in removing Mr. Mackenzie from the Customs Department.

\* Mr. T. D. Mackenzie,  
W. A. Duncan, Esq.,  
H. Lane, Esq.,  
W. C. Still, Esq.,  
Mr. W. Mundy,  
Mr. J. A. Knight,  
Mr. B. P. Campbell.

Your Committee do not discover that the Collector was actuated, as alleged in the Petition, by any hostile spirit towards Mr. Mackenzie.

Your Committee are of opinion that the evidence against Mr. Mackenzie is not of such a character as to preclude his future employment in any other branch of the Public Service for which he may be found qualified.

THOS. GARRETT,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 21 April, 1864.*

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PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 5 APRIL, 1864.

MEMBERS PRESENT :—

None.

In the absence of a quorum, the meeting called for this day lapsed.

THURSDAY, 7 APRIL, 1864.

MEMBERS PRESENT :—

Mr. Garrett,		Mr. Tighe,
Mr. Terry,		Mr. Smart.

Mr. Garrett called to the Chair.

Printed copies of the Petition referred—before the Committee.

Committee deliberated as to their course of proceedings.

Mr. William Augustine Duncan, *Collector of Customs*, and Mr. Tom Dight Mackenzie, *Petitioner*, called in.

Mr. Tom Dight Mackenzie examined.

The following Papers handed in by witness, viz. :—

Letter from Collector of Customs to Mr. T. D. Mackenzie, dated 7 July, 1863, in reference to deficiency found in cargo ex "Celene."

Letter from same to same, dated 7 September, 1863, intimating his dismissal from the public service.

Letter from Under Secretary for Finance and Trade, to J. A. Knight, Esq., dated 2 October, 1863, informing him that the Treasurer is disposed to remit the penalty inflicted on Mr. Mackenzie for the short delivery of the sugar ex "Celinee."

Letter from same to Mr. T. D. Mackenzie, dated 16 February, 1864, in reply to Petition praying for an investigation respecting his dismissal.

Telegram from Collector of Customs, Sydney, to T. D. Mackenzie, Sub-Collector at Albury, dated 24 August, 1861, recalling him to Sydney.

Mr. William Augustine Duncan, *Collector of Customs*, examined.

Correspondence relative to the dismissal of Mr. T. D. Mackenzie, produced by witness, and copies handed in. (*Vide List of Appendix.*)

Strangers withdrew, and

Committee deliberated.

[Adjourned to Wednesday next, at Eleven o'clock.]

WEDNESDAY, 13 APRIL, 1864.

MEMBERS PRESENT :—

Mr. Garrett in the Chair.

Mr. Tighe,		Mr. Harpur,
Mr. Smart,		Mr. Terry.

Present :—Mr. W. A. Duncan, *Collector of Customs*.

Mr. T. D. Mackenzie, *Petitioner*.

Mr. Henry Lane, *Under Secretary for Finance and Trade*, called in and examined.

The following Papers (copies) handed in :—

Letter from T. D. Mackenzie to Collector of Customs, dated Argyle Bond, 20 July, 1863.

Letter from Joseph A. Knight to Colonial Treasurer, dated 30 September, 1863.

Letter from T. D. Mackenzie to Colonial Secretary, dated Paddington, 26 October, 1863.

Petition of Tom Dight Mackenzie to the Executive Council of New South Wales, dated 8 February, 1864.

(*Vide Appendix.*)

Witness withdrew.

Mr. William Augustine Duncan, *Collector of Customs*, further examined.

Copy of Locker's Book, and form of a Re-weigh Order—handed in. (*Vide Appendix.*)

Mr. William Cathcart Still, *Landing Surveyor and Inspector of Warehouses*, called in and examined.

Witness withdrew.

[Adjourned to Tuesday next, at Eleven o'clock.]

TUESDAY,

TUESDAY, 19 APRIL, 1864.

MEMBERS PRESENT:—

Mr. Garrett in the Chair.

Mr. Burdekin, | Mr. Cunneen,  
Mr. Dangar.

Present:—Mr. W. A. Duncan, *Collector of Customs*.  
Mr. T. D. Mackenzie, *Petitioner*.

Mr. William Mundy, *First Locker, Customs*, called in and examined.  
Two Stock Books from the Argyle Bond produced by witness.

Mr. Joseph Augustus Knight called in and examined.  
Witness withdrew.

Mr. W. A. Duncan further examined.

At the close of this examination,

Mr. William Mundy further examined.  
Witness withdrew.

Mr. Benjamin P. Campbell called in and examined.  
Witness withdrew.

Mr. W. A. Duncan again further examined.

Copy of Stock Book from the Argyle Bond, with note from the Collector of Customs,  
*ordered* to be appended to Mr. Mundy's Evidence. (*Vide Appendix*.)  
Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

THURSDAY, 21 APRIL, 1864.

MEMBERS PRESENT:—

Mr. Garrett in the Chair.

Mr. Tighe, | Mr. Terry,  
Mr. Dangar, | Mr. Burdekin.

Committee met, pursuant to summons, and deliberated upon heads of Report.

Chairman prepared and submitted Draft Report.

Draft Report read 1<sup>o</sup>.

The same read 2<sup>o</sup> paragraph by paragraph.

Paragraph 1 read, and agreed to without amendment.

Paragraph 2 read, and amended.

*Question put*,—That the paragraph, as amended, stand part of the proposed Report.  
Committee divided.

Ayes, 2. | No, 1.  
Mr. Burdekin, | Mr. Terry.  
Mr. Tighe.

Paragraph 3 read and amended.

*Question put*,—That the paragraph, as amended, stand part of the proposed Report.  
Committee divided.

Ayes, 2. | No, 1.  
Mr. Burdekin, | Mr. Terry.  
Mr. Tighe.

*Question then put*,—That the Report, as amended, be the Report of this Committee.  
Committee divided.

Ayes, 2. | No, 1.  
Mr. Burdekin, | Mr. Terry.  
Mr. Tighe.

Chairman requested to report.

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1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE PETITION OF

TOM DIGHT MACKENZIE.

THURSDAY, 7 APRIL, 1864.

Present:—

MR. GARRETT,  
MR. TERRY,MR. TIGHE,  
MR. SMART.

THOMAS GARRETT, ESQ., IN THE CHAIR.

Mr. Tom Dight Mackenzie called in and examined:—

1. *By the Chairman:* You are the person who petitioned the Assembly, in reference to your dismissal from the Customs service? I am.
2. You were appointed on the 10th April, 1854, to a clerkship in the Treasury? I believe that was the date.
3. On the 1st March, 1857, you were transferred to the Customs Department? That date also I set down from memory; I believe it was that day.
4. In what capacity did you act until June, 1860? I was in the long-room a portion of the time, and ultimately I was made Registrar. I had the keeping of the registrar with which the Auditor General is furnished.
5. On the 1st June, 1860, you were appointed Sub-Collector at Albury, at a salary of £300 a year? I speak of that also from memory; I believe it was on or about the 1st June.
6. And you proceeded to Albury, and remained there till September, 1861, discharging the duties of Sub-Collector? Yes.
7. On or about that day you were ordered to return to Sydney, and did so return? Yes.
8. And shortly after, you were put on duty as Landing Waiter? Yes.
9. You performed those duties till the month of July, 1862? I did.
10. You state, in paragraph 4 of your petition, that in April, 1862, the salary paid to you was reduced to £225 per annum? It was. I will not be positive about the date, but the production of the pay abstract will set that right. I believe I received at the rate of £300 a year for the month of April, but I am sure I did not afterwards.
11. Did you make any application to ascertain for what reason this reduction was made? I asked the Collector one day what was the reason; I do not remember the precise answer he gave, but there was at the time some little disagreement between him and the Government, and he said, "The Government will do nothing for me—they will do just as they like"; or some expression of that kind, but I do not know exactly what it was.
12. In July, 1862, you took, at the request of the Collector, the position of Locker? I did. The fact was they were not much in want of Landing Waiters at the time—business on the wharves was rather slack—and Mr. Duncan sent for me, and told me they were short of Lockers, while the Landing Waiters had nothing to do;—would I become a Locker, or some expression of that kind. I said, certainly I would; and I took on myself the duties of a Locker, with the understanding that I should resume my position as Landing Waiter as soon as my services were required in that capacity.

Mr. T. D.  
Mackenzie.  
7 April, 1864.

- Mr. T. D. Mackenzie.  
7 April, 1864.
13. As Locker you took charge of the Bond of Sir Daniel Cooper & Co.? I did.
14. And subsequently that of Gilchrist, Watt, & Co.? Yes. I was given to understand there were disagreements in these Bonds—I do not know from what cause. It appears that the Locker in charge of Gilchrist, Watt, & Co.'s Bond and the men and the managers were all at odds, so much so that they did not speak to each other; and a request was made to Mr. Still, as the head of that branch, that the Locker might be removed, and I was the person selected to quell this disturbance; and I went there and did so. I was subsequently transferred from that Bond to another, where there was a like disturbance—the Argyle Bond, which employed two Lockers.
15. With regard to the 7th paragraph of your petition, will you explain the circumstances respecting the cargo of sugar ex "Celine," therein referred to? Of that I myself know nothing. I only know that in the book there appears an entry on the 31st October, 1862, of a cargo of sugar, ex "Celine," consisting of 6,773 bags; I know it appears in the book, and that is all I know about it.
16. Did you receive a warrant for delivery of the balance of that sugar on the 4th February? I was only put in charge of that Bond on the 5th February, and, on taking charge of that Bond, I did not know anything of the books; they were strange to me, as I was to the Bond. By-and-by inquiry was made, and in course of time there was a dispute about this sugar being small in quantity. Then I was referred to the books, and I there found a warrant written off on the 4th February for 25 tons.
17. Was that the last portion of it? It appears there was not enough sugar to satisfy this warrant for 25 tons; but it appeared, from subsequent inquiries I made, that when the duty was paid on the 25 tons of sugar, there was at the same time a reweigh order. They imagined in this particular case they had more than 25 tons of sugar remaining in the Bond, so they paid on 25 tons, and sent a reweigh order, which is as much as to say,—weigh the remaining sugar in the Bond, let me know what there is, and I will pay the duty; but in this case it appears there was not sufficient sugar to satisfy the warrant for 25 tons.
18. Were you in any way responsible for that deficiency? I cannot conceive how it is possible I could be, inasmuch as I never saw a single pound of it—never received nor delivered a pound of it.
19. *By Mr. Tighe*: Was there much short? I forget what the quantity short was, but I am given to understand the deficiency was not at all excessive.
20. *By the Chairman*: You received a letter from the Collector, calling upon you to pay into the hands of the Chief Clerk the sum of £15 10s. 11d., in order that the same might be refunded to Messrs. Scott, Henderson, & Co.? I did.
21. What action did you take on receiving this letter? I wrote to the Collector—perhaps I should say I saw him before writing. I went immediately to him with my books, and saw him in the long-room, and pointed out this particular entry. However, it was not satisfactory, and I then wrote a letter, setting forth, as well as I was able, the whole particulars of the case, shewing that I could not be expected to be responsible for this deficiency, and requested at the same time that the letter might be forwarded —
22. Have you a copy of the letter you received, calling upon you to pay this money? I have.
23. Will you hand it in? Yes. (*Letter handed in. Vide Appendix.*)
24. Have you a copy of the letter you wrote in reply to this? I have a draft, but I cannot say positively it is a correct copy. The original is at the Treasury.
25. You wrote the Collector with regard to this matter, and requested the Collector to submit your explanation for the reconsideration of the Treasurer? I did.
26. What was the reply? I received the same letter in return, with a minute upon it, setting forth that which I now forget. I have not a copy of it, but it was to the effect that the matter had been repeatedly submitted to the Honorable the Treasurer—I forget in fact what it stated, but the conclusion was that the surcharge must be enforced.
27. You have not a copy of the Collector's answer? I have not.
28. You received your own letter back minuted? Yes, with a turned-down corner. That letter, with the minute upon it, I handed to Mr. Smart at the Treasury, and left it with him.
29. What was the date of the reply? That I cannot tell you.
30. *By Mr. Smart*: Nor the date of the letter you sent to the Collector? I imagine it was on or about the 20th July; it might have been a day or two after.
31. *By the Chairman*: You wrote on or about the 20th July, in reply to the letter you received on the 7th July? Yes; I had seen the Collector two or three months between the receipt of the letter demanding the payment of the money and my reply.
32. What was the substance of what passed between you and the Collector on these occasions? I went to Mr. Duncan with the books, and shewed him that I had never received a paper of any kind or sort, for the receipt, or delivery, or reweigh, or anything belonging to the sugar. The only portion of the sugar I ever saw (and I did not know at the time it was that sugar) was one afternoon about 4 o'clock, I saw the men belonging to the several Bonds up-stairs passing down bags of sugar, and I went to them and told them they would have to put them back again.
33. On what ground do you make the statement in the 12th paragraph of your petition—that you believe the Treasurer was ignorant of the true state of the case? I think neither the Treasurer nor any other man would have endeavoured to enforce that surcharge upon me if he had known the whole circumstances of the case; and my chief reason for believing that was, because my explanation was returned to me and withheld from the Treasurer.
34. By whom? By Mr. Duncan.
35. Was the minute on it in the Collector's handwriting? I believe so; it was signed by him.

36. When you waited on the Treasurer afterwards, did he then profess ignorance of the circumstances of the case? The Treasurer said he would see Mr. Duncan, and I presume he did so. Mr. T. D. Mackenzie.
37. Did he say at that time that he had not seen Mr. Duncan, and was not acquainted with the circumstances of the case? I do not think he said so—no; but this was long subsequent to my writing that letter. 7 April, 1864.
38. Then the £15 10s. 11d. was stopped from you? It was.
39. And you wrote to the Collector in reference to that stoppage? I did.
40. Have you a copy of that letter? I have not a copy of it; I have here what I believe to be a copy, but should not like to put it in as such; the original is in the Treasury I have no doubt.
41. In the 15th paragraph you say you were peremptorily forbidden by the Collector to communicate with the Treasurer? Yes.
42. Was that a verbal communication? It was a letter sent round, I believe, to all hands, brought by a messenger, informing them that any person communicating with the Treasurer, unless through the medium of the Collector, would expose himself to his displeasure or something of that kind, or that he would take it as a personal affront.
43. *By Mr. Tighe*: You were not specially forbidden in this particular case? Yes I was; I asked Mr. Duncan to allow me to go to the Treasurer.
44. *By the Chairman*: What was the reply? I was not allowed to go.
45. When was that? After the letter I have alluded to was returned to me.
46. You wrote to the Collector, informing him that you should proceed at law for the recovery of your cheque? I did.
47. Did you receive any reply to that communication? The only reply I received, was a letter from the Collector to the effect that my letter, together with one written previously, had been submitted to the Honorable Treasurer, and by him laid before the Executive Council, and they had deemed it fitting to dismiss me from the public service.
48. You were dismissed on a minute of the Executive Council? I suppose so.
49. Have you got a copy of that letter? I have the letter itself. (*Handed in. Vide Appendix.*)
50. You subsequently received the £15 10s. 11d.? I did.
51. How did you receive it? I received it through the medium of a friend.
52. Do you know that your friend got it from the Government? Yes, I have a letter that will satisfy you on that point I think. (*Handed in. Vide Appendix.*)
53. You state, in the 17th paragraph of your petition, that the Collector subsequently spoke to friends of yours and said you were a good and efficient officer, and he would do anything to recommend you to any other department? I can produce the friends to whom he said so. He went even further than that; he said he had not a man in the establishment that he could put to take my place.
54. Will you give the names of those friends to whom you allude? Mr. Joseph A. Knight and Mr. B. P. Campbell.
55. Are they in Sydney? Yes.
56. Are they officers of Customs? They are not.
57. *By Mr. Terry*: Are they officers of the Government? No, not connected with the service at all.
58. *By the Chairman*: In the 18th paragraph you say you solicited an inquiry into the case? I did; that was what I waited on the Treasurer for.
59. You state the Collector opposed this? That he most certainly did.
60. On what ground do you state that the Collector opposed this inquiry? I sought it in every imaginable way.
61. Did you seek it from the Collector himself? I can hardly say that.
62. On what do you base this statement, that the Collector opposed this inquiry? I was informed by everybody whom I consulted in the matter.
63. Have you made any written application for an inquiry, either to the Treasurer or the Collector? I called on the Treasurer personally and solicited it.
64. Did the Treasurer decline? The Treasurer said he would see Mr. Duncan.
65. Did you see the Treasurer subsequently? I think I saw the Treasurer a second time, if my recollection serves me, and he said that in the interim he had seen the Collector, and his determination was to let the dismissal stand.
66. Acting on the advice of the Collector? I do not know that.
67. On what do you base the statement in your petition, that you were refused inquiry? I petitioned the Executive Council.
68. Have you that petition? I have not.
69. Have you the reply to it? I have. (*Handed in. Vide Appendix.*)
70. That does not exactly clear up the statement here, that the Collector did and still does oppose the inquiry;—I wish to know on what grounds you base that statement? I do not think I have had anything from the Collector himself. I called at the Custom House on one occasion, and wished to see him, and he refused to see me.
71. Who informed you that the Collector opposed the inquiry? I do not recollect any person positively telling me he did, but I have said to various persons that I could not get an inquiry, and they have said, "No, of course he will not give you that."
72. In the 19th paragraph you say you have never been charged with neglect or imperfect performance of duty by others than the Collector? I never have had any charge laid against me for neglect of duty, except by the Collector himself.
73. What impossible demands did the Collector call upon you to comply with? It frequently happens that, when there is a large landing of spirits, they get sometimes as many

Mr. T. D.  
Mackenzie.

7 April, 1864.

many as a hundred and fifty casks of various sizes on the wharf at the same time; the consequence is, the Landing Waiters are hard at work gauging, and in the afternoon the carters come in helter-skelter to the Bond with these casks, and put them in the yard as fast as they can get them off their drays. On one particular occasion I was there till nearly 5 o'clock when they were bringing in these casks of spirits, or wine, or whatever they were, and, as was absolutely necessary, these casks were put within the gangway of the door until the morning, and afterwards taken out, sorted, and stowed away. It happened that on this occasion Mr. Duncan came down in the morning with Mr. Russell; and the Collector, looking into the Bond, made a complaint about the casks being left in that way in the gangways. I explained how it was, that they had only come in overnight; but the Collector insisted they should have been stowed away that night. I explained the impossibility of doing it, if I had a hundred men. He said, "Then get a hundred men, and I will bear you out." Now I have no authority to get men; I have no more control over the men in the Bond than you have, and if I asked a man to do anything, and his master told him to do otherwise, I could not help it.

74. What Bond was this? The Argyle Bond.

75. Was that the only occasion? Speaking about the books, Mr. Duncan told me—and you must bear in mind I was just come into the Bond—that I ought to know the contents of the stock books, four of which were in use; and he said that if he had charge of the Bond he would go himself and put his hand on anything in any one of these Bonds in the dark. Now I find it will sometimes take, even the men who stowed the things away, an hour or two to find a cask or other thing.

76. Do you remember any other cases in which he called upon you to do things that were impossible? No, only that he has complained of me without reason.

77. Have no complaints been preferred against you in respect of your duty while in the department? The only complaint I ever had, except those by the Collector himself, was when the Sugar Company's men charged me with being drunk on duty one night. They came down with drawback goods, and after I had done all that I had to do as Landing Waiter, they wanted me to sign certain papers with which I, as a Custom House Officer, had nothing to do. As Landing Waiter I signed the necessary papers for the Custom House, but they brought down another paper on which they get a receipt for the goods from the master or mate of the ship, and they wanted me to sign this paper as having received them.

78. You had not received them? The goods were put on board the ship, but I had nothing whatever to do with the receipt of the captain or mate; it is a separate affair altogether.

79. Was the charge preferred in a formal manner to the Collector? It was.

80. What was the result? I was acquitted of it.

81. By the Collector? By the Collector or the Treasurer, Mr. Weekes. The chief grievance was, that on the following morning I had permission from Mr. Still to be absent from my post on the Flour Wharf, and finding me off my post they thought I was negligent of my duty. Mr. Still had omitted to direct any one to take my duty, or the officer instructed had neglected to come; at all events there was nobody on that post, and that was what gave them the great offence.

82. Did Mr. Knight inform you it was upon the Collector's recommendation the £15 was remitted? I do not know that he did; he might have done so.

83. Are you aware whether it was on Mr. Duncan's recommendation you were appointed Sub-Collector at Albury? I suppose it was. But instead of being promotion to me it was a positive disadvantage, because I sold off my furniture and broke up my establishment in Sydney, and put my wife and family in quarters till I could make arrangements at Albury. However, on my arrival there, I found no place where I could live except an inn, and I was at the double expense of living at the inn and keeping my family in Sydney.

84. Are you aware of the cause of your being recalled from Albury? I do not know more than appears on the face of this paper. (*Telegram handed in. Vide Appendix.*)

85. You came in pursuance of this telegram? Yes.

86. Did Mr. Duncan subsequently inform you of any other reason? Mr. Duncan told me a great deal about irregularities of mine down there.

87. What was the nature of those irregularities? I never heard of anything at all more than what Mr. Duncan told me.

88. Do you recollect what the Collector told you? He told me something about my irregularities, but this was said in good humour, as something not of serious import. I admit that, living in the place in the way I did, and being continually thrown into company, I might have been a little extravagant in my actions sometimes; but you must bear in mind I never neglected my duty, for I had no duty, and I submit I am not to answer for the whole of my conduct, whether on duty or off.

89. Were you aware whether it was the intention of Mr. Cowper and Mr. Weekes to dismiss you on your return? I never heard a syllable of it; I was expecting to be sent back again.

90. *By Mr. Smart:* Have you heard nothing of it to the present time? Mr. Duncan told me so afterwards.

91. *By the Chairman:* Mr. Duncan told you it was the intention of Mr. Cowper and Mr. Weekes to dismiss you? No, it was said Mr. Cowper was going to send for me a long time ago.

92. For the purpose of dispensing with your services? I do not know what for.

93. He did not state it was for the purpose of dispensing with your services? I had not an idea of it.

94. When you were appointed a Locker, were you appointed over the heads of the other Lockers? No, I was not; I was afterwards appointed a Locker, and then I found I was made Chief Locker, but there was not the slightest farthing advantage in it; it was a situation I would not have accepted if I was entering the service.

95.

95. Are you aware that Mr. Duncan's conduct in appointing you Chief Locker was made the subject of remark in the Assembly? I saw an account in the papers that Mr. Dangar, I think, asked some questions with reference to the matter. Mr. T. D. Mackenzie.
96. *By Mr. Terry:* Are you aware of any ill feeling existing towards you by Mr. Duncan? 7 April, 1864.  
I cannot conceive Mr. Duncan's conduct towards me to emanate from anything but the worst feeling.
97. You state that the sugar ex "Celine" was bonded before you became a Locker? The sugar was bonded, according to the entry in the stock book, on the 31st October, 1862, and I was placed in charge on the 5th February, 1863.
98. And the date of the last warrant was 4th February? Yes.
99. When was it delivered? I do not know. It was all delivered before. That was the last warrant which was not satisfied.
100. Then there was no sugar in the bond when you went there? There was some sugar in the Bond, but what there was I do not know.
101. Is it not customary for the Lockers in charge of Bonded Stores to take a note of where goods are stowed away? No, it is impossible; they are continually shifting them.
102. Have you stated the irregularities you were charged with at Albury? Mr. Duncan told me it was in consequence of my drinking; that is all I ever heard of.
103. Do you know of any one else who gave information as to your drinking? No.
104. You did not drink? I will admit that, living in an inland town like that, I sometimes gave way to certain extravagances, but generally speaking I was an abstainer altogether.
105. You did indulge sometimes? Yes, sometimes I did.
106. *By Mr. Tighe:* You took charge of this Bond on the 5th February—was the sugar delivered before that day? I do not know.
107. Was there any sugar in the stores on the 5th of February? There must have been some.
108. Was there much? I do not know.
109. You would deliver it after the 5th? No, if they had come to me to deliver any sugar on that warrant I should not have delivered a pound. It is all written off as delivered. I dared not deliver a pound of sugar on that warrant.
110. Then it was never in your charge? Never. Mr. Brock, the Assistant Locker, told me he had the delivery of the whole of that sugar at the time.
111. Who had charge of this reweigh order? As I have stated in my petition, no paper of any kind or sort passed through my hands. Mr. Still came and asked me for the warrant and for the reweigh order. I made search, and amongst the warrants put away I found this warrant of the 4th February, and on further search in another place I found the reweigh orders.
112. You were asked to deliver up these? I was, and I did deliver them up, both the reweigh order and the warrant.
113. Did Mr. Duncan apply for them subsequently? No.
114. *By Mr. Terry:* Did you take delivery from the former Locker on entering into charge of this Bond? No, there is no stock-taking or anything of that kind; it would be an impossibility; we merely go in and take possession.
115. You do not know what is in the Bond at all? No more than you do, when we take possession of it. Of course by referring to the stock books you could ascertain.
116. What guarantee have you that the former Locker may not have disposed of goods in Bond? None whatever. That was where I found myself getting into trouble; and when I found the Collector was determined to enforce upon me whatever deficiencies there might happen to be, I told Mr. Still I would not have an assistant at all.
117. Is it not absolutely necessary the person in charge should know the particulars of the goods in the Bond? It would be very desirable, but I do not know how the thing could be done.
118. *By Mr. Smart:* In either of the interviews you had with me as Treasurer, did I state to you that it was not for this deficiency in the sugar only that I intended to recommend your dismissal? You did; you gave me to understand it was not for this deficiency—it was for drunkenness.
119. Did I not tell you it was for what I considered repeated acts of insubordination and drunkenness? I thought you told me I was dismissed for drunkenness, on the report of Mr. Duncan.
120. Did I not tell you one of the causes was repeated acts of drunkenness when on duty, and insubordination to your superior officer? No, I do not recollect that.
121. You admit it in the 16th paragraph of your petition, that it was for insubordination? Yes, but insubordination is not drunkenness. I understood you to say it was for drunkenness I was dismissed.
122. This matter of the sugar was not the only neglect on your part? I was charged also with a deficiency in a thousand cases of gin. That was the reason I came to the determination of having no assistant.
123. You have stated you were Principal Locker at the Argyle Bond? Yes.
124. And during the time you were there you gave a receipt for a thousand cases of gin? No, I did not give a receipt for them.
125. You entered them in your books? Yes.
126. Were these received into the store? Two of the shipments were short, or at any rate a certain number of cases. Mr. Jones and another gentleman who had the landing of these cases both positively swore they had counted them, and that they had carted away 1,000 cases of gin. We then made a search in the bond—I myself did—and found them numbered consecutively from 1 up to 1,000; but they had fifteen in excess on board the



- Mr. T. D. Mackenzie.
- 7 April, 1864.
- the ship, and I found these were the very numbers we required to make up the shipment.
127. Did you count the gin into the store? I could not do that.
128. What was your duty then? I left that to my assistant, and it was in consequence of this deficiency that I told Mr. Still I would no longer have an assistant.
129. Was the quantity that went into the store checked on this occasion? It might have been.
130. Was it so? No.
131. *By Mr. Terry*: Whose duty is it to do so? When I had an assistant I always kept to the in-door work myself, and when carts came with goods I directed him to look out for them.
132. *By Mr. Smart*: Did I not tell you, at the interview you had with me, that your conduct at Albury, which was very much complained of by the Chief Secretary, was one of the reasons that induced me to take the step I did in respect to you? No.
133. And that you had committed yourself so frequently in the department, while on duty, that I could look over it no longer? I never heard a word of it.
134. Were you not charged at the Police Office for drunkenness during the time you were engaged as Locker? Never in my life.
135. Were you not charged for an assault on a woman, when you were supposed to be under the influence of drink? I endeavoured to prosecute that woman for perjury, but could not get the Magistrates to listen to me, although I had four witnesses.
136. Were you not charged with using beastly language and for being drunk on duty on the wharf? I was never charged for beastly language in my life.
137. Was not evidence in support of that charge given before the Collector? I was charged with drunkenness, but never with beastly language. I am not in the habit of using beastly language.
138. You said you did not believe Mr. Duncan took any step nor recommended the return to you of the money you were mulct of? At any rate he took good pains to enforce it upon me.
139. Did not Mr. Duncan tell you it was my order to do so? Yes.
140. Had you no reason ever to suppose that Mr. Duncan did all he could to induce me to remit the money? I have information which I must keep to myself; I have good reason to believe he was doing all he could to force it on.
141. That is your handwriting, is it (*letter, dated 2 September, 1863, addressed to the Collector of Customs, exhibited to witness*)? Yes.
142. Did you not state to Mr. Duncan, in that letter, your regret at the evident inefficiency of his endeavours to procure the return of the surcharge upon you? I did, but I wrote that letter with the conviction that the Collector of Customs had never tried to relieve me of this surcharge; because he told me himself he never told me he would do so—he denied having ever told me he would do all he could to relieve me of it. I had reason at that time to believe that when the recommendation for the surcharge was sent to the Treasurer, the query returned by him was “Does the Collector desire this?” or some query of that kind; and that the Collector, in reply, answered most positively yes, or decidedly, or certainly, or some word of that kind.
143. *By Mr. Tighe*: Do I understand you rightly that you wrote that letter under the knowledge or supposition that Mr. Duncan had made no effort to relieve you of this surcharge? Mr. Duncan told me he would do all he possibly could to relieve me of it, but I had reason to believe he never did anything at all. Mr. Duncan told me, as plainly as ever he spoke, he would do all he could to relieve me of this surcharge; and he also told me afterwards, when I had written that letter, that he had never told me anything of the sort.
144. *By Mr. Smart*: You say there were two cases deficient out of the thousand cases of gin—was it not fifteen? No, they were all bonded but two; I think there were two short in the shipment, not more.
145. Were they not fifteen short at the time you signed for the whole quantity? I never signed for the quantity at all; they were only entered in the book; that is the ordinary course.
146. Were there not fifteen cases short when the thousand cases were entered as received? No.
147. Only two? We had none of them then; we did not know what they were. If a warrant is brought to me this morning, I enter that in my book—so many cases, such and such a ship, and all particulars; we then receive these cases as they come, perhaps twenty to-day, 500 to-morrow, and so on, in dribblets, as it may be convenient to break them out of the hold; they may not be all received for a fortnight. When we have got the whole shipment we count them, the light ones are filled up, and the empty cases put by. If they are short, the deficiency falls on the ship; the Government have nothing to do with it.
148. I ask you distinctly were they not fifteen cases short? No.
149. *By Mr. Terry*: Is it customary to enter in the books the whole number of cases, whether received into the Bond or not? Yes, as appearing on the face of the warrant; we enter the warrant, whatever it may be.
150. Is it the duty of the Locker to sign the Landing Waiter's receipt for the goods, as having been taken into Bond? Yes.
151. Did you not sign for fifteen cases more than you had received? No.
152. *By Mr. Smart*: How many cases did you sign for more than you received? I do not remember the number now. I think there were two short; there may have been three.
153. Is not the Locker instructed to account and sign for every case he receives? We did not sign for anything. I believe there is a new system now; the Lockers sign for the loads separately as they come in. That system was established by myself, in fact; the suggestion emanated from me.
- 154.

154. In the printed instructions published in 1859, before you were a Locker at all, are you not required to give a receipt? I do not know that it is there; at all events, I know it was never practised. Mr. T. D. Mackenzie.
155. *By the Chairman*: By you? By any one. 7 April, 1864.
156. *By Mr. Terry*: If there are any short, who is responsible? I do not know. The carters will come in and throw their goods off the drays into the yard without notice from any one, particularly at dinner time, so that it is difficult to keep a check.
157. *By Mr. Smart*: You were on duty at the Bond during the receipt of these thousand cases of gin? I was.
158. Were you there between 1 and 2 o'clock? I was always there; I never left the Bond.
159. Did you see the carters unload their drays without anybody checking them? No; I should not have allowed it if I had.
160. Do you not know it was the fact that they did unload between 1 and 2 o'clock? Yes, by the confession of the men themselves.
161. *By Mr. Tighe*: You were dismissed for insubordination—did your insubordination consist of any other acts beyond writing these letters? No; I asked the Collector himself if I had ever said a word offensive to him, and he told me no.
162. That was the only charge against you? That was the only one I am aware of; I know of no other.\*

William Augustine Duncan, Esq., Collector of Customs, examined:—

163. *By the Chairman*: You are aware of the circumstances connected with the dismissal of Mr. Tom Dight Mackenzie from his position as Locker in the Customs Department? I am. W. A. Duncan, Esq.
164. Have you the correspondence relating to that dismissal? I have the correspondence (which I obtained at the Treasury) on the subject. 7 April, 1864.
165. Have you the minute of the Executive Council submitted by the Treasurer, recommending Mr. Mackenzie's dismissal? I have. (*Read, and copy handed in. Vide Appendix.*)
166. Have you the letters, addressed by Mr. Mackenzie to you, complained of as disrespectful? I have. (*Two letters, dated respectively 1st August and 2nd September, read, and copies handed in. Vide Appendix.*) To shew what my feeling was towards Mr. Mackenzie, though it was my duty, in consequence of the order of the Treasurer, to deduct this amount from Mr. Mackenzie's salary, I took upon myself, at my own risk, to give this order:—"The surcharge should be deducted from this cheque, but I have no objection to let it lie over till next month, if Mr. Mackenzie desires it."
167. Have you any other documents that were used for the information of the Executive Council? I have the letter in which I reported the matter to the Treasurer, dated 4th July, 1863. (*Read, and copy handed in. Vide Appendix.*)
168. Did you conceive it to be the locker's duty to have checked the quantity of goods he received when he took charge of this Bond? No, not to take stock. It would be utterly impossible to do that; and we have a means of getting rid of that difficulty.
169. This sugar was received into Bond before Mr. Mackenzie's time? Yes, but I believe a large portion of it was delivered in his time. He was answerable for his own accounts as well as for those of his assistant. The chief complaint against him was his not returning the order for the reweigh of the balance, there being no balance to reweigh, in order that I might take steps to see how the large deficiency had occurred.
170. Is it the fact that that reweigh order was never returned at all? It was never returned at all in any shape whatever.
171. Then the statement made by Mr. Mackenzie, that he returned it to Mr. Still for the purpose of being submitted to you, is not correct? It certainly never was submitted to me. To shew how I was puzzled in consequence of Mr. Mackenzie's neglect, there is a memorandum from Mr. Powell, Custom House Agent, to this effect:—"I have sent the certificates to the Locker at the Argyle Store for signature. Mr. Mackenzie declines to sign, and has referred me to Mr. Eldershaw, who also objects." So that, in point of fact, I was placed on the horns of a dilemma.
172. Is that with regard to the gin or the sugar? The sugar. Here is a letter from Messrs. Metcalfe and Powell, applying for this refund, dated 23 June, 1863; they state that the sugar was weighed out of the Bond by the Locker, short of the quantity they now claim; and on the corner of this is a memorandum from the Warehouse-keeper, stating he sent the usual reweigh certificate, which was not returned.
173. Have you had any correspondence with Mr. Still respecting this reweigh order? I have here a memorandum from Mr. Still. (*Read, and copy handed in. Vide Appendix.*) I may mention, with respect to what Mr. Mackenzie has said about every article shewing a deficiency, that sugar as often shews a surplus as a deficiency, as it attracts moisture rather than repels it, and therefore is often over the import weight.
174. Mr. Mackenzie states in his evidence, that he handed this reweigh order to Mr. Still, together with the warrant;—the question I put now is, is that statement correct? Not so far as I am aware. Mr. Still was, I believe, in Van Diemen's Land at the time.
175. Have you had any correspondence with Mr. Still on the subject? I have had some correspondence with Mr. Still on the subject; but this was after a claim had been made for a refund of the duty. What I complained of all along was, that the reweigh order was not returned when the delivery was made. 176.

\* ADDED (on revision):—And I was informed by the Premier and Attorney General that there was no other charge against me than writing that letter.

- W. A. Duncan, Esq.  
7 April, 1864.
176. Did you ever ask Mr. Still for the reweigh order? Mr. Still was not the person; he had nothing whatever to do with the reweigh order; he was not in Sydney at the time the last of the sugar was delivered; the reweigh order should have been returned to the Warehouse-keeper. Whether Mr. Mackenzie weighed out the sugar or not, it was his duty, as the Locker in charge, to ascertain what quantity was delivered, and what quantity was left for duty, and send that back to the Warehouse-keeper. It is quite necessary in these cases for me to make very searching inquiry, and unless I am furnished with the proper documents I cannot do so. I now hand in the document Mr. Mackenzie says he handed to the Treasurer, which, he says, would have explained the whole transaction, and which I sent back with a memorandum upon it. I may mention that the gentlemen under Mr. Still generally write to me through him. (*Letter read, and copy handed in. Vide Appendix.*) The facts that the letter is in Mr. Mackenzie's handwriting, and of my memorandum being upon it, prove it was the document Mr. Mackenzie left in the Treasury.
177. What is the date of that letter? 27th June, and my answer is dated the 1st of July.
178. Did you ever receive from Mr. Mackenzie a letter in which he complained of this surcharge being made, dated on or about the 20th July? These (*alluding to papers before witness*) are the letters as I got them from the Treasury, and I see no such letter among them. I am quite sure if Mr. Mackenzie or any other officer had written anything which he requested to have referred to the Treasurer, I should at once have sent it on. I certainly did give the order Mr. Mackenzie refers to, directing any communications with the Treasurer to be made through me, for I found the department becoming almost ungovernable, by officers rushing to the Treasurer continually with their own private matters. I found it would be impossible for me to govern the department if an officer could go and make any verbal statement without my knowledge, and I did issue the order stating that any officer having correspondence with the Treasurer should correspond through me, and I would be happy to forward any letter, no matter how much it might disagree with my own views.
179. Is there any letter of the character of a remonstrance which Mr. Mackenzie desired to have sent to the Treasurer? There is one here which I have read, in which he expresses his regret at the failure of my efforts to have the surcharge remitted; and with respect to that, Mr. Mackenzie has stated that he meant this ironically, because he had reason to suspect I had not done so. What he stated is perfectly true—that I told him that I never made any such promise; but at the same time it was in consequence of my recommendation that the £15 10s. 11d. were returned to Mr. Mackenzie.
180. Is there any letter of the 20th July there, such as I have stated? There is no such letter as that. The letter Mr. Mackenzie handed to the Treasurer is here, and I have read it. I am quite sure Mr. Mackenzie cannot produce any letter of his to me, asking me to refer his case to the Treasurer, if I did not so refer it.
181. There is no letter then, amongst that correspondence, dated on or about the 20th July, remonstrating against the course pursued, and requesting to have the letter laid before the Treasurer? Nothing at all corresponding to it, nor do I believe such a document exists. Here is one of the 2nd July—perhaps this may be the one Mr. Mackenzie means. I see this also has a memorandum of mine. (*Read, and copy handed in. Vide Appendix.*)
182. To whom ought the reweigh order to be returned? To the Warehouse-keeper.
183. Not to Mr. Still? Not to Mr. Still; he has nothing to do with it whatever. The deficiency should have been reported to Mr. Jones, who was acting for Mr. Still during his leave of absence, which extended from the end of December, 1862, till the beginning of April, 1863. This was omitted by Mr. Mackenzie, as well as the return of the reweigh order to the Warehouse-keeper.
184. Are you sure there is not a letter on or about the 20th July there? No, I see nothing of it. There is a letter I have not read, but which I think it necessary I should read, dated 26th April, 1862, forwarding a large amount of evidence taken on oath in the Custom House. That evidence must be at the Treasury somewhere. I was not able to get it this morning, but it must be in existence, and can be produced if necessary. (*Letter read, and copy handed in. Vide Appendix.*)
185. What was the decision upon that? The decision is not here, but I think I can state pretty nearly the effect of it from memory, namely,—that as the evidence was somewhat conflicting or contradictory, although the strength of it was against Mr. Mackenzie, the Treasurer would give Mr. Mackenzie the benefit of the doubt; at the same time admonishing him that if similar conduct ensued he would be dismissed.
186. Was it in consequence of that conduct that Mr. Mackenzie's salary was reduced from £300 to £225? No; in fact there was no sum at all on the Estimates for Mr. Mackenzie. The moment the Sub-Collectorship at Albury ceased, the salary ceased of course. The Government usually try to provide for officers displaced in that way; but I may state distinctly, that Mr. Mackenzie was recalled from Albury in consequence of a statement made by Mr. Cowper to Mr. Weekes. One day when I was in the Treasury with Mr. Weekes, Mr. Cowper came in. He had just then returned from a trip to Melbourne and Moama, on something connected with the Border Customs duties, and he began to joke with me about Mr. Mackenzie (whom I had recommended strongly for the Sub-Collectorship at Albury), saying he was seen rolling about the streets there drunk. Some conversation passed, and the result was that Mr. Weekes requested me to telegraph for Mr. Mackenzie's return, and also to direct him to forward the information mentioned in the telegram. I was not to tell him what was to be done, but I understood the Government intended to dismiss him immediately on his return. I may say I have always had a friendly feeling to Mr. Mackenzie; he is a man of some ability when sober, and all along I have taken great interest in him. Instead of oppressing him, as he now pretends, I have really gone beyond proper bounds in screening him from punishment. This is a letter I wrote to Mr. Smart, when he was  
Treasurer,

Treasurer, dated 2nd September, 1863. (*Read, and copy handed in. Vide Appendix.*) I believe these are all that are material in the correspondence. There is a list of the weighing of the sugar, and a statement of the deficiency from the warehouse, which I will not trouble the Committee to read. W. A. Duncan, Esq.  
7 April, 1864.

187. With regard to your statement as to Mr. Mackenzie having delivered some portion of this sugar by the "Celine," have you any memorandum shewing the quantities he did deliver? I have no memorandum here, but I have always been under the impression that a considerable portion of it was delivered by Mr. Mackenzie. I think in the correspondence he admits that, although he has stated the contrary in his evidence.

188. Did Mr. Mackenzie refuse to sign the certificate demanded by Mr. Powell? From Mr. Powell's statement I believe he did.

189. What was the nature of the certificate? It is something to the effect that the sugar was weighed and that there was a certain deficiency. It is clear I ought to have had the signature of the previous Locker or of Mr. Mackenzie.

190. Have you a copy of that certificate? I dare say I have the original.

191. Will you produce it? I will. (*Copy handed in. Vide Appendix.*)

192. Have you any recollection of receiving a letter from Mr. Mackenzie, dated on or about the 20th July, something similar to this (*handing a paper to witness, referred to by Mr. Mackenzie in his evidence as the draft of a letter which was returned to him instead of being forwarded to the Treasurer as requested*), reviewing all the facts of the case, and entreating you to submit it to the Treasurer, so as to give the Treasurer an opportunity of deciding on the whole facts? I have no recollection of it, nor do I believe I received any such letter. Of course it is possible, but I do not believe it.

WEDNESDAY, 13 APRIL, 1864.

Present:—

MR. SMART,  
MR. TIGHE,

MR. DANGAR,  
MR. TERRY.

THOMAS GARRETT, ESQ., IN THE CHAIR.

Henry Lane, Esq., Under Secretary for Finance and Trade, called in and examined:—

193. *By the Chairman:* You received a summons to attend this Committee and produce certain documents relative to the dismissal of Mr. Mackenzie? I did. H. Lane, Esq.  
13 April, 1864.

194. What documents have you bearing upon this matter? I have the original papers connected with Mr. Mackenzie's removal, copies of which have been already handed to the Committee by the Collector of Customs.

195. Have you any additional papers? I have a letter which I was specially asked to produce, dated the 20th July, 1863. It is from Mr. Mackenzie to the Collector of Customs.

196. Will you be so good as to read that letter, and any minutes that may be on it? Yes. (*Witness read and handed in the letter, together with a minute of the Collector of Customs thereon, a minute by the Honorable the Treasurer respecting Mr. Mackenzie's request for a reconsideration of his case, and the minute of the Collector of Customs in reply. Vide Appendix.*) The Collector of Customs waited on the Honorable the Treasurer with these papers; and I do not know anything more as regards the result, than that the Treasurer returned them to me, with additional papers, and directed me to keep them separate from the official records.

197. What is the nature of the additional papers—are they bearing on this matter? They are statements respecting the habits of Mr. Mackenzie, collected by the Collector of Customs.

198. *By Mr. Smart:* Did you receive the two sets of papers at the same time? Yes, at the same time.

199. Was that statement you read made after the appeal was made to the Executive for his dismissal, do you know? Afterwards.

200. Who had that letter in his possession? Mr. Mackenzie.

201. And he complained about its suppression? Yes.

202. *By the Chairman:* With regard to that letter of the 20th July, are you aware that it was returned to Mr. Mackenzie? I was not until he told me.

203. That letter of explanation was returned to Mr. Mackenzie with the Collector's minute? Yes.

204. And Mr. Mackenzie waited on you on what date? On the 15th September.

205. Was he aware on the 15th September that he had been dismissed? Yes.

206. Have you any communication of a prior date intimating that to him? I think that a copy of the letter sent is with the first papers. The Executive minute is on the 7th September.

207. The Treasurer's minute is dated the 7th September? Yes; and very shortly after that, a letter was delivered to the Collector stating that Mr. Mackenzie had been dismissed.

208. Before the Executive Council had decided? No, after.

209. The minute of the Executive Council is dated 15th December? That is the date of the confirmation. We could have written to him immediately after the first meeting of the Executive.

210. The first meeting was on the 8th? Yes, the 7th or 8th.

211. He was informed of his dismissal between the 7th and the 15th? Yes.

H. Lane, Esq. 212. And on the 15th he waited on you with this letter of the Collector? Of the 20th July.

213. And you submitted that letter to the Treasurer? At once.

13 April, 1864. 214. And the Treasurer wrote a minute there, and practically confirmed the dismissal? Yes.

215. Have you any other papers relative to the dismissal of Mr. Mackenzie? These (*produced*) are subsequent papers, which I wish to shew you. They have reference to the removal of the surcharge.

216. Will you be so good as to state the nature of them? A Mr. Knight interested himself on behalf of Mr. Mackenzie, and waited on the Treasurer. The result of the interview was that Knight wrote officially to the Treasurer.

217. Will you be so good as to read his communication? It is dated Sydney, 30th September, 1863. (*Letter read. Vide Appendix.*) The Treasurer minuted on it, "Collector of Customs, for his report—T.W.S. 1/10/63." The Collector reported as follows, on the 2nd October, 1863:—"Mr. Knight, in pursuing his benevolent object, seems to convey the impression that I am of opinion that the surcharge against Mr. Mackenzie should be remitted as a matter of right. This is quite erroneous. What I did say was, that as Mr. Mackenzie had subsequently brought on himself the severest official punishment, and that as his family were thereby rendered destitute, I thought the Government might, in clemency to them, and in the exercise of a legitimate discretion, remit the pecuniary penalty; and when pressed by Mr. Knight to urge that view upon the Treasurer, I said that I had already made a suggestion to the same effect, and could proceed no further, unless officially called upon to do so. I should be glad to know that Mr. Knight is successful in his application, not as a matter of 'restitution,' as he seems to put it, but purely as an act of grace on the part of the Government." It is signed "W.A.D." The Treasurer decided as follows:—"On account of the distressing position of Mr. Mackenzie's family in consequence of his dismissal from the service, I am disposed to remit the penalty inflicted on him for the short delivery of the sugar ex 'Celeine.' Signed T.W.S., 2/10/63."

218. And the amount was remitted? The amount of the surcharge was remitted.

219. Have you any other matters to place before the Committee? There was a letter presented by Mr. Mackenzie to the Hon. W. Forster, merely recapitulating the circumstances and begging a reconsideration of the case.

220. *By Mr. Smart:* Was that letter presented to Mr. Forster as Colonial Secretary? As Colonial Secretary. He (Mackenzie) then presented a formal petition to the Honorable the Executive Council, praying for a reconsideration of the matter. (*Petition, and minute thereon, handed in. Vide Appendix.*)

221. *By the Chairman:* What reply did he obtain to that (*letter to Honorable Colonial Secretary*). You need not read the whole of the letter; it is merely a recapitulation of the facts, I presume? Exactly. (*Letter of Mr. Mackenzie to the Honorable the Colonial Secretary handed in. Vide Appendix.*) It was referred to the Treasurer, whose reply is as follows:—"I understand that the surcharge has been refunded to Mr. Mackenzie; but as the tone of his letters to the Collector was complained of, and has been dealt with by the late Executive as good ground for dismissal, I decline to disturb their decision. G.E.—4/11/63." As regards the petition, I may say that it was sent to the present Treasurer to be dealt with, as will be seen by the notes on it. The Treasurer dealt with it as follows:—"Inform Mr. Mackenzie that his petition has been considered by the Executive Council, who see no reason to disturb the decision arrived at by the late Government. G.E.—16/2/64."

222. *By Mr. Tighe:* Those memoranda, relating to the habits of Mr. Mackenzie, were put in after the matter was decided upon, were they not? Yes.

223. Then nothing contained in those documents had anything to do with his dismissal in the first instance? No.

224. Mr. Mackenzie seems to wish to convey that he was dismissed in consequence of the tone he adopted in the letters he wrote in reference to these matters—is that a fact—It says, in the 16th clause of the petition, that he was dismissed for insubordination in the tone and manner in which he addressed his superior officers—was that the cause of his dismissal? Yes, but he does not go to the full extent. In complaining of these letters, the Collector referred also to former instances of his misconduct.

225. And those former instances were considered when he was dismissed—were they? Yes, for the Treasurer referred to them in his minute.

226. Then Mr. Mackenzie is not quite correct in what he states in the 16th clause of his petition, which is to this effect:—"That your petitioner received a letter from the Collector, informing him that his letters written in the matter of the cheque had been laid before the Executive Council, and that they had decided that your petitioner be dismissed for 'insubordination'?" It may be correct that the Collector so informed him in his letter.

227. What I want to know is, whether it was simply for the tone of those letters that Mr. Mackenzie was dismissed, or if he was dismissed for other irregularities? I think for other irregularities in addition to the tone of the letter. The paragraph states that Mr. Mackenzie received a letter from the Collector informing him that his letters written in the matter of the surcharge had been laid before the Executive Council; Mr. Mackenzie simply makes the statement that the Collector informed him.

228. Mr. Eagar says in his minute, that Mr. Mackenzie was dismissed in consequence of the tone adopted in those letters. That letter, which you read just now, does not seem to me to be very impertinent in its tone? No, it was another letter (2nd September, 1863).

229. *By Mr. Terry:* Is it usual, upon the dismissal of an officer, to take into consideration his former conduct, which has already been dealt with? Well, I do not know of any instance of the kind.

230. Has it not been taken into consideration here? It certainly has.
231. Conduct which has already been dealt with by the Government? Yes—past conduct.
232. Is that an unusual thing to do? I am not aware of a similar instance. Fortunately, cases of this kind occur very rarely. H. Lane, Esq.  
13 April, 1864.
233. *By Mr. Smart*: How are you able to get at the opinion that this matter was dealt with in consequence of former cases having been brought before the Government—will you adduce an instance? I do not understand you.
234. Mr. Terry asked you if it was customary, upon the dismissal of an officer, to take his previous conduct into consideration—conduct which had been previously dealt with, and you said “no”? I refer simply to this fact, that an allusion has been made in your minute to repeated charges of irregularity.
235. But had they been dealt with by my predecessor? Yes, some of these had been dealt with. I know of one to which the Collector referred in his letter, and which had been dealt with by your predecessor.
236. As Mr. Lane seems to know what influenced me in the dismissal of Mr. Mackenzie, I would ask him what instances he can adduce to prove his statements—perhaps he can particularize them? I know of one which was referred to by the Collector of Customs in bringing the case before you.
237. But do you know what influenced the mind of the Treasurer in the dismissal of Mr. Mackenzie? No.
- (*Preceding questions and answers read by Shorthand Writer.*)
238. Do you still adhere to that answer? Yes, I would not modify that answer.
239. Then please to state what influenced me in recommending that dismissal? This is the Collector of Customs' letter to you, and in that he makes reference not only to two offensive letters, but he also states: “I know of no public officer who has received so much indulgence as Mr. Mackenzie. He was recalled from Albury, on the suggestion of the Honorable the Colonial Secretary, in consequence of reports of his inebriety, which had reached Mr. Cowper. He was, however, permitted to continue in the service here. Some time after, he was convicted at the Police Office of having assaulted a woman. Still later he was charged with being drunk on the wharf and using beastly language, and evidence on oath was given of the fact; but Mr. Weekes allowed him the benefit of a very slight doubt, in consequence of the evidence being somewhat contradictory. Previously to the fact of the sugar in question, I had repeatedly heard of rumours of his having been seen drunk—rumours, however, which I passed over perhaps a little too lightly, as I really had a kind feeling to the man.” It was, I presume, a report of that kind which induced you in your minute to refer not only to the two letters which were supposed to be impertinent, but also to say—“T. D. Mackenzie, the officer referred to, has been repeatedly charged with irregularities.” I therefore conclude that you have taken these repeated former irregularities into consideration in recommending his dismissal. And I may perhaps call to your recollection that, when you directed me to take measures for his immediate dismissal,—(you were up at the Assembly at the time I received the papers)—I wrote to you stating—“The usual course is to suspend, and then recommend that the party shall be called upon to shew cause why he should not be dismissed. Shall this course be pursued towards Mr. Mackenzie?” You replied, “Mr. Mackenzie's conduct has been so bad that I do not intend placing him under suspension, but recommend his immediate dismissal.” I presume from this that you took into consideration previous irregularities of conduct.
240. The only irregularity of conduct you allude to as having been dealt with is the beastly conversation on the wharf, when Mr. Weekes gave him the benefit of the doubt, and forgave him? Well, there was that case of the old tom; but I certainly did not recollect that at the time.
241. Do you know, of your own knowledge, that that case which Mr. Weekes dealt with influenced me in the decision which I arrived at? I assume so.
242. But do you know it—you have no right to assume things—did I ever tell you so? No, I do not recollect that you ever did.
243. *By Mr. Dangar*: Was Mr. Mackenzie suspended from duty, pending all those charges, at any time whilst holding a Government appointment? I am not aware.
244. *By the Chairman*: Are you aware of any other charge beside the one of writing these impertinent letters, the matter with reference to the deficiency of gin, and the charge of drunkenness and beastly conduct, having been preferred against Mr. Mackenzie? I do not know of any other while he was in the Customs.
245. *By Mr. Smart*: Have you ever heard of Mr. Mackenzie being charged with irregularities during the time he was at Albury as Sub-Collector? There were no charges officially preferred; there were rumours that reached me.
246. Do you know that he was removed from Albury and brought to Sydney? Yes.
247. Do you know the cause of it? He was no longer required at Albury.
248. Have you any record in your office of the cause of his being removed? No.
249. *By the Chairman*: You do not know the actual reason? No.
250. *By Mr. Dangar*: Was not the establishment broken up about that time? Yes, when he was withdrawn.
251. There was no necessity for continuing that establishment? No.
252. *By Mr. Terry*: They did away with the collection of the Border Customs? It had been discontinued some time before.

William A. Duncan, Esq., Collector of Customs, called in and examined :—

- W. A. Duncan, Esq.  
13 April, 1864.
253. *By the Chairman*: You have handed to the Committee the original certificate of this sugar when it was bonded? When the refund was made; and you will see that it wants the Locker's signature, which it ought to have to make it complete.
254. How do you account for that? Neither Mr. Mackenzie nor the other officer would sign it.
255. Is this a proper document without that signature? Under ordinary circumstances it would not be, but having the special authority of the Government I acted on it. It is not regular without the Locker's signature.
256. Who was the other Locker that refused to sign it? The person whom Mr. Mackenzie succeeded. I believe he had no right to do it.
257. You are clear that Mr. Brock had no right? I do not allude to Mr. Brock, but Mr. Eldershaw. I understood that Mr. Mackenzie refused, and said that Mr. Eldershaw was the proper person to sign it, but that when the agent went to Mr. Eldershaw that officer refused, and I think very properly.
258. Have you, since you were last before the Committee, had any communication with Mr. Still about the reweigh order? I have not.
259. Have you obtained it? I asked it from the Warehouse-keeper, who is the proper person to have it, and he said that he never saw it after he issued it. I should like here to make a remark, in reference to an observation made by you on the previous day the Committee met. I think you misunderstood the matter of this reweigh certificate altogether. Mr. Still was not in New South Wales at the time of the last reweigh of this sugar, which I believe was in February. He was in Van Diemen's Land and Melbourne from the latter end of December until the end of March. That being the case, it was impossible that the certificate could have been handed to him at the time the sugar was reweighed. And besides, he was not the proper person to whom the certificate should be given—the Warehouse-keeper is the proper person to receive such certificates. I would draw the attention of the Committee to the 9th and 10th of the Locker's Instructions. It is there stated:—"In complying with warrants for the delivery of weighed goods, you will be particular in not delivering more than the quantity or weight mentioned in the warrant. In regard to sugar and coffee, you will personally superintend the weighing-out, and keep a memorandum of the number of bags and the gross weight." There is no such record in the Customs, of this weighing out, in the case under consideration. The 10th of the Instructions states:—"Should a deficiency, to any considerable amount, appear in any package on a regauge or roweigh, you will invariably write, under the actual quantities, on the back of the 'Requisition,' the cause of such deficiency" [no such thing was done]; "you will also enter the same in the book given you for that purpose, and, at the earliest opportunity, exhibit such entry to the Landing Surveyor." The person acting as Landing Surveyor at that time was Mr. Jones. There is a letter from Mr. Jones handed in, shewing that he knew nothing at all about it. The reweigh order is like this. (*Document handed in. Vide Appendix.*) That document, which should have been returned, was not returned. It could not have been given to Mr. Still, because he was not in New South Wales at the time, nor for more than six weeks afterwards. To shew that the instructions have not been complied with up to the present moment, I have brought a copy of the Locker's Book. (*Copy produced. Vide Appendix.*) If the Committee wish it, I will produce the book itself.
260. *By Mr. Terry*: You promised, last time you were here, to hand in a paper which you sent to all the officers in your department, instructing them to do certain things—a letter of instructions? That (*document previously quoted from*) is it. The Lockers have one set, and there are separate instructions for Landing Waiters, Tide Waiters, Carmen, and others.
261. From what I understood you to say when you were last before the Committee, I concluded that you had written instructions or orders to various Lockers to sign certain documents or papers, and they all declined to sign them? I think you misunderstood what I said; I do not recollect having said anything of the kind.
262. I think you also said that Mr. Smart recalled those instructions? I think you are alluding to the instructions to officers, to the effect that, when they wished to correspond with the Treasurer, they were to do it through me. I think that was moved for, and printed, by order of Parliament.
263. Have you a copy of that document? No, but I can get one.
264. It was recalled by the Treasurer of the day, was it not? I do not think so. That regulation was in existence before you or I was born; and I can produce an instance of a clerk being dismissed for sending a letter to Mr. Thomson without forwarding it through Colonel Gibbes, who was then Collector of Customs.
265. But did not Mr. Smart decline to act under that order? I do not know whether he did or not.
266. Do you know of any instance of the kind in your own time? I know that some of the officers have gone to the Treasurer since that time, and, knowing how difficult it is to keep things as I would wish them, I have taken no notice of it.
267. You have allowed it—then virtually that order is not in force? It is a dead letter at this moment, but I think it is an order which all Governments ought to insist upon; it is a very old order in the public service, and essential to due subordination.
268. *By the Chairman*: Was it an order when Mr. Mackenzie entered the public service, that an officer having any complaint to make should complain through his immediate superior, and not to the ministerial head of the department? It has always been an order in the service since I have been in it.
269. Has it, to the best of your experience, been acted upon? I think, generally speaking, it has, but of late it has been broken through by some.

270. In other cases than that of Mr. Mackenzie? Yes, before his case, and since.
271. Then, when Mr. Mackenzie broke through this order, was it re-issued? I am not aware that Mr. Mackenzie ever did break through it.
272. *By Mr. Terry*: Did you not issue that order to Mr. Mackenzie? Not at all. I sent it to the Landing Surveyor to shew it to the officers.
273. And it was shewn to Mr. Mackenzie? I suppose so, but I am not aware.
274. I think it came out in evidence that Mr. Smart declined to adhere to that? That may be, but I am not aware of it.
275. *By Mr. Tighe*: Do I understand you rightly in supposing that Mr. Mackenzie was, in the first instance, dismissed simply for his supposed impertinence in this letter; and that, when he applied to have his case reconsidered, these irregularities were adduced as a reason, in addition, why the case should not be reconsidered; or did the irregularities in the first instance form an element in the cause of his dismissal? There was no refusal that I know of to reconsider his case; in point of fact it was several times reconsidered. My letter to the Government will shew what view I took of the matter in reporting it; but there was no refusal, on the part either of myself or the Government, to reconsider anything laid before us. With respect to that letter of the 20th June, I ought to state that I had totally forgotten it. It was not handed to me with the other documents, by Mr. Lane, when I called at the Treasury on the day of the first meeting of the Committee. It has now been produced, but there is nothing in it that alters, or could have altered, my view of the case.
276. When you returned that letter to Mr. Mackenzie, with a minute upon it, of course it was a refusal on your part to recommend the case for the reconsideration of the Treasurer? No, it was to shew that his arguments did not bear upon the case in any way.
277. Then when came the irregularities into consideration—at that time or previously? The irregularity is immediately previous to that—the case of the thousand cases of gin in which fifteen were missing. I will explain that by the Locker's book. This (*document previously produced*) is a copy of the book, with a daily account of receipts and entries in the margin. It is copied exactly from the book. He makes, upon the 8th July, 997 received, when, in point of fact, there were thirteen of these (and there ought to have been fifteen) on board ship for a month after that.
278. Was that one of the causes for which he was dismissed? That was one of the causes.
279. Was he called upon for an explanation? He was; and his explanation and defence are there. They were sent by me to the Treasurer, along with my report on the case, and Mr. Smart returned them to me with the following minute:—"The evidence taken in this case convinces me that the business in the Customs is conducted in a most irregular and discreditable manner, and I have some doubts as to the propriety of passing over the conduct of Messrs. Jones, Dickinson, and Mackenzie, without punishment. Let them be reprimanded now, and informed that any future complaint against either of them will not be disposed of so leniently by me.—T.W.S., 28/8/63." That, I think, connects this distinctly with the dismissal by the Government.
280. That was one of the causes? So I believe. I cannot say, of course, what was in the mind of the Government. I wish here to lay before the Committee the instructions given to carmen and others, one of which is:—(4.) "On the removal of bonded goods for the purposes aforesaid, you are to be careful not to deliver them at any other place than that to which you are directed, nor into the custody of any other person than such as may be appointed and duly authorized to receive the same, from whom you are to require a receipt." No such receipt was given for any of this "old tom." Mr. Mackenzie made a very severe charge against me for tyrannical conduct, in asking him to do things which it was impossible for any man to do and which would require a hundred men. It is true I did find fault with the way in which the Bond was kept. By the rules of the department, all the packages in Bond are to be set up in tiers, so that you can walk between them and see the ends. I found these packages, however, in the most disorderly state, and reprimanded Mr. Mackenzie. He said, "What can I do? I have not enough of labour; I should want a hundred hands to put the place straight." I might have used some such expression as—"Put on a hundred hands then, and I will support you." Here is the 7th instruction to the Warehouse-keeper:—"In order to prevent confusion and unnecessary delay in searching for goods in the Warehouses when wanted, you are, in conjunction with the Landing Surveyor, to instruct the Lockers and proprietors that all goods be stowed in such a manner as to afford free and convenient access to the several packages; and in case of refusal on the part of any proprietor or occupier of any Warehouse, to make the necessary arrangements for the proper stowage of goods, you are to report the fact to the Collector or Landing Surveyor; and whenever the contents of any package shall be discovered to have been materially diminished by leakage or any other cause, you are to report all the circumstances to the Collector or Landing Surveyor, in order that they may take such measures as may be deemed necessary." The Committee will see from this, that I was merely carrying out the instructions of the Government in requiring the Bond to be in proper order.
281. Was the Bond kept in proper order under Mr. Mackenzie? It never was kept in proper order under him, nor has it been so since. To shew how irregular that Bond has been, I may say that I have had to shut it up twice since Mr. Mackenzie left.
282. Was that disorder in consequence of the lax manner in which Mr. Mackenzie discharged his duty? Yes. No doubt it was a difficult matter, but, as Mr. Mackenzie stated, I said put on a hundred men and I will support you, and so I would have done.
283. *By Mr. Tighe*: Had this anything to do with his dismissal? I do not think it had.
284. *By the Chairman*: It is a rule of the department to require that all cases and packages delivered to the Lockers should be counted by them? Yes.



- W. A. Duncan, Esq.  
13 April, 1864.
285. *By Mr. Terry*: Have other Lockers been reduced to a lower grade for not counting? Another Locker (Mr. Brett) has been reduced to a Tide Waiter because he did not count the packages.
286. *By the Chairman*: Is it usual to hold a senior Locker in a Bond responsible for all deficiencies or irregularities that occur in the management of that Bond? In the Argyle Bond there has been but one Locker. There has been an assistant, as in the case of Mr. Mackenzie, but when an assistant is sent, it is not to assist the Locker in neglecting his duty, but to leave him no excuse for neglecting it. In Campbell's Bond there are two distinct Lockers.
287. And would you hold each responsible for his own acts? Yes.
288. When Mr. Mackenzie went to the Argyle Bond was there an assistant Locker? There was.
289. How many Lockers are there in the Argyle Bond at the present moment? I believe there is only one at the present moment, but Mr. Still knows more about it; I do not know always exactly what is doing at every Bond.
290. When Mr. Mackenzie returned from Albury, did you ask him whether he would prefer an out-door occupation—when he was resuming his duties in the long-room? He never was desired to resume his duties in the long-room.
291. When Mr. Mackenzie returned from Albury, in what position was he placed? He was not placed in any position for some considerable time; the Government declined dealing with his case for some considerable time; and I, on my own authority, employed him as Assistant Landing Waiter; the question of his dismissal was then under consideration.
292. Did you give him the alternative of being employed in-doors or in an out-door capacity? I have now some recollection of having made a suggestion to him that he had better take the lockership, but I did not state the reason. I think he made some objection. The clerks in the long-room, when they heard that there was a probability of Mr. Mackenzie resuming his position among them, made a decided objection to it. No such thing was decided upon, but it was talked about, and I think he rather wished it himself. In order to make things as agreeable as possible to Mr. Mackenzie—without making any allusion to the objection of the clerks—I suggested that he should take out-door employment; I did so out of kindness to him; in fact I always had the most kindly feelings towards him, until his conduct became intolerable.
293. You are not aware that Mr. Mackenzie was directed to resume his position as 7th Clerk in the long-room, on his return from Albury? No. There were several conversations between Mr. Weekes and myself. It was arranged, I think, that he should have the same salary he formerly had, but I do not recollect that there was any direction that he should take his place in the long-room. But I cannot recollect all the circumstances.
294. Is that letter (*produced*) written by you? It is signed by me. I had forgotten that letter, which gives him his former status, and which probably led to the objection to him by the clerks, and my suggesting to him that he should take out-door employment. He was thoroughly detested in the long-room.
295. Mr. Mackenzie agreed to take a landing waitership? I do not think he was ever appointed to or promised a landing waitership. He acted as Landing Waiter while his claim was being considered.
296. Did Mr. Mackenzie give up his 7th clerkship on condition that he should be a Landing Waiter? I am not aware of it. I cannot recollect any such conversation. I did suggest that he should take out-door employment, and, as I have previously stated, I did it out of kindness to Mr. Mackenzie.
297. *By Mr. Tighe*: I do not understand how Mr. Mackenzie could be called upon to sign the document if he did not see the delivery of the goods? But he was bound to see the delivery of the goods.
298. But did he not come into the service after the goods were delivered? No, I dare say the duties were paid before he took charge of the Bond; but the last weighings-out were by him.
299. Then Mr. Mackenzie's reason for refusing this was, because he had not an opportunity to examine these goods? I do not know what his reason was. There is nothing but Mr. Powell's memorandum stating that both Lockers had refused to sign.
300. Were you ever called upon for an explanation why this was not signed? Never.
301. *By the Chairman*: Have you actually received the reweigh order? I am certain that on the 24th June I had not seen it. At a later date it might have been sent to me, but I do not know of it; and as the sugar had been gone five months before, it would have been of no effect then. It was the Locker's duty to balance up his book, and report, which he never did.

William Cathcart Still, Esq., called in and examined:—

- W. C. Still, Esq.  
13 April, 1864.
302. *By the Chairman*: What office do you hold in the Customs? Landing Surveyor and Inspector of Warehouses for the Port of Sydney.
303. Did you ever receive the warrant and the reweigh order for a quantity of sugar landed in the Argyle Bond, to the account of Messrs. Scott, Henderson, & Company? I recollect being called upon to report in a matter connected with Mr. Mackenzie's case, and I procured those documents from the Argyle Bond, and forwarded them to the Collector of Customs.
304. When was that? When the case was brought under notice.
305. Do you recollect what month it was? It was when the merchant applied for the refund. It was then, I think, that we took steps; I think that must have been about August last—I believe it was in July or August. I had been on leave in consequence of ill health, and it was some months after I returned, in April.

306. And have you those documents? I have not.

307. What became of them? As I stated before, I sent them on to the Collector; I think likewise that some reference was afterwards made to the officer who had been doing my duty. I am not sure whether, when this after reference was made to him, he sent them back direct to the Collector, or whether he sent them through me, but of this I am positive, that they went back to the Collector, who made up his report from them.

308. *By Mr. Smart*: And that was about the month of August, you think? I think it was about that time, as far as my recollection serves me. I resumed my duties in April, and perhaps two or three months might have elapsed.

309. Who did you obtain them from? From the Bond—I think from Mr. Mackenzie. It was a warrant for 25 tons, and a reweigh order with no endorsement on it—a mere blank.

310. Then it was an incomplete document? Yes. If I may allude to that matter, from what I can gather it was a kind of exceptional case. That reweigh order seemed to have been taken out in the first instance in anticipation of a deficiency on the cargo, but on the last warrant for 25 tons they could not make up the quantity, so that the reweigh order was waste paper—it was of no use. Again, I might point out that the merchant takes action in those matters; he properly brings that re-weigh order to the Locker, and when finished or endorsed by that officer, he (the merchant) takes it back to the Custom House. Perhaps the officers were waiting for the merchant to take steps in this matter. It was his affair (he met with a loss)—and he might have brought the matter on, the moment the deficiency was discovered, by them applying for the refund of duty.

311. *By the Chairman*: Is it the duty of a Locker in charge of a Bond to inform the Warehouse-keeper immediately he detects any deficiency in the goods bonded? As I have mentioned, the merchant himself is usually the first to acquaint the Customs when bringing back his regauge or reweigh orders.

312. But is it the duty of the Locker to report immediately to the Warehouse-keeper if he detects any deficiency in the goods bonded? As I tell you—this was an exceptional case.

313. I wish for a direct answer as to whether it is the duty of the Locker or not? It is part of his duty; but there are cases where the merchant would be beforehand with him.

314. Then it is the duty of the Locker to bring this under the notice of the Warehouse-keeper or Landing Surveyor? It would be his duty to bring under notice any considerable deficiency; but there are small deficiencies and losses constantly going on in sugar and other articles, which the Locker does not formally report, because they report themselves, as it were, from the endorsements on the documents used in the routine of our business, and presented hourly at the Custom House.

315. But, independently of that, it is the duty of the Locker to report any deficiency of a material character, the existence of which he may detect? Yes.

316. And was the deficiency in this case what you would consider of a material character? It was rather an undue deficiency.

317. *By Mr. Tighe*: How is that rule established—by some printed regulations or by custom? It is the practice to bring under notice anything unusual or wrong; but, as I stated before, the merchant generally moves in the first instance.

318. Are you aware of the whole of the facts connected with the delivery of this cargo of sugar? I was absent from Sydney in consequence of ill health when this matter occurred; but there are many things I can allude to. I am perfectly willing to answer any question—I have no partisanship in the matter.

319. Have you seen and examined the books in connection with this matter? I did make some examination when called upon to do so by the Collector.

320. From your knowledge of the mode of managing the department, and of the duties of Lockers and their responsibilities, do you think it was proper to hold Mr. Mackenzie responsible for this deficiency? To surcharge him?

321. Yes? No, I do not think so, from the law placing the responsibility in a very different quarter.\*

322. You do not think it was fair to surcharge Mr. Mackenzie with this amount? If he is to be made answerable for that deficiency, I say it is wrong. If there is any other cause to sustain the Collector that of course is a different thing, which I know nothing about.

323. Supposing he had fulfilled all the necessary duties in connection with this matter, he would not have been chargeable for any deficiency? Not without there was supposed to be some collusion with the storekeeper, or fraud or wilful neglect on his part.

324. But supposing he had neglected his duty and not made proper returns, do you think the head of the department would be acting improperly in making him pay this? If you can prove wilful neglect on his part, or collusion with the storekeeper, then, without question, it is in the power of the Collector or the Minister to act severely with him\*; but the law clearly points out who is answerable for these deficiencies, and what other steps might have been taken in this case if any fraud is supposed to be mixed up with it.

\* NOTE.—I allude to the 65th, 66th, and 67th clauses of the Act, 9th Victoria, No. 15.

TUESDAY, 19 APRIL, 1864.

Present :—

Mr. GARRETT,  
Mr. BURDEKIN,Mr. CUNNEEN,  
Mr. DANGAR.

THOMAS GARRETT, ESQ., IN THE CHAIR.

Mr. William Mundy called in and examined :—

- Mr. William Mundy. 325. *By the Chairman*: You are Locker at the Argyle Bond? Yes.
326. The books now on the table are the books kept in the Argyle Bond? Yes.
327. What do you call these books? The stock books.
- 19 April, 1864. 328. Can you give any explanation about these entries of the sugar ex "Celine,"—do you know anything about it? I do not.
329. As Locker in charge of the Bond, if you had received that book in that state, would you have delivered the sugar upon these entries? After seeing these entries I would have delivered nothing until I saw a fresh order.
330. If you got a reweigh order would you deliver whatever you had in stock? No; one side of a reweigh order shews what balance is supposed to be in bond; then when I receive it, I reweigh the sugar, and whatever I find the actual weight to be I put on the other side, and return the order to the owner or his agent when he calls for it, who then takes it to the Customs Warehouse-keeper and pays the duty accordingly. Sometimes there is a decrease, and I have known an increase; but as far as these warrants are concerned (*referring to the entries in the stock book*) I should deliver nothing on them, because I consider these are already delivered.
331. Unless you got a reweigh order? I should not deliver anything until the reweigh order had been produced at the Custom House, and a warrant made out for delivery for home consumption.
332. Is this document (*exhibiting to witness a paper headed "Extract from Locker's Book at the Argyle Bond"*) a fair copy of that entry in the book before you? This is a fair copy of the pencil-marks here, and also of the marks made up in ink.
333. Is it true that a reweigh order is not returned to the Custom House by the Locker? It is not generally; but sometimes the merchant's clerk will say, "Will you leave this at the Custom House for me?"
334. Not as a matter of duty? No; many Lockers may take them to the Custom House, but it is not usual; we have no instructions, I believe, to do so.
335. Is the reweigh order made out by the merchant or his agent? Reweigh orders and all orders connected with the Customs are made out either by the merchants or their agents.
336. Is it signed by the Warehouse-keeper before it goes to the Locker? It is; that is the authority we have to act upon.
337. If you, as a Locker, got a reweigh order, and found nothing to reweigh, what would you do with the reweigh order? I should send the document back to the Customs Warehouse-keeper, and he would make it known to the Collector immediately that there was no sugar in the Bond.
338. You would not act upon a reweigh order unless it was signed by the Warehouse-keeper? I could not, upon no order.
339. And if there were no goods to reweigh, you would return it to the Warehouse-keeper with that statement endorsed upon it? Yes.
340. Would it make any difference in your mode of action on a reweigh order, whether it was brought by a messenger or by a merchant's clerk? Not the least. But they are never brought by a messenger or any one connected with the Customs; they have nothing to do with it.
341. *By Mr. Burdekin*: If a merchant in mistake supposed he had a balance of a cargo in Bond, and obtained a reweigh order, would you think there was any necessity to draw the Collector's attention to the fact that there was nothing remaining? I should have to send the order back if there was nothing in the Bond; if I did not do so, it would not pass over more than a certain time, say three years, before there would be an overtime sale, and then it would be found out.
342. And you would get blamed for not reporting it at the time? Yes.

Mr. Joseph Augustus Knight called in and examined :—

- Mr. J. A. Knight. 343. *By the Chairman*: You are a friend of Mr. T. D. Mackenzie? Yes, I have known him some years.
344. You interested yourself with the late Treasurer to obtain a remission of a fine imposed upon Mr. Mackenzie while he was a Locker? Yes.
- 19 April, 1864. 345. Could you recollect the purport of any conversations you had with Mr. Smart or Mr. Duncan, so far as they bear upon the character and qualifications of Mr. Mackenzie? Prior to seeing Mr. Smart I had called upon the Collector. My object was to see whether the letter that had been objected to so strongly could not be withdrawn, but Mr. Duncan stated it was quite impossible; and then he went on, after a little conversation—I cannot recollect the exact words, but he acknowledged that Mr. Mackenzie was an efficient officer, and that he was sorry to lose him, and I think he made use of the words, "I do not know at the present time exactly where to look for one to fill his place;" and upon being asked, he said he would have no objection to recommend him for another situation under the Government, meaning, as I understood, other than in his department.

346. You had also, subsequently to that, some conversation with Mr. Smart? Yes.
347. Do you recollect the purport of it? I made a statement to him shewing how very much Mr. Mackenzie and his family were suffering, partly from his dismissal and also from his salary being withheld, and Mr. Smart then wished me to put it in writing, which I eventually did, and the result was the return of the amount stopped from Mr. Mackenzie's salary.
348. Mr. Smart did not express any opinion on Mr. Mackenzie's qualifications or conduct? I do not recollect that he did.
349. Are you an officer of the Customs? No.
350. Do you know anything of the Customs regulations? Yes, I have been doing Custom House work for Mr. Montefiore, my employer, for a long while—six years.
351. With regard to reweigh orders, the merchant or his agent takes the reweigh order to the Bond, having first submitted it to the Customs Warehouse-keeper and got his signature to it? Yes, which I imagine is merely an authority for the Locker to weigh the goods.
352. Supposing there were no goods to reweigh, what would be done with the order? I do not know that such a case ever occurred to me, but if it did I should consider the order valueless, and take it away in my pocket or tear it up.
353. When you obtain a reweigh order from the Warehouse-keeper, what is your next step? I take it to the Locker, and request him to insert upon it the weight of the goods which I have applied to have reweighed. Then, if the weighing of these goods should occupy any length of time, I leave the order, and call next day, or two days after, as the case may be, and then fetch it away from the Locker, and bring it back to the Custom House for the purpose of making out my entries.
354. Supposing there were no goods in bond, and the reweigh order was endorsed "nil," would you leave it with the Locker? No, I think not; I should be inclined to tear it up. I might make the remark that it was very strange there was nothing in the Bond.
355. You never had a case of the sort occur to you? No.
356. *By Mr. Burdekin:* You would go back to your office and find out how it was there were no goods? Yes. I could cite an instance where a small quantity of sugar was left in bond at Macnamara's Wharf; I knew there must be seven or eight bags left, but I did not know what the weight might be; I saw the proprietor of the Bond, and I asked him if he could tell me the weight of this sugar; he said yes, he would get it weighed for me immediately; so I went to the Locker and asked him if he knew, and he said if I got a reweigh order he would fill it up for me.
357. Supposing a reweigh order was returned to you with "nil" on it, you would go back and examine your books to find out how it was there was no sugar there? I should not think of taking out a reweigh order unless I knew there was sugar remaining in the Bond.
358. And therefore, if it were returned "nil," it would be matter for inquiry? Probably I should make inquiry; but I myself should never think of applying for a reweigh order unless I knew there was a balance remaining; I should not take it on supposition, because in my own stock books I always keep the number of bags, and I know from the number of bags as delivered whether there can be any sugar left.
359. *By the Chairman:* Supposing you have a cargo of sugar in bond, and after having taken out quantities of it at different times, you finally procure a warrant for 25 tons, and, under the impression there will still be a balance, a reweigh order—if there is not sugar enough remaining to satisfy the warrant for 25 tons, would you take any notice of the reweigh order? Certainly not.
360. If it were marked "nil" you would treat it as waste paper? Yes.
361. Would not the reweigh order be your certificate for the return of duty? No.
362. How would you act to get the duty returned on account of the sugar deficient? In the first instance I would go to the Bonded Warehouse-keeper—I would not trouble the Customs at all at first—to know why that particular quantity of sugar was not delivered; I should not look at all to the Locker.
363. Would you not get the Locker's certificate that the deficiency did exist upon the reweigh order? Not upon the reweigh order, but upon the original warrant for the 25 tons; I should inquire why the warrant was not fully satisfied before I thought of the reweigh order.
364. You speak of how you would act in your present capacity, not as if you were a Locker? Exactly. But I know that in all cases of reweigh orders the Locker has merely filled the document up and given it to me with the weight upon it. I have never known an instance where there has been nothing left to reweigh on a reweigh order, and therefore I do not know what the Locker's duty might be.
365. Supposing you were an officer of the Customs and a deficiency were found upon the last reweigh of the goods, would you not feel it your duty to report that to your superior officer? Undoubtedly to my superior officer I should.
366. Not to the head of the department? Perhaps not immediately to the head of the department, but indirectly to him through my superior officer.

Mr.  
J. A. Knight.  
19 April, 1864.

W. A. Duncan, Esq., Collector of Customs, further examined:—

367. *By the Chairman:* Will you state to the Committee the course pursued, and the reasons which regulate it, for the return of a reweigh order? The return of a reweigh order is necessary in order that, in case of any deficiency, the Collector may inquire into the cause. In order to shew this necessity, I may mention that when I took charge of the

W. A.  
Duncan, Esq.  
19 April, 1864.  
Customs

- W. A. Duncan, Esq.  
19 April, 1864.
- Customs in Sydney I had the Warehouse-keeper's books strictly examined, and I found that over 600 tons of sugar were missing in the different Bonds, representing duty to the amount of some £1,300, which duty has never been paid up to this moment. I immediately wrote this sugar off the books, and the Auditor General surcharged me with it for several successive quarters. I stated that the sugar was never under my care, that it did not exist, and that I would not send in a false return. There were also 700 and odd packages of tea deficient in one Bond, which appeared to have been taken out some two years previously. On that tea, however, I recovered the duty. I mention these facts to shew the dangerous nature of the loose doctrine, with regard to the management of the Warehouses, which on a previous day was stated to the Committee.
368. You state most positively it is the duty of the Locker to return the reweigh order to the Warehouse-keeper, whose duty it is, if there is any deficiency, to report to you? Yes, decidedly so.
369. *By Mr. Cunneen*: I will draw your attention to the 8th and 9th paragraphs of Mr. Mackenzie's petition;—is it true that the petitioner, as stated in the 9th paragraph, was placed in charge of the Bond on the 5th February, 1863? It is.
370. Is it true, as stated in the 8th paragraph, that "the last warrant for delivery of said sugar" was issued on the 4th February? I believe it is.
371. Then in what way is the petitioner responsible for what happened before he took charge? Because the weighing that last delivery was done partly by him and partly by his assistant.
372. On what day? I have not been able to find out (though I have made several desperate efforts) the exact day on which the sugar was delivered; but that it was delivered partly by him and partly by his assistant I am quite sure; and I hold him answerable because he did not report the deficiency upon finding there was not enough to satisfy the warrant.
373. If it is the fact that the warrant issued and the delivery took place on the 4th, would it not have been the duty of the officer then in charge to have made the report? If he had delivered the sugar undoubtedly it would, but Mr. Mackenzie weighed a portion of it, and his assistant, Mr. Brock, weighed the rest; and Mr. Mackenzie being the Locker of the Bond and keeping the books—the other being merely a temporary assistant—I held him responsible.
374. *By Mr. Burdekin*: I suppose an officer taking charge of a Bond is not held responsible as to matters that he may find entered up to the day previous to his taking charge—any entry made by the previous Locker he would take as a fact? I should never make him responsible for any act of his predecessor in any way whatever.
375. All the goods in the Bond are not reweighed when a new Locker takes charge? No, it would be impossible.
376. He takes the stock book as containing a true account of the stock? Yes.
377. *By the Chairman*: Then I understand you that, although from the entry in the book it appears that the last 25 tons was delivered on the 4th February, it was not in fact weighed out till some subsequent day? It appears to be written off in the handwriting of Mr. Eldershaw, the previous Locker; but I do not think he ought to have written it off in that way.
378. If he did so write it off do you think that relieved Mr. Mackenzie of the responsibility of seeing the delivery completed? Certainly not.
379. *By Mr. Burdekin*: Has there been any charge of neglect against Mr. Mackenzie since the 5th February, 1863, when he came in charge of this Bond, except this one on the day of his entering upon it? There have been several other complaints against Mr. Mackenzie.
380. *By the Chairman*: As a Locker? Yes.
381. Have we had them before the Committee? Yes, there is that case of the old tom.
382. *By Mr. Burdekin*: After the 5th February? Yes, long after.
383. Would you hold the principal Locker, where there are two, responsible for any wrong delivery by his assistant? If he could shew that his assistant had been negligent or corrupt he would be punished, but unquestionably the Locker in charge of the Bond—the man who keeps the books—is held responsible for everything. I must hold somebody responsible.
384. If his assistant failed to enter the delivery, and he has not known of the fact —? His assistant never did enter anything in the books at all.
385. *By the Chairman*: Is that entry of the delivery of 25 tons of sugar on the 4th February in Mr. Mackenzie's handwriting? No, it is in Mr. Eldershaw's handwriting; Mr. Mackenzie came there on the 5th.
386. Supposing Mr. Mackenzie came in on the 5th February, would it have been his duty to have delivered any portion of the sugar found to have been written off by his predecessor on the 4th? He did deliver a portion of it.
387. Was it properly his duty? My impression is that Mr. Eldershaw should not have written this off until the sugar was delivered, but that does not affect the question, because Mr. Mackenzie had a duty-paid warrant to act upon, and did act upon it so far as he had sugar to deliver. I know for a fact that Mr. Mackenzie and his assistant did deliver the balance of the sugar so far as it went.
388. What quantity of that 25 tons did Mr. Mackenzie deliver? I cannot positively state that, because I have not been able to get the papers.
389. You are quite clear he did deliver some of it? I am quite certain of that, and he has admitted it himself. I consider he delivered it all; the other was purely an assistant, not to enable him to neglect his duty, but to do it properly.
390. *By Mr. Burdekin*: Was this the first occasion of Mr. Mackenzie being a Locker? He had been a Locker in another Bond previously.
391. For a sufficient time to be well acquainted with the duties? He must have known the duties well, because he kept the warehouse register for some years.
- 392.

392. *By the Chairman*: If Mr. Mackenzie had delivered any of that sugar written off as delivered by his predecessor on the 4th, would he have been subject to dismissal or any other penalties? I think he would have subjected himself to a very severe reprimand if he had done so without making inquiry of his predecessor what quantity he had delivered on that warrant.

W. A.  
Duncan, Esq.  
19 April, 1864.

393. *By Mr. Burdekin*: Would the Locker, under such a warrant as this, deliver the sugar at different times? He might deliver it at different times, but it is a very inconvenient practice.

394. *By Mr. Cunneen*: Although the warrant was issued on the 4th, would the sugar be delivered at any time after that? Yes, it would probably be delivered at intervals on and after the 4th, because sugar is a bulky article, and takes time to weigh and deliver.

395. Do I understand that, although the warrant was passed on the 4th, on the 5th and days following the sugar might have been delivered? Yes.

396. Is that how it happened that Mr. Mackenzie became responsible for what was done under this warrant that passed before he came into office? Yes; the Lockers happened to be changed in the interval between the payment of this duty and the delivery of the sugar; and Mr. Mackenzie, having the duty of weighing out and delivering it, is responsible because he failed to report the deficiency.

397. Then Mr. Mackenzie did weigh out this sugar? A considerable portion of it he certainly did.

398. If he delivered any of it, and found a deficiency, he would be responsible for reporting it? Just so.

399. But if he did not deliver it he would not be responsible? There is no question about his delivering it, either personally or by his assistant.

400. It was delivered after the 4th? Yes.

401. Was Mr. Mackenzie dismissed for not reporting this deficiency? No.

402. What was he dismissed for? The Treasurer, Mr. Smart, fined him to the extent of the duty refunded to the merchant, and of course it was my duty to obey the Minister's order and inflict the fine. I did not do so in the first month, because Mr. Mackenzie made some objection to it; but in the second month I deducted the £15 10s. 11d. from Mr. Mackenzie's salary. He then sent me two very insolent letters, which I found it my duty to lay before the Treasurer, and he was dismissed for that, and for other irregularities, which the Treasurer referred to in his minute. There is a case here in which you will see he miscalculated a lot of gin. Upon the 8th of July he had entered in his stock book 997 as being counted into the Bond, when at that time there were thirteen and ought to have been fifteen cases in the ship, these thirteen or fifteen cases being liable to seizure.

403. Then Mr. Mackenzie was, in fact, dismissed by the Executive Council for writing what were considered improper or insolent letters to his superior officer? And for other irregularities, including this of the old tom.

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Mr. William Mundy re-examined:—

404. *By the Chairman*: If a reweigh order had been brought to you, and the previous warrant had not been satisfied, what would you have done with the reweigh order? I should have given it back to the party who brought it, and made known to him that the other warrant was not completed. The same explanation I should have given to the Customs Warehouse-keeper—that the 25 ton warrant had not been satisfied.

Mr.  
W. Mundy.  
19 April, 1864.

405. Would you have deemed it your duty, under these circumstances, to have returned the reweigh order to the Warehouse-keeper or to the Collector? If the merchant's clerk did not come in the course of the day I should perhaps take it over to the Custom House Warehouse-keeper, or it might lie in the office till the next day. Perhaps the merchant's clerk might come next day, and I should tell him there was no more sugar left. That of course would be reported to Mr. Still, and from Mr. Still to the Collector, who would call upon me to shew what had become of the sugar.

406. To whom would you deem it your duty to report the fact of this deficiency? To the Landing Surveyor, Mr. Still, at the earliest opportunity, according to the printed instructions.

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Mr. Benjamin P. Campbell called in and examined:—

407. *By the Chairman*: Do you know Mr. Mackenzie? Yes.

408. In any communications you have had with Mr. Duncan, do you recollect whether Mr. Duncan expressed any opinion as to Mr. Mackenzie's qualifications as an officer of the Government? I recollect seeing Mr. Duncan, in company with Mr. Knight, relative to Mr. Mackenzie, on which occasion the Collector expressed himself favourably towards Mr. Mackenzie, so far as to say that in the event of his being able to use his influence to get him an appointment in any other branch of the service he would do so; and he also said he had kept his books with neatness almost to a fault.

Mr. B. P.  
Campbell.  
19 April, 1864.

W. A. Duncan, Esq., Collector of Customs, re-examined:—

W. A.  
Duncan, Esq.  
19 April, 1864.

409. *By the Chairman*: Did Mr. Still ever place in your possession the weighing books of the Argyle Bond? Not that I am aware of; but if he did, that would have been in July or August, when they would have been perfectly useless. He stated here that he had produced not the weighing book but the reweigh order; that is barely possible—I have no recollection of it—but if he had, it would have been perfectly useless six months after the event.

410. Did Mr. Jones, the Acting Landing Surveyor, ever report to you the fact of this deficiency? Never.

411. If Mr. Mackenzie had reported it to Mr. Jones, would it have been Mr. Jones' duty to have reported it to you? Unquestionably.

412. Was Mr. Jones the proper officer for Mr. Mackenzie to report it to? There were two officers to whom he might have reported it—Mr. Jones and the Warehouse-keeper. Mr. Jones was then acting for Mr. Still during his leave of absence—but there is a note of Mr. Jones' on the papers, which shews he knew nothing about it.

413. Did Mr. Mackenzie ever report to the Warehouse-keeper or yourself this deficiency? I believe not.

414. You would not have looked to Mr. Brock to report it? No, it would not have been his duty.

415. You have no knowledge where that weighing book is? None whatever.

416. Do you accept it as a sufficient excuse for these entries not being made properly, that Mr. Mackenzie had not time? I cannot accept that as an excuse from anybody.

417. Did he ever put it forward as an excuse? He often complained of the hardness of the work, and I admit that in the Argyle Bond the work is very hard.

418. Do you think it so hard that there was no time to make these entries? I do not think so, because the very appearance of his book will shew he had plenty of time to amuse himself.

419. Is it a proper way of making entries in this book to enter them in pencil? It is not. The Landing Waiters and Lockers are expressly forbidden to write anything in pencil.

420. Did you ever oppose Mr. Mackenzie's application for an inquiry into his case after his dismissal? Certainly not.

421. Are you aware of any such application having been made? I saw Mr. Mackenzie occasionally at the Treasury, when I went there on business, and I concluded he was trying to move the Treasurer with reference to his case.

422. Did you bring any influence to bear upon the Treasurer to stop inquiry? Certainly not. On the contrary, it appears in evidence that it was through my influence he got the remission of the £15.

PETITION OF TOM DIGHT MACKENZIE.

APPENDIX.

(To Evidence given by Mr. T. D. Mackenzie, 7 April, 1864.)

A. No. 1.

Custom House, Sydney,  
7 July, 1863.

Sir,

Referring to the deficiency found in the cargo ex "Celenie," warehoused in the Argyle Bond, and found short of the landing weight 3 tons 2 cwt. 21 lbs., the duty on which has been applied for on a certificate of over entry, I beg to inform you that, having brought the matter under the notice of the Honorable Treasurer, he has directed me to call upon you to pay the amount to be refunded. You will, therefore, as early as possible, pay into the hands of the Chief Clerk the sum of £15 10s. 11d., which will then be handed over to Messrs. Metcalfe & Co., Agents for Messrs. Scott, Henderson, & Co., and the matter will then be adjusted.

I am, &c.,  
W. A. DUNCAN,  
Collector of Customs.

Mr. T. D. Mackenzie,  
H. M. Customs.

A. No. 2.

Custom House, Sydney,  
7 September, 1863.

Sir,

Your two last letters to me, in one of which you threaten me with law proceedings, having been submitted to the Honorable the Colonial Treasurer, and by him laid before His Excellency the Governor and the Executive Council, I am directed to inform you that the Council have decided that you be at once dismissed from the public service. You are therefore dismissed accordingly.

I am, &c.,  
W. A. DUNCAN,  
Collector of Customs.

T. D. Mackenzie, Esq.

A. No. 3.

The Treasury, New South Wales,  
2 October, 1863.

Sir,

With reference to your letter of the 30th ultimo, I am directed by the Honorable the Treasurer to inform you that, on account of the distressing position of Mr. T. D. Mackenzie's family, in consequence of his dismissal from the service, he is disposed to remit the penalty inflicted on him for the short delivery of the sugar ex "Celinie."

I have, &c.,  
HENRY LANE,  
Under Secretary.

Joseph A. Knight, Esq.,  
Sydney.

A. No. 4.

The Treasury, New South Wales,  
16 February, 1864.

Sir,

With reference to your petition, praying for an investigation respecting your dismissal from the public service, I am directed by the Honorable the Treasurer to inform you, that it has been considered by the Executive Council, who see no reason to disturb the decision arrived at by the late Government.

I have, &c.,  
HENRY LANE,  
Under Secretary.

Mr. T. D. Mackenzie,  
Paddington.

A. No. 5.

Telegram from Collector of Customs, Sydney, to Mr. T. D. Mackenzie, Sub-Collector of Customs, Albury ;  
dated 24 August, 1861.

Come to Sydney, and bring with you all the information in your power, to assist the Government in the Murray question. Draw on me for necessary expenses. Answer this telegram.



(To Evidence given by W. A. Duncan, Esq., 7 April, 1864.)

B.

Custom House, Sydney,  
4 July, 1863.

Sir,

I have the honor to forward, herewith, an application from Messrs. Metcalfe and Powell, on behalf of Messrs. Scott & Co., for a return of the duty on 3 tons 2 cwt. 21 lbs. of sugar, amounting to £15 10s. 11d., being an over-payment on the cargo of the "Celinie," from Mauritius.

Finding that there was a further deficiency on this cargo of 3 tons 4 cwt. 1 qr. 20 lbs., duty unpaid, and the quantity appearing excessive, I have made a very minute inquiry into the whole case, and the result is that, although there has been very great negligence, and an error of at least 8 bags in number, and a somewhat greater error in the weight, for which the Locker, Mr. Mackenzie, is answerable, inasmuch as he neither checked his assistant's weighings nor reported the deficiency immediately, as he ought to have done, yet I am satisfied that the deficiency, with the above exceptions, was *bond fide*, and that the importers are entitled to the refund they claim, which I recommend accordingly.

I have, &c.,

W. A. DUNCAN,  
Collector of Customs.

To the Under Secretary for  
Finance and Trade.

*Minutes on letter from Collector to Under Secretary, of 4 July, 1863.*

Approved.—T.W.S.

Does the Collector intend to charge the deficiency to the Locker?—T.W.S.

I am sorry to be obliged to say that I think the Locker is fairly chargeable with this deficiency, on account of his very great negligence.—W.A.D.—7 July, 1863.

Then charge the Locker with the deficiency.—T.W.S.—7/7/63.

*Enclosures in Collector's letter to Under Secretary, of 4 July, 1863.*

Sydney, 23 June, 1863.

Sir,

We have the honor to enclose over entry certificates for a refund of duty overpaid upon sugar ex "Celinie" @ Mauritius.

The sugar weighed out from the Bond by the Locker is short of the landing weight, the quantity we now claim.

We have, &c.,

METCALFE, POWELL, & Co.,  
Agents for Scott, Henderson, & Co.

To the Collector,  
H. M. Customs.

*Warehousekeeper's Memorandum—endorsed on Metcalfe, Powell, & Co's. letter of 23rd June, 1863.*

Sir,

With respect to the sugar mentioned in this certificate—1 "Celinie," P. 850, in the Argyle Bond—the Landing Waiter's red book shews 460 tons 14 cwt. 1 qr. 20 lbs. net, as having been bonded in the first instance, out of which duty entries have been passed for 457 tons 10 cwt., and a reweigh taken out for the balance—3 tons 4 cwt. 1 qr. 20 lbs., which reweigh has never been returned to me. I presume from this certificate that there was not sufficient sugar in the Bond by 3 tons 2 cwt. 21 lbs., to cover the last duty-paid warrant, which was for 25 tons, passed on 4th February, 1863, No. 1677; and the reweigh order for the balance was taken out on the same date. If such is the case, it will be seen that there is not only an over-payment, but an actual loss of 3 tons 4 cwt. 1 qr. 20 lbs., besides making a total loss of 6 tons 6 cwt. 2 qrs. 13 lbs.

T.F.—24/6/63.

I invariably have a reweigh for the balance of cargo, which was the case in this instance, being near completion.—T.F.

Memo. :—

Can Mr. Jones give any information about this deficiency, which appears excessive for "Mauritius" sugar? The weighing out was during my recent leave of absence.

W.C.S., L.S.,  
27 June, 1863.

I regret to say I cannot, for I believe the sugar was very carefully weighed out.

E. JONES.  
30 June, 1863.

Memo. :—

This sugar was weighed out during my recent leave of absence. I have had the weighing books examined, but cannot discover any material error. For Mauritius sugar the deficiency appears excessive. The cargo may possibly have contained more moisture than ordinarily. From a memo. from the importers, the loss during a voyage of about two months was nearly *eight tons and a half*. The sugar was in Bond about three months, and it may be very fairly assumed that the loss would proportionately increase.

W.C.S., L.S.,  
30 June, 1863.

Argyle Bond, 27 June, 1863.

Sir,

I regret it is not in my power to give any information in the matter of the "Celinie's" cargo of sugar, further than that, during the other engagement of my then assistant, Mr. Brock, I superintended the weighings initialled by me in the blue book accompanying.

I have, &c.,

T. D. MACKENZIE,  
Locker.

To W. C. Still, Esq.,  
Landing Surveyor, &c.

This

This statement of Mr. Mackenzie is not satisfactory. Why did he not report the deficiency when first discovered—and, especially, why did he not return the reweigh order when he found there was nothing to weigh?

W.A.D.  
1 July, 1863.

Sir,

Argyle Bond, 2 July, 1863.

In reply to your letter of yesterday, requiring of me further particulars and fuller replies as to my knowledge of the cargo of sugar ex "Celinie," I have the honor to state that, on the personal application of Mr. Still, I handed to that gentleman the warrant of 4th February, No. 1,677, together with the reweigh order, and, at his request, put in writing all I further knew of the matter.

Under the impression that, it is always desirable, in large deliveries and open warrants, that the person commencing should complete them, I left the one in question entirely in the charge of Mr. Brock, in whose care and diligence I have every confidence, and I really was then ignorant of any deficiency; but on being made aware of it did not deem it necessary to return the reweigh order, as it could not be acted on, and consequently I had nothing to endorse thereon.

I trust you will bear in mind that the warrant above referred to was received here, entered in the stock book, and acted on, before I was put in charge of the Bond; and I do hope that my consequent ignorance will remove from my conduct any appearance of negligence.

W. A. Duncan, Esq.,  
Collector of Customs.

I have, &c.,

T. D. MACKENZIE.

This statement is still unsatisfactory. If the warrant was received at the Bond before Mr. Mackenzie took charge, the final delivery and the discovery of the deficiency took place under him, and it was his duty to report it immediately.

The reweigh order should have been returned, endorsed "nil," and this no one knows better than Mr. Mackenzie himself, who might fairly be surcharged with the deficiency for his negligence.

W.A.D.  
2/7/63.

Memo. :—

I reported to Mr. Jones, acting as Landing Surveyor at the time, that all the sugar was delivered, and, laying the books before him, he requested Mr. Mackenzie, the Locker, to check my additions. Mr. Mackenzie being busy with other duties at the time, at the Bond, deferred attending to it. In the mean time I was removed from thence to the Australian Bond, and did not hear any more about it, till Mr. Still brought the books to me, on or about the 17th instant, to go through the additions and recapitulate the number of bags and weight.

R. BROCK,  
Locker.

Australian Bond,  
June 25/63.

Memo. :—

"Celinie."	
Sugar—	
6,773	6,773
No. of bags imported.	No. of bags delivered.
	Difference in weight only.

Memo. :—

	tons.	cwt.	qrs.	lbs.
Merchants' weight .. .. .	454	7	3	7
Our weight .. .. .	451	13	0	12
Difference .. .. .	2	14	2	23 less.
Bags bonded, by Landing Waiter's return .. .. .				6,773
Locker's return at delivery .. .. .				6,765
Difference .. .. .				8 less.

Custom House, Sydney,  
2 September, 1863.

Sir,

On the 7th July a surcharge of £15 10s. 11d. was made by the Honorable Treasurer against Mr. T. D. Mackenzie, Locker, in consequence of his gross negligence with respect to the delivery of a quantity of sugar belonging to Messrs. Scott, Henderson, & Co., on which they demanded a refund to that amount.

At the end of that month, the Chief Clerk, in making up the account of salaries proposed to deduct in the usual way, from Mr. Mackenzie's salary, the amount surcharged. Mr. Mackenzie, however, remonstrated, and as I understood that some effort was being made to reverse the decision, I allowed the matter to lie over for a month, and had the papers again submitted for consideration. Yesterday I however directed the surcharge to be enforced, when Mr. Mackenzie refused the balance of his salary, and this morning I have received from him two letters which prove to me that it is high time his connection with the public service should cease.

I know of no public officer who has received so much indulgence as Mr. Mackenzie. He was recalled from Albury, on the suggestion of the Honorable the Colonial Secretary, in consequence of reports of his inebriety which had reached Mr. Cowper. He was, however, permitted to continue in the service here.

Some time after, he was convicted at the Police Office of having assaulted a woman; still later he was charged with being drunk on the wharf and using beastly language, and evidence on oath was given of the fact; but Mr. Weekes allowed him the benefit of a very slight doubt, in consequence of the evidence being somewhat contradictory. Previously to the fact of the sugar in question, I had repeatedly heard rumours of his having been seen drunk; rumours, however, which I passed over perhaps a little too lightly, as I really had a kind feeling to the man.

Even since this affair of the sugar another case of unpardonable negligence has been proved against Mr. Mackenzie, in omitting to count 1,000 cases of Old Tom, for which he has just been severely reprimanded and cautioned by order of the Honorable Treasurer.

With

With all these facts standing against him, he demands, in a tone of insolence, accompanied with falsehood, how it is that the Treasurer's surcharge is enforced; and when I (passing over the tone of his letter) simply inform him that it is my duty to carry out the Minister's decision, he has the audacity to threaten me with "proceedings at law."

You will be good enough, therefore, to lay this new matter before Mr. Smart, and favour me with his directions on the subject.

I have, &c.,

W. A. DUNCAN,  
Collector of Customs.

The Under Secretary  
for Finance and Trade.

*Minute by the Honorable the Treasurer on the Collector's letter of 2nd September, 1863.*

Executive Council,—recommending the dismissal of Mr. Mackenzie.

T.W.S.  
4/9/63.

*Under Secretary to Treasurer, in reference to minute of the 4th September, 1863.*

*The Treasury, New South Wales,  
4 September, 1863.*

My dear Sir,

The usual course is to *suspend*, and then recommend that the party be called upon "*to shew cause why he should not be dismissed.*"

Shall this course be observed towards Mr. Mackenzie?

\* \* \* \* \*  
Yours truly,  
HENRY LANE.

The Honorable  
T. W. Smart, Esq., M.P.

*Treasurer to Under Secretary, in reply to his note of 4th September, 1863.*

Dear Mr. Lane,

Mackenzie's conduct has been so bad that I did not intend placing him under suspension, but recommended his immediate dismissal.

T.W.S.  
4/9/63.

*Enclosure in Collector's letter to Under Secretary of 2nd September, 1863.*

*Argyle Bond, 2 September, 1863.*

Sir,

While I cannot but regret the evident inefficacy of your endeavour, as promised, to "do all in your power to relieve me from the surcharge of £15 10s. 11d.," being the amount to be refunded to Messrs. Scott, Henderson, & Co., as overpaid by them on the cargo of sugar ex "Celine," and of which you know I *could not* have any knowledge, and of which you deny me the opportunity of giving any explanation to the Honorable Treasurer, I have the honor to request information whether my cheque is withheld from me in consideration thereof, and if by and with your direction, knowledge, and approval?

W. A. Duncan, Esq.,  
Collector of Customs.

I have, &c.,  
T. D. MACKENZIE.

*Enclosure in Collector's letter to Under Secretary of 2nd September, 1863.*

*Argyle Bond, 2 September, 1863.*

Sir,

I have the honor to acknowledge the receipt of your note of this morning, and I beg to inform you that I shall INSTANTLY proceed at law against you for the recovery of my monthly salary.

The Collector of Customs.

I have, &c.,  
T. D. MACKENZIE.

*Enclosure in Collector's letter to Under Secretary of 2nd September, 1863.*

*Custom House, Sydney,  
26 April, 1862.*

Sir,

I do myself the honor to transmit herewith, the depositions taken at an inquiry into a complaint preferred by Mr. Deloitte, a Clerk in the Sugar Refining Company's Office, against Mr. T. D. Mackenzie, Sub-Collector of Customs at Albury, but at present employed as a Landing Waiter here.

Mr. Mackenzie is charged with drunkenness, neglect of duty, and using language highly unbecoming a public officer.

The evidence is: that the Sugar Refining Company, on Tuesday last, sent a quantity of sugar to the Patent Slip Wharf, to be shipped on the "Breadalbane" for drawback—that, on the arrival of the drays at the wharf, the officer, Mr. Mackenzie, was not there, but that he came shortly afterwards—that he refused to see the goods shipped, or to sign the dray notes, which he threw back to the drayman, McCaffrey, uttering the revolting expression referred to; and finally, that he was drunk and unfit to perform his duty.

The evidence of two of the draymen to this last charge is fully sustained both by the Master and Mate of the "Breadalbane"; and although Mr. Mackenzie denies it, and brings forward some evidence of a contrary nature, I regret to say that in the face of such strong, and, as far as appears, impartial testimony to the fact of Mr. Mackenzie's being intoxicated, I am unable to divest myself of the belief that on this occasion he must have been drinking to some excess.

Two of the other Landing Waiters have volunteered their testimony to Mr. Mackenzie's general good conduct on the wharf, and this is fully supported by the evidence of the Landing Surveyor. These are entitled to due weight, but as they do not in any way meet the particular facts charged, and which I believe to be well founded, I feel it my duty to submit the whole case for the Honorable Treasurer's consideration.

I have, &c.,  
W. A. DUNCAN.

*Enclosure*

Enclosure in Collector's letter of 2nd September, 1863.

*Argyle Bond, 1 August, 1863.*

Sir,  
Being informed by Mr. Fancourt that there is no cheque for me this month, I have the honor to solicit information whether the withholding the same be with your knowledge or approval.

I have, &c.,  
T. D. MACKENZIE.

W. A. Duncan, Esq.

*Minutes on Mr. Mackenzie's letter of 1st August, 1863, enclosed in Collector's of 2nd September, 1863.*

The surcharge should be deducted from this cheque, but I have no objection to let it lie over till next month, if Mr. Mackenzie desires it.

W.A.D.

The amount due to Messrs. Scott, Henderson, & Co. to be deducted from Mr. Mackenzie's pay for this month.

W.A.D.  
23/8/63.

Mr. Llewellyn.

Received cheque for £15 10s. 11d.—1 Sept., 63.

METCALFE, POWELL, & Co.

Witness—R. KELLY.

Memo:—  
I have sent these certificates to the Locker at the Argyle Store, for signature. Mr. Mackenzie declines to sign, and has referred me to Mr. Eldershaw, who also objects.

JAS. POWELL.

True copy—  
R. KELLY,—12/4/64. N. 40.

Port of Sydney, New South Wales.

This is to certify, that Scott, Henderson, & Co. did enter and pay Custom Inwards, in the ship "Celine," Marsan, master, from Mauritius, the 31st day of October, 1862, for P 850. 457 tons 10 cwt. sugar. Bonded in the Argyle Stores—£15 10s. 11d.

And we, the officers underwritten, did examine the goods at the delivery thereof out of the warehouse, and found no more than 451 tons 7 cwt. 3 qrs. and 7 lbs., so that the said merchant has over-entered 3 tons 2 cwt. and 21 lbs.

Locker.

*Custom House,  
June 23rd, 1863.*  
E. JONES,  
Acting Landing Surveyor.

	tons	cwt.	qrs.	lbs.
Entered for duty .....	457	10	0	0
Delivered .....	454	7	3	7
Over-entered .....	3	2	0	21

Written off on W.—No. 1,727, 4 Feby., /63.

The duty to be repaid for the goods over-entered, as within mentioned, amounts to £15 10s. 11d.

W. A. DUNCAN,  
Collector.

Received, this 1st day of September, 1863, from W. A. Duncan, Esquire, Collector of Customs at this Port, the sum of £15 10s. 11d., in full of this certificate.

For SCOTT, HENDERSON, & Co.,  
METCALFE, POWELL, & Co., Agents.

Witness—R. KELLY.

*Minute Paper for the Executive Council, recommending removal of Mr. T. D. Mackenzie, Locker in the Department of Customs.*

*The Treasury, N. S. Wales,  
7 September, 1863.*

A claim for the repayment of £15 10s. 11d., overpaid duty, was admitted by the Treasurer in July last, because deficiency, entitling the claimant to the refund, was proved by the Collector of Customs.

The deficiency was caused by the negligence of the Locker, and the refund was therefore charged against that officer.

The Collector granted some indulgence as regards the time of payment of the refund by the Locker; but the latter, on being pressed for settlement this month, addressed two disrespectful letters to the Collector, in one of which he threatens law proceedings against the head of his department.

Mr. T. D. Mackenzie, the officer referred to, has been repeatedly charged with irregularities; and, on a late occasion, was reprimanded and cautioned for a serious neglect of duty.

The Treasurer is therefore constrained to recommend that Mr. Mackenzie be at once removed from the public service.

T. W. SMART,  
Treasurer.

His Excellency  
the Governor and Executive Council.

*Minute on the preceding paper.*

THE Executive Council, after a careful consideration of the several documents herewith submitted, concur in the opinion of the Honorable the Colonial Treasurer, and accordingly advise that Mr. T. D. Mackenzie, Locker in the Department of Customs, be forthwith removed from the public service.

CHAS. COWPER, JUN.,  
Clerk of the Council.

15 September, 1863.  
Approved,—J.Y.

(To Evidence given by H. Lane, Esq., 13 April, 1864.)

C. No. 1.

Argyle Bond, 20 July, 1863.

Sir,

I have the honor to acknowledge receipt of your letter of the 7th instant, calling upon me, by direction of the Honorable Treasurer, to pay into the hands of the Chief Clerk the sum of £15 10s. 11d., the amount of duty overpaid by Messrs. Scott, Henderson, & Co., on the cargo of sugar ex "Celinie."

I was so astounded at the above, after the explanation I had given of my knowledge of the whole matter, that I have been at a loss to know what I can further plead in stay of the enforcement of this demand on me; but I hope the whole case will be reconsidered by the Honorable Treasurer, and that he will be induced to acquit me of blame.

To that end, therefore, I will recapitulate. *The sugar was bonded here 31st October, 1862. The last warrant for delivery, accompanied, as I am informed, by the reweigh order, was entered in the stock book, and acted on, 4th February, 1863. I was placed in charge of the Bond 5th February, 1863. My predecessor's assistant, Mr. Brock, who was also my assistant to the 6th March last, had, as he himself informed me, charge of the delivery, and had in his possession the weighing books used for that purpose, and with which I had nothing whatever to do, nor did I see the reweigh order, or know of its existence, nor of any deficiency in the said sugar, until requested by Mr. Jones to check the addition of the several weighings, but which my other duties in this extensive Bond prevented my doing.*

*The only portion of the cargo I ever saw were some bags that had been put aside in several Bonds, to be repaired, and of which, at the request of Mr. Evans, in Mr. Brock's absence, I superintended the weighing, and, at Mr. Brock's request, subsequently entered the particulars in his book, which he gave me for the purpose.*

From inquiries I have made, I am informed by the Storekeeper that *the full complement of bags, viz., 6,773 have been delivered, and for which he holds receipts, and that the deficiency in weight is not excessive, considering the state of the cargo when received in bond; of that, however, I know nothing, nor would compliance with the demand on me—if I had the power—grieve me, but that it is a penalty for a presumed neglect of duty.*

I entreat you to submit these facts to the consideration of the Honorable Treasurer, and give me credit for striving at all times, in the performance of my duties, to deserve the credit of being a faithful officer.

W. A. Duncan, Esq.,  
Collector of Customs.

I have, &c.,  
T. D. MACKENZIE.

*Minute by Collector of Customs on Mr. Mackenzie's letter of 20th July, 1863.*

I have explained to the Treasurer, as well as to Mr. Mackenzie himself, that he is not charged with anything done or omitted by his predecessor or his assistant, but with having failed to check and correct the weighings—failed to discover that a number of bags had been delivered without weighing at all—failed to report the deficiency on the duty-paid entry; and failed to return the reweigh order for the presumed balance of the cargo.

The arguments in this letter are therefore entirely wide of the question, and form no reasonable ground for its reconsideration. Besides, the merchants must have their refund, and it cannot be made from the public Treasury.

W.A.D.  
21/7/63.

*Minute by the Honorable the Treasurer, respecting Mr. Mackenzie's request for reconsideration of his case.*

Ascertain from the Collector if this statement is correct, viz.:—If the same number of bags were delivered that were received in store, and if so, what claim had the importers to refund?

T.W.S.  
15/9/63.

*Collector of Customs, in reply to Treasurer's minute of 15th September, 1863.*

Custom House, Sydney,  
15 September, 1863.

The number of bags are said to have been delivered, but sugar is often rebagged, and the number is therefore but little criterion. The whole number were not reweighed by the Locker, as per return.

Under the 73rd section of 9 Vict., No. 15, the importers pay duty at the actual quantities delivered; hence the great necessity for that accuracy in reweighing, which was so lamentably deficient in this case. The whole deficiency represented duty to the amount of about £31. Of this sum Messrs. S. H. & Co. had paid £15 10s. 11d., and the Government being bound by the weighing of its officer, they were entitled to a refund. There remained no sugar in bond to represent the other £15 and odd, which is lost to the revenue.

W.A.D.

C. No. 2.

Sydney, 30 September, 1863.

Sir,

Referring to my interview with you this morning, when you wished me to state, in writing, the nature of my application relative to the dismissal of Mr. T. D. Mackenzie, I have now the honor to state that, from conversation held with the Collector of Customs and Mr. Llewellyn, I gathered that they are both of opinion that the amount, £15 10s. 11d., withheld from Mr. Mackenzie, should be returned to him, and that, although the Collector objects to re-open a correspondence with you on the subject, he will, upon your furnishing him with sufficient authority, express his conviction that restitution should be made. I have therefore to beg that, at your earliest convenience, you will take such steps in this matter as you shall deem most likely to secure the object sought, being very sure that the want of this money is seriously felt by the person on whose behalf I apply.

I have, &c.,  
JOSEPH A. KNIGHT.

To the Honorable  
the Colonial Treasurer.

C. No. 3.

## APPENDIX.

## C. No. 3.

To the Honorable the Executive Council of New South Wales, in meeting assembled.

The humble Petition of Tom Dight Mackenzie, of Paddington, late Sub-Collector of Customs at Albury, in the Colony of New South Wales,—

SHewETH:—

1. That on the 10th day of April, 1854, your Petitioner was appointed to a clerkship in the Colonial Treasury.
  2. That on the 1st March, 1857, he was transferred to the Customs Department; and on or about the 1st June, 1860, was appointed Sub-Collector at Albury, at a salary of £300 per annum, on condition of his paying his own travelling expenses thither.
  3. That on the said conditions he proceeded to Albury, where, according to instructions, he remained until the month of September, 1861, when, by order, he returned to Sydney, where, shortly after arrival, he was put on duty as a Landing Waiter, which he continued to perform until the month of July, 1862.
  4. That after the month of April, 1862, the salary which was voted to him as Sub-Collector, by the Honorable Legislative Assembly, was not paid to him, but his monthly cheque was reduced to the rate of £225 per annum; and he has been unable to ascertain by what authority his salary was so reduced and withheld.
  5. That on one occasion his cheque was withheld from him for the space of fourteen days.
  6. That in consequence of the Collector's informing him that he required Lockers, your Petitioner consented to act in that capacity, under the promise that he should resume his position as Landing Waiter on the first vacancy; and the Collector authorized him, and he did inform Mr. Still, the Landing Surveyor, to that effect.
  7. That on entering on duty as a Locker, your Petitioner was placed in charge of the Bond of Sir D. Cooper & Co., thence was removed to that of Messrs. Gilchrist, Watt, & Co., and lastly was placed in charge of the Argyle Bond, which had hitherto employed two Lockers.
  8. That on the 31st October, 1862, a cargo of sugar, ex "Celine," consisting of 6,773 bags, as appears by entries in the stock-book, was placed in bond by Messrs. Scott, Henderson, & Co.
  9. That on the 4th February, 1863, the last warrant for delivery of said sugar (being for 25 tons, and accompanied, as your Petitioner has been informed, by a reweigh order for an anticipated balance) was written off in said stock-book as delivered.
  10. That your Petitioner was placed in charge of said Bond on the 5th February, 1863, and no warrant or other paper for delivery or otherwise, concerning the said sugar, ever passed through his hands, which an inspection of the stock-book will fully prove.
  11. That your Petitioner was informed that there had not been found enough sugar in the Bond to satisfy the last warrant for 25 tons, and that Messrs. Scott, Henderson, & Co. had overpaid to the amount of £15 10s. 11d.
  12. That your Petitioner received a letter from the Collector, calling upon him, "by direction of Honorable Treasurer," to pay into the hands of the Chief Clerk the sum of £15 10s. 11d., in order that the same might be refunded to Messrs. Scott, Henderson, & Co.
  13. That your Petitioner wrote to the Collector and fully explained the impossibility of his knowing anything of the matter, and requested that the same might be forwarded for the reconsideration of the Honorable Treasurer; but the said explanation was returned to him, and never submitted to the Honorable Treasurer, whom your Petitioner believes was ignorant of the true state of the case.
  14. That your Petitioner's cheque for the month of August was withheld from him, and he was informed that the amount had been paid over to Messrs. Scott, Henderson, & Co.
  15. That your Petitioner, acting under advice, wrote to the Collector, requesting to be informed if the cheque was so appropriated by his direction, and received from the Collector an answer in the affirmative.
  16. That your Petitioner was peremptorily forbidden by the Collector to communicate with the Treasurer; and while smarting under the injustice, acting under advice, and with no other apparent means of obtaining redress, your Petitioner wrote to the Collector, informing him that he should proceed at law against him for the recovery of the cheque so unjustly withheld.
  17. That your Petitioner received a letter from the Collector, informing him that his letters, written in the matter of the cheque, had been laid before the Executive Council, and that they had decided that your Petitioner be dismissed the public service, and that he was therefore dismissed accordingly.
  18. That subsequently to your Petitioner's dismissal, the amount of £15 10s. 11d. was refunded to him, and the Collector informed your Petitioner's friends that your Petitioner was a good and efficient officer, and he would do anything to recommend him to another department.
  19. That your Petitioner was desirous of having the stigma of dismissal removed from his name, and solicited an inquiry into the case, which, as your Petitioner is informed, the Collector determinedly opposed, and preferred other charges against him, in support of which he sought signatures to officially prepared papers, but of the nature of the charges so preferred your Petitioner has never been informed.
  20. That your Petitioner has never been charged with neglect or imperfect performance of his duty by others than the Collector, whose demands it was impossible to comply with—and has suffered great loss and injury by reason of the injustice and persecution to which he has been subjected.
- Your Petitioner therefore most humbly prays that your Honorable Council will cause an investigation to be made into his case, and that justice may be done.

And your Petitioner will ever pray, &c.

TOM DIGHT MACKENZIE.

8th February, 1864.

Minute by the Honorable the Treasurer on Mr. Mackenzie's Petition of 8th February, 1864.

Inform Mr. Mackenzie that his petition has been considered by the Executive Council, who see no reason to disturb the decision arrived at by the late Government.

G.E.—16/2/64.

## C. No. 4.

Paddington, 26 October, 1863.

Sir,

Although I have no claim to your indulgence, further than as an unfortunate man, I calculate on your goodness to pardon my troubling you at this early stage of your ministerial duties, on a subject of which I spoke to you some time ago; and I have the honor most humbly to entreat your powerful interest in causing an investigation to be made into the circumstances which led to my ruinous dismissal from my office.

As briefly as I am able, I will set down the facts resulting so disastrously.

On the abolition of my office as Sub-Collector of Customs at Albury, I was directed by the Honorable Treasurer to resume my former position as Seventh Clerk; but, on a proposition of the Collector,

Collector, I agreed to accept the post of a Landing Waiter, in which capacity I acted for a considerable time; and on a subsequent representation of the Collector that he required Lockers *pro tem.*, I agreed to act in that subordinate position; and after having had charge of the respective Bonds of Sir D Cooper & Co., and Messrs. Gilchrist, Watt, & Co., was removed to the Argyle Bond, being the most extensive and important Bond in the Colony, and which then employed two Lockers.

By the stock-book it appears that in the month of October, 1862, a large cargo of sugar was bonded by Messrs. Scott, Henderson, & Co., and that the *last warrant* (being for the delivery of 25 tons) *was written off as delivered before I took possession of the Bond.*

It is, I submit, quite clear that no warrant or other paper in any way connected with or relating to the said sugar, ever passed through my hands,—that I had nothing whatever to do with the receipt or delivery of any portion of it nor could I under any circumstances have delivered on a warrant written off as aforesaid.

It appears that, on the last warrant, Messrs. Scott, Henderson, & Co. paid in excess to the amount of £15 10s. 11d., which they called on the Collector to refund, but to which he objected, and insisted on *my being surcharged* to that amount, although I explained most fully the impossibility of my having any knowledge of the said sugar, and vainly urged the forwarding such explanation to the Honorable Treasurer.

While smarting under the injustice of my salary being stopped in payment of the said amount, and acting under bad advice, I wrote to the Collector, informing him that I should proceed against him for the recovery of my salary.

This was the head and front of my offending, but I am informed *other charges have since been preferred*, and *evidence sought by officially prepared papers*; of this however I know nothing.

I know it will be difficult to imagine but that I must have given some grave offence to deserve the persecution to which I have been subjected, but I know of none, save the misfortune of having incurred the avowed personal dislike of the Chief Clerk, which is notoriously fatal to comfort or well-doing in the department.

Had I been allowed to have resumed my position as Seventh Clerk, I should *now* have been *Fifth*, at a salary of £275 per annum; or had faith been kept in promise of a Landing Waiter-ship, I would have been content; but on being made a Locker, with a maximum salary of £225, and an evident determination to check my advancement, I applied to the Collector to allow me to exchange into some other department, to which he consented, if I could "find a suitable person." To accomplish this, however, I was not allowed time, and after ten years service find myself thus a degraded man.

I fearlessly court inquiry into my whole course of service in the Treasury and in the Customs. For the former of which the present superior officers can speak, and in the Customs the Collector has, to my friends, admitted me to be one of the best officers in the service.

The whole of my work as a Locker is known to the Warehouse-keeper, who can speak fully on the matter of the (to me) fatal cargo of sugar, and I submit my books in defence of a charge of carelessness or neglect.

I have suffered so much anxiety that I almost fear my ability to make my case intelligible on paper, and will have the honor of calling at your office to-morrow, when, should your leisure afford the opportunity, I will endeavour personally more fully to explain what herein may appear ambiguous.

I have, &c.,

T. D. MACKENZIE.

To the Honorable  
William Forster, Esq.,  
Colonial Secretary, &c.

Colonial Treasurer.—W.F., 27 October, 1863.

(To Evidence given by W. A. Duncan, Esq., 13 April, 1864.)

D. No. 1.

Date of Warehousing.	Ship.	Master.	Whence.	Merchant.	Mark and Number.	Description of Goods.	Date of Delivery Warrant.	Quantity.	Home Consumption or Exportation.	To whom Delivered.	No. of Warrant.
1862. 31 Oct.	"Celine"	Dechauffour	Mauritius... 6,773 bags. Sugar.	Scott, Henderson, & Co.	P } 850 }	Bags Sugar.	27 Nov., '62. 9 Jan., '63. 14 Jan., '63. 17 Jan., '63. 20 Jan., '63. 22 Jan., '63. 23 Jan., '63. 27 Jan., '63. 28 Jan., '63. 30 Jan., '63. 31 Jan., '63. 5 Feb., '63. 4 Feb., '63.	tons cwt. 0 10 2 0 50 0 50 0 25 0 50 0 25 0 50 0 30 0 50 0 50 0 50 0 25 0	H.C.	Scott, Henderson.	2,726 381 657 841 976 1,066 1,157 1,237 1,365 1,439 1,524 1,642 1,677

(No. of Warrant, 966.)

					6,773 bags Sugar	tons cwt. qrs. lbs.	478 13 2 16
					Tare, 6,570 bags, at 6lbs. each, 203 bags, at 4lbs. each,	tons cwt. qrs. lbs.	17 11 3 24 0 7 1 0 }
							17 19 0 24
							460 14 1 20

D. No. 2.

APPENDIX.

D. No. 2.

Warehoused at

REQUISITION.

I require to have REWEIGHED, and to pay Duty, on the following Goods, warehoused by the day of 186 , ex Master, from

(Signature)

Mark and No. of Package.	Description of Package.	Description of Goods.	Original Net quantity Bonded.	Original Tare.
		Original	Weight.	

To the Collector of Customs.

Warehousekeeper.

REWEIGHED.

(Date)

186 .

Warehouse

Mark and No. of Package.	Description of Package.	Gross Weight.			Tare.	Net.
		c.	q.	lbs.		
		Weight as reweighed.				

Landing Waiter.

(To Evidence given by Mr. W. Mundy, 19 April, 1864.)

E.

Extract from the Locker's Book at the Argyle Bond.

Date of Warehousing.	Ship.	Master.	Whence.	Merchant.	Mark and Number.	Description of Goods.
1863. June 23..	"William Cole"	Tohell ..	London ..	Scott, Henderson, & Co...	C 918	1,000 cases B. Gin.
" 27..	Received	150 cases.	In Bond .....	991 cases.		
" 30..	"	43 "	Used to fill ....	7 "		
July 4..	"	149 "	Short landed ..	2 "		
" 6..	"	513 "				
" 7..	"	124 "		1,000 cases.		
" *8..	"	18 "				
Aug. 5..	"	1 "				
		998				

\* NOTE BY COLLECTOR.—On the 8th July Mr. Mackenzie makes 997 cases received in Bond; yet on that date, and for more than a week after, there were 13 of these cases on board the "William Cole." The 1 case made received on the 5th August is a pure fiction, entered to make up the required number. On the 16th July, Mr. Mackenzie writes, "It is quite certain we have received only 985" (vide his note to Mr. Jones)—How then could he make up the 998 by the addition of one case on the 5th August?—W.A.D.





1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

PROGRESS REPORT FROM THE SELECT COMMITTEE

ON THE

PETITION OF THOMAS CHARLES BENTLEY ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

(SESSION 1862.)

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
9 July, 1863.

---

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

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1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES No. 97. TUESDAY, 11 NOVEMBER, 1862.

3. Petition of Thomas Charles Bentley :—Mr. Dalgleish moved, pursuant to notice,—  
(1.) That the matters referred to in the Petition of Thomas Charles Bentley, presented to this House on 24th October, be referred to a Select Committee, with power to send for persons and papers.  
(2.) That such Committee consist of Mr. Arnold, Mr. Cowper, Mr. W. Forster, Mr. Hart, Mr. Morris, Mr. Piddington, Mr. Hoskins, Mr. Leary, Mr. Wilson, and the Mover.  
Debate ensued.  
And Mr. Piddington demanding that the said Committee be appointed by Ballot,—  
Question put,—That the matters referred to in the Petition of Thomas Charles Bentley, presented to this House on 24th October, be referred to a Select Committee, with power to send for persons and papers.  
The House divided.

Ayes, 15.

Noes, 14.

\* \* \* \* \*

Whereupon, the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed :—Mr. Dalgleish, Mr. Hoskins, Mr. Cowper, Mr. W. Forster, Mr. Leary, Mr. Wilson, Mr. Piddington, Mr. Hart, Mr. Lucas, and Mr. Morris.

VOTES No. 98. WEDNESDAY, 12 NOVEMBER, 1862.

3. Petition of Thomas Charles Bentley :—  
(1.) Mr. Dalgleish presented a Petition from Thomas Charles Bentley, of Sydney, Gentleman, praying for leave to appear, either in person, or by Counsel or Attorney, on behalf of himself and his wife, before the Select Committee now sitting in the matter of his former Petition, and to produce and give evidence before such Committee with reference to the matter in the said former Petition.  
Petition received.  
(2.) Mr. Dalgleish then moved, That leave be granted to Thomas Charles Bentley to appear either in person, or by Counsel or Attorney, on behalf of himself and his wife, before the Select Committee appointed by this Honorable House to inquire into the matters set forth in the Petition of the said Thomas Charles Bentley, presented to this House on the 24th day of October last, and to produce and give evidence before such Committee in reference to the matters in the said Petition referred to.  
Question put and passed.

VOTES No. 121. SATURDAY, 20 DECEMBER, 1862.

2. Petition of Thomas Charles Bentley :—Mr. Dalgleish moved, pursuant to notice, That the Select Committee to whom was referred, on the 11th November last, the Petition of Thomas Charles Bentley, presented to this House on the 24th October, have power to report to-day.  
Debate ensued.  
(*Privilege*) :—Mr. Garrett moved, That the Honorable Member for West Sydney (Mr. Dalgleish), having acknowledged that he gave a copy of the Report of the Select Committee on the Petition of Mr. T. C. Bentley to a person not a Member of that Committee nor a Member of the House, is guilty of a gross breach of Privilege, and deserves the censure of this House.

And

And the Speaker ruling that the motion submitted by Mr. Garrett (the Honorable Member for Monaro), was not in order, as the matter of Privilege alluded to did not suddenly arise during the debate which it was now sought to interrupt.—(See *Standing Order of the House of Commons, No. 125*);—

Mr. Garrett moved, That this House disagrees with the ruling of the Speaker, that the motion submitted by the Honorable Member for Monaro, is out of order. Debate ensued.

Question (on Mr. Garrett's motion) put and negatived.

3. \* \* \* \* \*
4. Petition of Thomas Charles Bentley :—The consideration of this subject (*as recorded in Entry 2 above*) resumed.

[*Further Proceedings stopped by Prorogation, 20 December, 1862.*]

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1863.

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VOTES No. 11. THURSDAY, 9 JULY, 1863.

9. Petition of Thomas Charles Bentley :—Mr. Dalgleish moved, pursuant to notice, That the Report from the Select Committee, to whom was referred the Petition of T. C. Bentley, together with the Proceedings of the Committee and Minutes of Evidence and Appendix, be printed. Debate ensued. Question put and passed.
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1862.

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PETITION OF THOMAS CHARLES BENTLEY.

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PROGRESS REPORT.

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THE SELECT COMMITTEE of the Legislative Assembly to whom was referred, on the 11th November last, "*the Petition of Thomas Charles Bentley, presented to this House on 24th October*"—"*with power to send for persons and papers,*"—have agreed to the following Progress Report :—

Your Committee have examined eighteen witnesses, but the approaching close of the Session has prevented them taking all the evidence they desired.

Your Committee have not arrived at a satisfactory conclusion as to the authorship of the anonymous letters referred to in the Petition of T. C. Bentley.

Your Committee have found reason, from the evidence before them, to entertain the gravest doubts of the veracity of Sub-Inspector Harrison, and are therefore disposed to regard as unworthy of credit any statements or suggestions emanating from that officer, conveying imputations upon the character of the Bentleys themselves and tending to fix upon them the authorship of the anonymous letters.

But even assuming the truth of Mr. Sub-Inspector Harrison's statements, your Committee are, in that case, compelled to the conclusion, that the course pursued by that officer, ostensibly with the view of obtaining evidence confirmatory of his suspicions, was in the highest degree disgraceful and reprehensible.

Your Committee, during the investigation into the matters referred to them, have been strongly impressed with the conviction that the management of the Detective Police is not satisfactory; and they recommend a more stringent and efficient control than obtains at this time.

One of the witnesses—Signor Cutolo—whose name appears somewhat prominently in the deposition of the Petitioner and his wife, as a suspected party, does not appear, from the evidence taken before your Committee, to have been in the slightest degree liable to those imputations.

Your

Your Committee also express their regret, that the statement that the Petitioner and his wife were themselves the authors of the anonymous letters should have been made by the Honorable Chief Secretary in the House during debate, thus giving a character to the accusation that it would not otherwise have obtained.

Your Committee also beg to state that, in their opinion, no proof of the complicity of the Bentleys has been produced before your Committee.

D. C. DALGLEISH,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 19 December, 1862.*

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PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 12 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish,	Mr. Hoskins,
Mr. Wilson,	Mr. Hart,
Mr. Piddington,	Mr. Cowper.

Mr. Dalglish called to the Chair.

Printed copies of the Petition of Mr. Thomas Charles Bentley—upon the Table.

Order of reference, by direction of the Chairman,—*read*.

Committee deliberated as to their course of proceedings.

*Resolved*,—That Mr. T. C. Bentley be summoned as a witness at the next meeting, and that Captain M'Lerie and Mr. Elyard be summoned to produce all reports and other documents in their possession, having reference to the case of Mr. T. C. Bentley.

[Adjourned to Friday next, at *Eleven o'clock*.]

FRIDAY, 14 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Cowper,	Mr. W. Forster,
Mr. Leary,	Mr. Wilson,
Mr. Hoskins,	Mr. Hart,

Mr. Morris.

Present for Petitioner, Mr. Robert Johnson, *Solicitor*.

Resolution of the House, granting leave to Thomas Charles Bentley to appear either in person or by Counsel or Attorney, on behalf of himself and his wife before the Committee by direction of the Chairman, *read*.

Mr. W. Elyard, *Principal Under Secretary*, called in and examined.

Papers handed in. (*Vide List of Appendix*.)

Witness withdrew.

Captain M'Lerie, *Inspector General of Police*, examined.

Certain letters from Messrs. Wrench and Bentley handed in.

Other letters handed in.

During the examination of witness,—

Mr. Hart wishing to take the opinion of the Committee on a certain point,—

Strangers requested to withdraw.

Committee deliberated as to whether strangers present can take notes upon the evidence given before the Committee.

Motion made (*Mr. Wilson*) and *Question*,—That no strangers shall be present during the proceedings of this Committee, unless by order of the House—*put*.

Committee divided.

Ayes, 5.

Noes, 2.

Mr. Cowper,	Mr. Leary,
Mr. Hoskins,	Mr. W. Forster.
Mr. Wilson,	
Mr. Hart,	
Mr. Morris.	

Strangers called in and informed of the resolution of the Committee.

Examination of Captain M'Lerie continued.

Further papers handed in.

[Adjourned to Tuesday next, at *half-past Ten o'clock*.]

TUESDAY, 18 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Morris,	Mr. Hoskins,
Mr. Wilson,	Mr. Cowper,
Mr. Leary,	Mr. W. Forster,

Mr. Lucas.

Committee deliberated.

Motion made (*Mr. Morris*), and *Question*—That the copy depositions, and other papers handed in at the last meeting by Mr. Elyard, be printed forthwith, for the use of the Committee—*agreed to*.

Present :—



Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Captain M'Lerie, *Inspector General of Police*, called in and further examined.

Mr. Harrison's diary *produced* by witness; and extracts therefrom, having reference to the case under inquiry, *handed in*.

In the course of examination Mr. Bentley made certain explanations in reference to questions put to witness.

Witness withdrew.

Mr. T. C. Bentley examined.

Certain anonymous letters (32) handed in.

[Adjourned to Thursday, at *half-past Ten* o'clock.]

THURSDAY, 20 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Wilson,  
Mr. Morris,  
Mr. Piddington,

Mr. Leary.

Mr. Cowper,  
Mr. W. Forster,  
Mr. Hoskins,

Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mr. C. E. Harrison, *Sub-Inspector, Detective Police*, called in and examined.

In the course of the examination, strangers requested to withdraw.

Committee deliberated.

Parties recalled and examination proceeded with.

And Mr. W. Forster objecting to certain questions put to witness by Mr. Johnson, as irrelevant,—

Witness requested to withdraw.

Whereupon Mr. Johnson explained to the Committee the line of examination he wished to pursue.

Committee deliberated.

Witness recalled, and examination continued.

[Adjourned to To-morrow, at *half-past Ten* o'clock.]

FRIDAY, 21 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Piddington,  
Mr. Morris,  
Mr. Wilson,  
Mr. Hart,

Mr. Leary.

Mr. Cowper,  
Mr. Lucas,  
Mr. Hoskins,  
Mr. W. Forster,

Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mr. C. E. Harrison, *Sub-Inspector, Detective Police*, called in and further examined.

Letter stated by Mr. Harrison to have been written and handed to him by Mrs. Bentley, *handed in*.

Other letters and papers *handed in*.

[Adjourned to Tuesday next, at *half-past Ten* o'clock.]

TUESDAY, 25 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Piddington,  
Mr. Morris,  
Mr. Hart,

Mr. Lucas.

Mr. Cowper,  
Mr. Hoskins,  
Mr. Wilson,

Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mr.

Mr. C. E. Harrison called in and further examined.  
 Letter handed in by witness. (*Vide Minutes of Evidence, q. 1659.*)  
 In the course of examination the Committee desiring to deliberate,—  
 Room cleared.  
 Committee deliberated.  
*Resolved*,—That certain portions of the evidence just given, be expunged.  
 Parties called in and informed.  
 Examination continued.

[Adjourned to To-morrow, at half-past Ten o'clock.]

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WEDNESDAY, 26 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Morris,		Mr. Wilson,
Mr. Cowper,		Mr. Hart,
Mr. Piddington,		Mr. W. Forster.

The Chairman stated that his absence from the Committee would be necessary this morning, as he was Chairman of another Committee appointed to meet at 11 o'clock, and requested that Mr. Morris would take the Chair.

Whereupon Mr. Morris took the Chair.

Parties called in.

Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mr. C. E. Harrison called in and further examined.

[Adjourned to Friday next, at half-past Ten o'clock.]

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FRIDAY, 28 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Piddington,		Mr. Cowper,
Mr. W. Forster,		Mr. Morris,
Mr. Wilson,		Mr. Hart,
Mr. Leary,		Mr. Lucas.

Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mr. C. E. Harrison called in and further examined.

Detective Duty Book *produced*.

In the course of examination the Committee desiring to deliberate,—

Strangers requested to withdraw.

Committee deliberated.

Motion made (*Mr. Leary*) and *Question*,—"That Captain M'Lerie be requested to direct the immediate attendance of Detectives Clark and Sanderson, and also the production of their diaries,"—*agreed to*.

Letter to Captain M'Lerie communicating the resolution, written and despatched accordingly.

Parties called in and examination resumed.

Witness withdrew.

Mr. John Sanderson called in and examined.

[Adjourned to Tuesday next, at half-past Ten o'clock.]

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TUESDAY, 2 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Cowper,		Mr. Lucas,
Mr. Morris,		Mr. Leary,
Mr. Wilson,		Mr. Hoskins.

Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mr. William Camphin called in and examined.

Letter sent by Anna Maria Bradshaw to Camphin *produced* by Mr. Harrison.

Strangers

Strangers requested to withdraw.  
 Committee deliberated, and *Resolved*,—That the Chairman request the witness to give his answers in a more straightforward manner.  
 Parties called in, and witness informed of the wish of the Committee.  
 Examination resumed.  
 Witness withdrew.  
 Anna Maria Bradshaw called in and examined.  
 Witness withdrew.  
 Mary Ryan called in and examined.  
 Witness withdrew.

[Adjourned to To-morrow, at *half-past Ten* o'clock.]

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WEDNESDAY, 3 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Dalglish in the Chair.

Mr. Hart,		Mr. Wilson,
Mr. Morris,		Mr. W. Forster,
Mr. Cowper,		Mr. Hoskins.

Present:—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mr. Wm. Camphin called in and further examined.

Witness withdrew.

Mr. C. E. Harrison further examined.

[Adjourned to Friday next, at *half-past Ten* o'clock.]

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FRIDAY, 5 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Dalglish in the Chair.

Mr. Cowper,		Mr. Lucas,
Mr. W. Forster,		Mr. Hart,
Mr. Morris,		Mr. Wilson,
Mr. Piddington,		Mr. Leary.

Present:—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mary Ryan called in and further examined.

Witness withdrew.

Anna Maria Bradshaw called in and further examined.

Witness withdrew.

[Adjourned to Tuesday next, at *half-past Ten* o'clock.]

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TUESDAY, 9 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Dalglish in the Chair.

Mr. Cowper,		Mr. Piddington,
Mr. Morris,		Mr. Hart,
Mr. W. Forster,		Mr. Lucas,
		Mr. Wilson.

Present:—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Miss A. M. Bradshaw called in and further examined.

Witness withdrew.

Mr. Alex. Harris called in and examined.

Witness withdrew.

Mr. T. C. Bentley further examined.

[Adjourned to To-morrow, at *half-past Ten* o'clock.]

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WEDNESDAY, 10 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Dalglish in the Chair.

Mr. Morris,		Mr. Lucas.
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The Committee adjourned for fifteen minutes,—

And

## 11

And having re-assembled,—  
The following additional Members being present,—

Mr. Cowper,		Mr. Leary,
Mr. W. Forster,		Mr. Wilson,

Proceedings resumed.

Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mr. C. E. Harrison called in and further examined.

Witness withdrew.

Mr. John Black called in and examined.

[Adjourned to To-morrow, at *half-past Ten* o'clock.]

THURSDAY, 11 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Morris,		Mr. Lucas,
Mr. W. Forster,		Mr. Wilson,
Mr. Piddington,		Mr. Cowper.

Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mr. C. E. Harrison called in and further examined.

Specimens of Mrs. Harrison's handwriting *produced* by witness.

Witness withdrew and Mrs. Julia Bentley being in attendance Mr. Bentley requested to withdraw.

Mrs. Julia Bentley examined.

Witness withdrew.

[Adjourned to To-morrow, at *half-past Ten* o'clock.]

FRIDAY, 12 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Hart,		Mr. Morris,
Mr. Piddington,		Mr. W. Forster,
Mr. Cowper,		Mr. Leary,

Mr. Wilson.

Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnson, *Solicitor for Petitioner*.

Mr. Edward Wrench called in and examined.

Witness withdrew.

Mrs. Julia Bentley called in and further examined.

Witness withdrew.

Mr. Frederick Sigmont called in and examined.

Witness withdrew.

Committee deliberated.

*Ordered*.—That the following witnesses be summoned for Tuesday next:—Dr. Brereton, M. Boulanger, Mrs. Lindsay, Miss Lindsay, Margaret Maskell, and Signor Cutolo—M. Boulanger to produce his diary or memorandum-book.

[Adjourned to Tuesday next, at *half-past Ten* o'clock.]

TUESDAY, 16 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dalglish in the Chair.

Mr. Morris,		Mr. Wilson,
Mr. W. Forster,		Mr. Hart,
Mr. Leary,		Mr. Hoskins.

Present :—

Mr. T. C. Bentley, *Petitioner*.

Mr. Robert Johnston, *Solicitor for Petitioner*.

M. Edward Boulanger called in and examined.

Diary kept by witness *produced*.

Witness

Witness having temporarily withdrawn,—  
Mr. T. C. Bentley further examined.  
M. Boulanger having returned to the Committee-room, his examination was resumed and concluded.

Witness then withdrew.  
Committee deliberated, and

[Adjourned to To-morrow, at *half-past Ten o'clock.*]

WEDNESDAY, 17 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Dalglish in the Chair.

Mr. W. Forster,		Mr. Morris,
Mr. Cowper,		Mr. Wilson,
		Mr. Piddington.

Present:—

Mr. T. C. Bentley, *Petitioner.*

Mr. C. E. Harrison called in and further examined.

Certain letters, having reference to the Exeter case, *handed in.*

Witness withdrew.

Mrs. Bridget Lindsay called in and examined.

Miss Elizabeth Lindsay called in and examined.

Witnesses withdrew.

The Chairman here stated to the Committee that Mr. Hellyer, *Solicitor for Signor Cutolo*, had requested to be heard, by way of explanation, before this Committee.

Committee deliberated and decided upon taking further evidence from Mr. Bentley.

Mr. T. C. Bentley accordingly further examined. (*Testimonials handed in.*)

Signor Cesare Cutolo called in and examined.

Witness withdrew.

John Le Gay Brereton, Esq., called in and examined.

Witness withdrew.

Committee deliberated and decided—

1. To take no further evidence during the present Session.
2. To consider Progress Report at the next meeting.

[Adjourned to Friday next, at *Ten o'clock.*]

FRIDAY, 19 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Dalglish in the Chair.

Mr. Morris,		Mr. Hart,
Mr. W. Forster,		Mr. Leary,
Mr. Wilson,		Mr. Piddington.

Committee deliberated.

Chairman brought under the notice of the Committee a letter he had received yesterday from Mr. Black.

The same read and ordered to be appended to the Report. (*Vide List of Appendix.*)

Chairman then submitted a Draft Progress Report.

Draft Progress Report read 1°.

The same read a 2°, paragraph by paragraph.

Paragraph 1 read, and agreed to without amendment.

Paragraph 2 read, *verbally* amended, and agreed to.

Paragraph 3 read, and amended.

Motion made, and *Question*,—That the paragraph, as amended, stand part of the proposed Progress Report,—*put.*

Committee divided.

Ayes, 3.

Mr. Morris,		No, 1.
Mr. W. Forster,		Mr. Piddington.
Mr. Wilson.		

No, 1.

Mr. Piddington.

Paragraph 4 read, viz.:—

“ But even assuming the truth of Mr. Sub-Inspector Harrison’s statements, your Committee are, in that case, compelled to the conclusion, that the course pursued by that officer, ostensibly with the view of obtaining evidence confirmatory of his suspicions, was in the highest degree ‘disgraceful and’ reprehensible.”

Motion made (*Mr. W. Forster*), and *Question proposed*,—That the words “disgraceful and” be omitted.

*Question*

*Question put*,—That the words proposed to be omitted stand part of the paragraph.  
Committee divided.

Ayes, 3.	No, 1.
Mr. Morris,	Mr. W. Forster.
Mr. Wilson,	
Mr. Piddington.	

*Question then*,—That the paragraph, as read, stand part of the proposed Progress Report,—*agreed to*.

Paragraph 5 read and considered.

Motion made and *Question*,—That the paragraph, as read, stand part of the proposed Progress Report,—*put*.  
Committee divided.

Ayes, 2.	Noes, 2.
Mr. Morris,	Mr. Piddington,
Mr. Wilson.	Mr. W. Forster.

The Chairman gave his casting vote with the ayes.  
So it passed in the affirmative.

Paragraphs 6 and 7 read and agreed to without amendment.

Paragraph 8 read, verbally amended, and agreed to.

Motion made (*Mr. Morris*) and *Question*,—That this Report, as amended, be the Progress Report of the Committee—*agreed to*.

Committee then deliberated as to the expediency of printing certain letters and other papers *handed in* or *produced* by witnesses.

The following papers ordered to be appended to the Report:—

1. Letter, stated by Mr. Harrison to have been written and handed to him by Mrs. Bentley.
2. Letter from Mr. Harrison to Mr. Bentley, bearing, instead of signature, the device of a hawk holding a snake in its beak.
3. Copy of letter from Mr. Harrison to the Police at Exeter, with reply.
4. Testimonials of Mr. Bentley.
5. Letter from Jno. Black to the Chairman of the Select Committee in the Bentley case, dated 18 December, 1862.

(*Vide List of Appendix.*)

Chairman to move the House for leave to report.

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1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PETITION OF THOMAS CHARLES BENTLEY.

FRIDAY, 14 NOVEMBER, 1862.

Present:—

MR. COWPER,	MR. LEARY,
MR. DALGLEISH,	MR. MORRIS,
MR. W. FORSTER,	MR. WILSON,
MR. HART,	MR. HOSKINS.

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

Robert Johnson, Esq., appeared, as Solicitor, on behalf of the Petitioner.

William Elyard, Esq., called in and examined:—

1. *By Mr. Johnson:* You are the Under Secretary to the Government? I am.
2. Do you produce the depositions of Mr. and Mrs. Bentley, and their two servants, forwarded to the Colonial Secretary some time ago? Yes. (*The witness handed in the same. Vide List of Appendix.*)
3. Will you state the date when that deposition was sworn? The 17th September, 1862.
4. What are the names of the deponents? Thomas Charles Bentley, Julia Bentley, Mary Ryan, and Anna Maria Bradshaw.
5. When was that deposition forwarded to the Colonial Secretary? It was sent with a letter from Messrs. Johnson and Johnson, dated 17th September, 1862, and received on the 18th. (*The witness handed in the same. Vide List of Appendix.*)
6. Will you state what reply was sent to that? A reply was sent to Messrs. Johnson and Johnson on the 10th October, 1862, of which this is a copy. (*The witness handed in the same. Vide List of Appendix.*)
7. That is in addition to a former letter acknowledging the receipt? I do not know that there was any former letter. The letter of the 10th acknowledges the receipt.
8. *By Mr. Hoskins:* Before whom were these depositions taken? Mr. Egan. The attestation is signed "Daniel Egan, J.P."
9. *By Mr. Hart:* Are there any other papers relating to this case in your possession? Yes, a few other letters and papers.
10. Will you state what they are? One is a letter from Mr. Wrench, dated 10th June, 1862. (*The witness handed in the same. Vide List of Appendix.*) Another is a letter from Mr. Hellyer, dated 8th October, 1862. (*The witness handed in the same. Vide List of Appendix.*) A reply to Mr. Hellyer's letter, dated 11th October, 1862, a copy of which I hand in. (*The witness handed in the same. Vide List of Appendix.*) There is also a statement of Mr. Harrison, Sub-Inspector of Detective Police, relating to this case. (*The witness handed in the same. Vide List of Appendix.*) There is a short report of the Inspector General of Police, dated 6th October, 1862, on the letter from Messrs. Johnson and Johnson. (*The witness handed in the same. Vide List of Appendix.*) There is a further letter from Messrs. Johnson and Johnson, dated 3rd October, 1862, merely referring

W. Elyard,  
Esq.

14 Nov., 1862.



- W. Elyard, Esq.  
14 Nov., 1862.
- to their previous one, which is noticed in the reply to them of the 10th of October, 1862. (*The witness handed in the same. Vide List of Appendix.*) I have also a paper containing some letters and advertisements offering rewards in this case, which appear to have been extracted from the *Herald* and *Empire* newspapers. (*The witness handed in the same. Vide List of Appendix.*) These are all the papers I have connected with the matter.
11. *By Mr. Johnson*: Will you state when the report of Mr. Harrison reached the Colonial Secretary's Office, and under what circumstances? I cannot state when it was received; it was not delivered to me that I am aware of.
12. *By the Chairman*: Can you obtain that information? Only, I believe, by enquiry of the Colonial Secretary. Mr. M'Levie will, perhaps, be able to say.
13. *By Mr. Johnson*: You do not know the date, or the circumstances under which it came? No.
14. Is it signed? There is no signature; it was, probably, delivered personally.

John M'Levie, Esq., called in and examined:—

- Jno. M'Levie, Esq.  
14 Nov., 1862.
15. *By Mr. Johnson*: You are the Inspector General of Police? Yes.
16. You have received an intimation to attend this Committee to produce documents, if any, relating to the case of Thomas Charles Bentley? I have no documents in my possession in relation to the case, except copies of two letters between my own department and Messrs. Johnson and Johnson, copies of which are on the table.
17. Have you any knowledge of the report given to the Colonial Secretary by Mr. Harrison? Yes.
18. Do you know upon what date this report was given in to the Colonial Secretary? I think it must have been about the middle of June. It was given to the Colonial Secretary by the inspector of the detective police during my absence in the country.
19. Can you fix the date? I cannot fix the precise date, but I think it was about the middle of June, when I was in the Southern District.
20. *By Mr. Cowper*: It was returned by me when you came back, and was several weeks out of my possession? Yes.
21. Do you remember when it came into my possession again? I handed it to you myself.
22. Not long ago was it? It was in my office some time; and in the meantime I handed it to Messrs. Johnson and Johnson. I think it was in July, for I see that in September the correspondence took place between Messrs. Johnson and myself.
23. *By Mr. Johnson*: Is that report signed by Inspector Harrison? It is not.
24. Is it in Inspector Harrison's handwriting? It is not.
25. Did you receive it from him as his report? I compared it with a rough report of his. After this was handed to me by Mr. Cowper I called Harrison before me, and had some conversation with him respecting the report, and he shewed me the rough draft of it.
26. Did Mr. Harrison admit that identical report as the report of himself? He did.
27. Do you recollect shewing that report to any other persons than Mr. Bentley before you allowed his solicitor to see it? I do.
28. Who was it shewn to? Mr. Hanson and Mr. Wrench—two friends of Mr. Bentley—who had before that taken a great interest in this matter.
29. Were they not enjoined not to communicate the contents of that report to Mr. Bentley or his solicitors—was it not a matter of secrecy? It was shewn to them confidentially; it was shewn to Mr. Wrench in my own office, and he read it in my room.
30. Did they not become acquainted with its contents with an understanding that they were not to communicate them? It was the understanding.
31. Both with Mr. Hanson and with Mr. Wrench? Yes.
32. I presume it follows from that, that Mr. Hanson was not authorized to make it public in a newspaper? He had no authority from me to do so.
33. Have you the original letter from Johnson and Johnson to yourself? It is in my office no doubt.
34. Will you allow me to read this paragraph in the deposition of Mr. Bentley, and say, as far as you know, if it is correct—paragraph 261:—"On the 14th day of July last, "I wrote to Capt. M'Levie, informing him of the nature of the causes which prevented the "depositions being completed as speedily as I wished?" That is true—I received a notification from Mr. Bentley to that effect.
35. Did Mr. Wrench, in the early part of July last, have an interview with you? Mr. Wrench had more than an interview with me; he had two or three. I cannot say precisely as to the time; he had three I think in all.
36. Had he one in particular in which you stated to him something to this purport—that if he and Mr. Bentley would depose on oath to what Mr. Bentley had stated, the Government would help him? No, I said that if Mr. and Mrs. Bentley would depose on oath to all the statements that had already been brought to my notice, I would then be in a position to bring the matter under the notice of Government.
37. Was it at that time you allowed him to read Mr. Harrison's report? I will not be positive at this moment whether it was on this occasion or not. All the interviews between Mr. Wrench and myself took place in my office, excepting one at his office. He read the report in my office, and it may have been on that occasion.
38. Did you not tell him your communication was strictly confidential? I did.
39. Did not Mr. Wrench protest against the matter being kept secret from Mr. Bentley, and characterize it as an un-English proceeding? I do not recollect—we had a long conversation

conversation on the matter, but as to whether such a protest as that was made by Jno. M'Levie, Esq., Mr. Wrench, I do not recollect.

40. Did Mr. Wrench write you a letter on the subject? He did.

41. Have you that letter with you? He wrote me one note—I have got that. (*The witness handed in the same.*) There are two notes of Mr. Wrench to me, one dated the 9th, and one the 18th July. I saw Mr. Wrench personally after the receipt of the note I have handed in, and said if Messrs. Johnson and Johnson communicated with me on the subject—and subsequently to that I received your letter. This is the second note from Mr. Wrench. (*The witness handed in the same.*) I think Messrs. Johnson and Johnson's letter follows as a sequence to that.

42. Did you not receive a letter from Mr. Bentley? I did—I received two letters from Mr. Bentley.

43. Will you have the kindness to produce them? The first letter I received from Mr. Bentley is dated 4th July; the next is the 14th. (*The witness handed in the same.*)

44. Did you answer the first of these letters of Mr. Bentley? I do not think I did; I do not think it required an answer; I was waiting for the depositions. There does not seem to be anything requiring a reply.

45. I mean that nothing struck you as incorrect in the statement contained in that letter to call for an answer? No; it was merely a statement of Mr. Bentley's, that he would send the depositions.

46. I refer to this statement—"Having been informed by Mr. Wrench that you think it necessary that a deposition on oath should be made by myself and wife." You did not make any reply to that? No, I conveyed my views on that point to his friend Mr. Wrench, and waited in compliance with this note.

47. Did you after you had received Mr. Bentley's first letter, again see Mr. Wrench? Between the 4th and 14th.

48. Thereabout? I may have seen him.

49. Shortly prior to the 16th? I may have seen him.

50. Did you not state to Mr. Wrench that you could not grant his request, to communicate the contents of Mr. Harrison's statement to Mr. Bentley, until you had consulted the Crown Solicitor? I did.

51. Do you remember an article appearing in the *Sydney Empire*, referred to in Mr. Wrench's letter of the 18th? There was an article in the *Empire*, having reference to the case at the time; I cannot recollect the particulars, but I recollect perfectly well reading an article in the *Empire* upon the subject.

52. I suppose you remember it sufficiently to know that it contained the substance, and a good deal of the impressions contained in Mr. Harrison's report? It did.

53. Up to that time you had precluded Mr. Hanson and Mr. Wrench from communicating the contents of that report to Mr. Bentley? It was seen by them confidentially.

54. You had not removed that restriction? No, I had not; Mr. Hanson and Mr. Wrench had from the first taken such an interest in the whole matter, that I thought I was justified in shewing them, as the friends of Mr. Bentley, this report in confidence.

55. And at the same time to prevent their making use of it for the benefit of Mr. Bentley? They might make use of it without giving it publicity.

56. But they were not to tell their friends, Mr. and Mrs. Bentley, what were the views the police entertained respecting them? They were not prevented from making use of it without giving it publicity.

57. Mr. Wrench states, that he thinks it an unfair thing that his mouth should be shut as respects Mr. Bentley? I did not feel justified in making it public until I had got the opinion of the Crown Solicitor.

58. The gentleman whom you call one of his friends, appears to have done that after you had received Mr. Wrench's letter—of course you had no doubt that the object of his applying to you was, that you would allow him to mention the matter to Mr. Bentley's solicitor—did you not so understand it? I had no doubt that Mr. Bentley's solicitor would apply for the report, which he did.

59. *By the Chairman:* Will you answer the question—yes, or no? I will, if the question is put in such a form as that I can answer it by a simple monosyllable.

60. *By Mr. Johnson:* I am not asking what you did afterwards, but I want to ascertain up to what time you refused to remove the restriction from Mr. Wrench, that being the restriction from communicating to Mr. Bentley, or his solicitor, the contents of this report? Let me understand the question.

61. Here we have Mr. Wrench's letter, dated the 18th—"And I must beg of you, as my friend, and also as the head of the police, to allow me free speech in the matter"—did you allow him free speech in the matter on receipt of that? I did not; as I said before, I called personally upon Mr. Wrench, at his office in Pitt-street, and had some conversation with him on the matter. I said, if the solicitors of Mr. Bentley apply for these papers, I shall be in a position to say whether they shall be given to them; but I do not feel justified in giving them up without the opinion of one of the Crown Law officers. I consulted the Crown Solicitor, and upon his suggestion I gave them up.

62. You received a letter from Johnson and Johnson on the 19th July, applying for the inspection of that report? Yes; the copy of the letter is there.

63. You have read this deposition? I have; that statement.

64. This small document? Yes.

65. Is that letter of Johnson and Johnson, of the 19th October, 1862, accurately set out? I believe it is.

66. Is your reply of the 21st July accurately set out? I believe so; I think there was no reply

Jno. M'Levie, Esq. reply to Messrs. Johnson and Johnson's second letter, as I called at the office myself with the papers.

- 14 Nov., 1862. 67. You received another letter from Johnson and Johnson, dated also the 21st July, which is set out in the deposition. That is the second letter? Yes.
68. I believe you placed that report, or a copy of it, in the hands of Johnson and Johnson, for their inspection? I did.
69. Can you state about what date that was? I think it must have been the day following the date of Messrs. Johnson and Johnson's last letter on the second day following.
70. As far as you know, was not that the first time that Bentley had any opportunity of knowing the contents of that report? As far as I know, it was.
71. Had you received any authority from Mr. Bentley to shew that report to Mr. Hanson? Certainly not; I am not aware that Mr. Bentley knew of the existence of that report when it was shewn to Mr. Hanson.
72. Did you remonstrate at all with Mr. Hanson for having violated the confidence which you had reposed in him? I did not.
73. You felt that he had violated it, I suppose? He made the information public as a public journalist, which he had got as a private gentleman.
74. With strict injunctions not to make it public? It was given confidentially.
75. What do you mean by its being given confidentially? That it was not to be made public.
76. You thought he received that information as a friend of Mr. Bentley? It was given to him as such.
77. Have you any other documents in connection with this case? No other documents than those I have just produced.
78. Have you any handwriting that you have ever compared with any of this anonymous handwriting you have in your possession? I have.
79. Will you produce it? (*The witness handed in the same.*) I have certain letters that have come into my possession, written by a gentleman of the name of Montagu, with which the anonymous letters were compared by me, once.
80. In whose presence were they compared? I think, on one occasion, in the presence of Mr. Bentley.
81. Will you state what took place on that occasion—first when it was? I think that was in April. Mr. Bentley called at my office with Mr. Boulanger, and brought with him a number of anonymous letters that had been sent to different parties, imputing base conduct to Mrs. Bentley; and he referred particularly at the time to a foreign gentleman, a resident in Sydney.

*[The attention of the Chairman having been called to the fact of a gentleman being present, who was taking notes,—  
Strangers were ordered to withdraw.  
After some discussion the parties concerned were called in, and the examination was continued.]*

82. Are you quite certain that you are not speaking of an interview with Mr. Wrench? No; Mr. Bentley was present.
83. And Mr. Wrench was not present? It was either Mr. Wrench or Mr. Boulanger. Mr. Bentley was present, but I am not positive whether it was Mr. Wrench or Mr. Boulanger who was with him. I am positive either one or the other called with him. It might have been Mr. Wrench on that occasion, but Mr. Boulanger called on another occasion; whether it was Mr. Boulanger or Mr. Wrench who called then I could not say.
84. Just endeavour to exercise your memory—did Mr. Bentley ever see you in company with Mr. Wrench? I think he did—at least my impression at this moment is so.
85. Will you undertake to say? My impression is that he did; I may be wrong, but that is my impression at this moment.
86. You may be wrong, I assure you? I am quite sure that Mr. Bentley and Mr. Boulanger called at my office.
87. You are not prepared to affirm positively that you ever saw Mr. Bentley and Mr. Wrench together? I am not prepared to affirm it, but that is my impression.
88. We shall see the value of that impression—did not you shew Mr. Wrench a bundle of letters, which you stated were known to the police to be in the handwriting of Mr. Montagu? Yes. Now you refresh my memory I remember that I did shew them to Mr. Wrench; Mr. Bentley was not present; that removes the impression, for I remember now that Mr. Wrench did call upon me alone.
89. Are you not incorporating what took place in your interview with Mr. Bentley and Mr. Boulanger with what took place between Mr. Wrench and you? Upon recollection, I think that the interview between Mr. Bentley and myself, at which Mr. Boulanger was present, had reference to the form of an advertisement.
90. Just take as much time as is necessary, for I want to get (as far as it is possible from human recollection) exactly what did take place—did you see Mr. Bentley upon this matter at all, except upon these two occasions—one when he called with Mr. Boulanger, and one when he met you in the street? My impression at this moment is, that Mr. Bentley was twice at my office, and that I was once in his residence. He met me in the street, and he asked me into his house; I went with him, and passed up into his drawing-room.
91. When was the first time you ever saw Mr. Bentley; was it when he came with Mr. Boulanger? When I first ordered the detective police to take this matter in hand was at the end of last year, or the beginning of this, and I think Mr. Bentley called with Mr. Boulanger in March or April.

92. Had you seen Mr. Bentley at all before he called with Mr. Boulanger? I will not be positive whether I had seen him before or not. Jno. M'Lerie, Esq.
93. When he did call with Mr. Boulanger, did he not call upon the subject of the proposed advertisement—was it not on the 17th March he called with Mr. Boulanger—on St. Patrick's day? I think it was St. Patrick's day. I myself gave him what I looked upon as a good draft of advertisement, and it appeared the next day. 14 Nov., 1862.
94. You wrote one in pencil? Yes.
95. That fixes the date of that? Yes.
96. Was not the subject of that interview confined to the question of an advertisement in the paper, and a letter to be sent to the Post Office, to be addressed to H. B.? Yes.
97. Did not you express some hesitation as to the difficulty which you expected would be thrown in your way by the Post Office authorities? I did express some hesitation. I gave an opinion as to the difficulties I expected, for the Post Office authorities are very jealous of the interference of the detectives, and, perhaps, very properly.
98. You eventually consented to a detective officer being employed? Yes, to watch outside the Post Office.
99. Did you not write the draft of a letter, to be sent to the Post Office, to be addressed to H. B.? I did.
100. During that interview did Mr. Harrison come in? I think I sent for him.
101. Was it not then arranged that the whole matter should be put into his hands, upon his return from a projected visit to the country? Yes, the interference, or rather the assistance, of the detective police, was to be renewed then; for it was dropped for some time between November, 1861, and the end of February.
102. In the meantime a detective was to be employed to watch the Post Office? Yes.
103. You speak of the assistance of the police being renewed—had you any communication previously with Mr. Bentley as to the subject of employing the detective police; was it not through Mr. Hanson that they were employed? Not through me in the first instance; Mr. Harrison reported to me that Mr. Hanson had been with him and shewn him an anonymous letter reflecting upon the character of a lady. I said, "It is not exactly a public matter, but give him all the assistance you can."
104. I believe one of the letters Mr. Bentley wrote to you, he brought to your office himself, and gave to you there? He may have done so; I do not recollect it.
105. I believe you once saw him in the street? I met him at his own door, and he requested that I would walk up to the drawing-room and see Mrs. Bentley, and hear her own account of the assault that had been committed on her, some nights before at Newtown.
106. Did you see her? Yes.
107. What took place? I had some conversation with Mr. Bentley. Mrs. Bentley first spoke of the matter that occurred at Enmore, followed by some casual drawing-room small talk. I then had a glass of sherry and left.
108. Have you detailed all your interviews with Mr. Bentley? I will not be positive; I saw him twice at my own office.
109. Can you recollect anything taking place at those interviews, excepting what you have just described; I mean in reference to this matter? A good deal took place with reference to the means to be adopted for the discovery of the writer of the anonymous letter. Mr. Bentley proposed offering a large reward, to which I objected, because the public fancy, from seeing such large rewards offered, that the police are not zealous in the discharge of their duty without a stimulus of that kind. He said he would offer £200, and £200 had been offered at the time I saw him in his own house.
110. Were you not in error some time ago in stating that you produced any bundle of letters at all, to Mr. Bentley? The bundle of letters I produced may have been produced to Mr. Wrench; my impression at the time was, that it was Mr. Bentley.
111. What is your impression now? I am not very clear now whether it was Mr. Bentley or Mr. Wrench; it may have been Mr. Wrench.
112. You did not shew this bundle of letters upon two occasions—did you? My impression is that I shewed them when Mr. Bentley called with Mr. Boulanger; I will not be positive.
113. Had not the gentleman, whoever he was—whether Mr. Wrench or Mr. Bentley, to whom you shewed this bundle of letters—some of these anonymous letters with him? Yes.
114. Were they not compared with this bundle of letters by you? Yes; whether it was Mr. Bentley or Mr. Wrench, I cannot say. I took some of the letters and compared them with the handwriting of some letters in my own possession.
115. Did you not express an opinion as to the handwriting, and of some words in particular? One letter in particular, the capital M.
116. Between the letters produced by you, that were undoubtedly Mr. Montagu's, and the anonymous letters, there was a remarkable resemblance, especially in the letter M? The capital M in Mr. Montagu's letters and in the anonymous letters produced to me.
117. Did you not, upon that state of facts, use the expression of this kind: that had one been traced from the other, they could not have presented a greater similarity? I might; at the time they did strike me as very similar indeed.
118. That comparison emanated from yourself? From myself.
119. And that judgment also? Yes.
120. Do you recollect what the anonymous letters were which were then produced to you? They were of various kinds, but all tending to criminate the character of Mrs. Bentley.
121. In the grossest possible way? In the grossest possible way.
122. Have you any of those anonymous letters in your possession? I had, for some time.
123. Have you now? No; you recalled them all. I shewed them to the Chief Secretary. I believe you have them now.

- Jno. M'Levie, Esq.  
 14 Nov., 1862.
124. These letters were in a very peculiar style of handwriting? Yes. By-the-bye, I have one with me that I got since; but after all the letters were recalled, it came to my knowledge that one of these anonymous letters had been sent to Government House, and I sent to the Private Secretary with a request that if it were forthcoming he would be good enough to let me have it. Here it is. (*The witness produced the same.*)
125. What is the date of that? May, 1862.
126. Did you yourself take any other steps in this matter beyond what you have described to the Committee? Not personally; any other steps that were taken were by my instructions.
127. Are you aware of any other facts relative to the case than those you have stated? Except from hearsay?
128. Do you remember the circumstance of an advertisement about D'Apice in the *Sydney Morning Herald*? I do.
129. Were the police applied to in that matter? Yes; and in my opinion it was traced to the proper source.
130. Were they employed—that is the question? They were employed.
131. Were any proceedings instituted against any person with respect to that advertisement? No; the proof was not sufficient to institute proceedings, but it was in my opinion beyond any doubt. It arose from some little rivalry in love.
132. I only ask you, as a matter of fact, were any imputations, in your opinion, cast upon the Bentley's in that case? Not the slightest.
133. Whoever was the author of that has escaped equally with the author of this other production? No, we have traced it to a more satisfactory termination than the other.
134. But not so satisfactorily as to enable you to act? To prosecute—no.
135. Have you known Mr. Bentley as a member of Colonial society? I never saw Mr. Bentley till March last; but I heard of him as a gentleman who filled the office of secretary to the Australian Club, and afterwards to the Union; and at the time he was elected to the latter office I was told he was nephew to the great publisher of the same name.
136. Has he not borne an unimpeachable character as a gentleman? I never heard anything of him but that.
137. You say you had some impression of having seen Mr. Bentley a second time at your office? Yes, that is my impression.
138. Did he not bring a letter, and deliver it personally, and have some conversation about a reward? If Mr. Bentley, through you, will refresh my memory —
139. Will you look at that letter of Mr. Bentley's (*Appendix C., 2*);—Did not Mr. Bentley bring that to your office, and hand it to you? I really cannot recollect.
140. Do you not remember the subject of conversation was about a reward being offered? Yes; and I said, "If you put me in possession of sworn depositions of yourself and Mrs. Bentley to the facts, I shall be then in a position to make some communication with the Government on the matter, but without that I am powerless."
141. Did you not say that when you got that you would advise the Government to offer a reward? I said I would put myself in communication with the Government, but of course I could not advise.
142. Did you not say you would recommend? I may have said I would recommend, but I know I told Mr. Bentley I would put myself in communication with the Government, with the view to a reward being offered.
143. You may have said recommend? Yes; but I think those are the words I used, "With a view to a reward being offered."
144. Did he not thereupon recommend that a reward should be offered to an accomplice, and a free pardon; and did you not say you would recommend that also? In such cases the Government has generally offered a free pardon to an accomplice; but I cannot say whether a reward was recommended to be offered to an accomplice. I said, "If this is written by a foreigner, as there is nothing foreign in it, he must have an accomplice," and it was with this view I worded the notice offering a reward.
145. You are now speaking of your interview with Mr. Wrench? Yes.
146. I want you to confine yourself to this interview with Mr. Bentley, and I wish to know whether he did not suggest that a pardon should be offered to an accomplice, and you did not say you would recommend it to Government in that shape? He may have recommended it, and I may have acceded to it.
147. Have you any other documents in connection with this matter, in your possession? No; I have no other documents, excepting the bundle of letters which I shewed either to Mr. Wrench or to Mr. Bentley, for comparison, and which I now produce. (*The witness handed in the same.*)
148. Do you know whether Montagu is the name of the gentleman who has been spoken of as Mr. Montagu? I have been told that it is not his name—that it is Aaron, or Moses, or some such name.
149. Or Nathan, perhaps? Yes, some such name. I have been told that, but I do not know whether it is true or not.
150. How did you become acquainted with the circumstance of its being supposed his name was Nathan? I was told by some person since this inquiry into the Bentley case.
151. Was it in connection with any police inquiry, or the commission of any crime—any forgery? Not within my knowledge.
152. Do you know in what way Mr. Montagu is occupied—what is his business or profession? I believe he is a musical man. He acts as secretary to one of these musical societies. I first knew him when he was connected with the Sydney Gymnasium.
153. *By Mr. Hart:* He is a teacher of languages? Yes, I believe so.

154. *By Mr. Johnson* : Do you know whether he is in the habit of writing musical critiques for any of the newspapers? I have been told so likewise. Jno. M'Levie, Esq.
155. *By the Chairman* : How did it come to your knowledge that Mr. Hanson and Mr. Wrench were friends of the Bentley's? It came to my knowledge in the first instance, through the inspector of the detective police, who informed me that when these letters were first set a-going they both came to him on the subject, and stated that they were both friends of Mr. and Mrs. Bentley—that the families were in the habit of visiting at each other's houses—and that Mrs. Hanson was on the most intimate terms with Mrs. Bentley, and had been at her house two or three times in a week. 14 Nov., 1862.
156. Do you think that this incidental mention, by a third party, that two gentlemen were friends of Mr. Bentley was a sufficient reason to induce you to place documents in their hands affecting his character, and which you refused to put into the hands of a greater friend—his solicitor? Mr. Hanson was the gentleman who first spoke to the police on the subject, and he expressed himself very strongly as the personal friend of Mr. Bentley.
157. You had no knowledge of your own that Mr. Hanson was a personal friend of Mrs. Bentley? Subsequently to the conversation with Inspector Harrison, Mr. Hanson told me that he was a friend of Mr. Bentley, and had been for some time.
158. Have you not known cases where persons have represented themselves to be the friends of others, where no such friendship existed? I had no right to suppose that what Mr. Hanson told me was not true.
159. Have you not had an instance of Mr. Hanson breaking your confidence in a most shameful way—did you not give him these documents in confidence, and did he not betray that confidence? Certain documents were placed in Mr. Hanson's hands as a private gentleman which he used as a public journalist.
160. After that had you any great confidence in the honour or integrity of that gentleman? The spirit of public journalism will carry people great lengths.
161. How do you know that Mr. Hanson had taken a great interest in this affair? I have already said from information I got from one of my own officers.
162. That was with regard to the friendship? Yes; and Mr. Hanson told me afterwards that their families were on terms of friendship, and that both himself and Mrs. Hanson were in the habit of visiting Mr. and Mrs. Bentley.
163. That is with regard to their friendship; but you say that Mr. Hanson took a great interest in the matter—how do you know that? Because he put the police in motion in the first instance.
164. Without Mr. Bentley's knowledge? I cannot say; Mr. Harrison told me that he saw Mr. Hanson about the matter first.
165. Is your knowledge of Mr. Wrench's friendship derived from the same source? No, Mr. Wrench told me he had known Mr. Bentley in England; I think he said he was in the same establishment with him in London.
166. Had you any intimation from Mr. Bentley that these two gentlemen were friends of his? I never went to question Mr. Bentley on the subject.
167. I did not ask you whether you went to question Mr. Bentley—I asked you whether you had any knowledge from Mr. Bentley that these two gentlemen were friends of his? Mr. Bentley told me that he had known Mr. Wrench in England.
168. Did he make a similar communication to you with regard to Mr. Hanson? I cannot say that he did.
169. The only knowledge you had of his friendship was that derived from a detective officer? Yes.
170. Do you think such knowledge was sufficient to justify you in taking it for granted that Mr. Hanson was Mr. Bentley's friend? That knowledge, in addition to what the gentleman himself told me. I say that Mr. Hanson told me that the families were on terms of the greatest intimacy.
171. You took your knowledge entirely from Mr. Hanson and one of your subordinate officers? Exactly so.
172. From that knowledge you considered you were entitled to grant these gentlemen a sight of a public document which you did not feel at liberty to shew to Mr. Bentley's solicitor without you first obtained the sanction of the Attorney General? Of the Crown Solicitor—that is the case.
173. So that you felt yourself justified in giving an account of this matter to a public journalist —? I beg pardon; I never said I gave it to Mr. Hanson as a public journalist, but as a private friend of Mr. Bentley.
174. You were aware that he was a public journalist? I was perfectly well aware of that.
175. You are aware that he published certain matters in connection with that case? The papers were not given to him as a public journalist, but as a private friend of Mr. Bentley.
176. Of which you had no knowledge? Of which I had knowledge; I was told so by Mr. Hanson himself.
177. You had no direct knowledge of it? I had no doubt of it.
178. Yet you absolutely refused to allow Mr. Bentley to see this statement of Mr. Harrison until the opinion of the Crown Solicitor had been obtained? Not Mr. Bentley, but Mr. Bentley's solicitors.
179. And you have already stated that Mr. Bentley never authorized you to shew that report to any one, or to take it for granted that any two gentlemen who called at your office, were his friends? At the time the document was shewn, as I have already stated in my evidence, I do not believe Mr. Bentley was aware of its existence; and with reference to the two gentlemen being friends of Mr. Bentley, I had not the slightest doubt.
180. You had no intimation of the fact from Mr. Bentley? Nothing in writing.

- Jno. M'Lerie, Esq. 181. Had you anything verbally? I have just told you that Mr. Bentley said Mr. Wrench was a very old friend, and that they had known each other in England.
182. Was this prior to this document being shewn to Mr. Wrench? Yes.
- 14 Nov., 1862. 183. You had no such assurance in relation to Mr. Hanson? Beyond what Mr. Hanson told me himself; and I had no reason to doubt him.
184. *By Mr. Morris*: You remember the 25th April, when an assault was said by Mrs. Bentley to have been committed upon her? Yes.
185. That was communicated to you? Yes, it was; after the assault I saw Mrs. Bentley.
186. At that time the detective police, who were in the habit of following Mrs. Bentley, were withdrawn? On that particular day, but they were there afterwards.
187. Does Mr. Harrison, in his written statement, inform you that Mrs. Bentley alleged that she was assaulted upon another day, and that on that day he had a detective watching, and that this detective saw no such interference with her? In the written statement Inspector Harrison handed to the Chief Secretary during my absence, and which was shewn to me on my return. I read it over, and called Mr. Harrison before me. I said, "Some of the facts you reported to me verbally, as they occurred, are not stated in the written report." He said, "Mr. Cowper was anxious to get it in a hurry, as there was some gentleman in the House who had asked a question which he wished to answer." I said, "There is one particular fact omitted. On the second occasion, when Mrs. Bentley stated that she had been stopped at Enmore, near Mr. Josephson's house, while the man was there watching her, you have omitted that." He said, "So I have; it was omitted by mistake. It was drawn up in a hurry, but it is in my diary."
188. *By Mr. Wilson*: You stated that as a fact—how do you know it was a fact? Because as the circumstances took place they were reported to me.
189. You know that as a fact then, from the statement of the inspector, and not from your own knowledge? Yes. Mr. Harrison told me that after the last assault—I think it was during some holidays—Mr. and Mrs. Bentley requested he would withdraw the man from Enmore, as there was not much chance of anything occurring. "However," he said, "I was determined to see what would occur, and a man was placed there, and he remained there and kept her in view, and he said that no person spoke to her from the time she left Mr. Josephson's till she got into the omnibus."
190. *By Mr. Morris*: Were not these holidays, to which you refer, in the week on which the previous assault occurred? It was immediately after the first alleged assault.
191. How long was it after the first alleged assault? I cannot say how many days, but immediately after.
192. What holidays do you refer to? Mr. Harrison mentioned the matter, giving as a reason for the withdrawal of the man for escort, the holidays.
193. Surely the holidays were the Easter holidays? They may have been.
194. *By Mr. Johnson*: You do not mean to say that Mr. Harrison said he had somebody there at the time she was actually assaulted? No person was there upon that occasion.
195. Now I ask you if Mr. Harrison told you that he had a man to watch her upon the occasion subsequent to that upon which she said some one passed her and spoke to her offensively—are you sure that was afterwards? Afterwards.
196. Did anything of the kind ever occur after that? After that.
197. You are quite sure that this transaction was subsequent to the alleged assault? Yes, I am.
198. The date of the assault was the Friday of Easter week? I cannot speak positively as to the day, but it was during the Easter holidays.
199. Take that as an assumed date? You may.
200. I understood you to say that Mr. Harrison told you that he had a man to watch her upon a subsequent date? I am almost sure it was a subsequent date. Mr. Harrison's diary will tell.
201. *By Mr. Morris*: Have you that diary yourself? No, it is his own private property.
202. *By Mr. Hoskins*: Is it private property? Yes.
203. Is not the inspector of the detective police required to keep a public diary of the actions of himself and of his subordinates? Yes; the diary of the whole of the detective force is kept in a printed form.
204. *By the Chairman*: Is the diary which Mr. Harrison keeps transcribed into a public journal? In his office.
205. It is a public document? Yes.
206. That would be a document on which you could rely? ———
207. *By Mr. Hart*: Does he keep two diaries? Not that I am aware of.
208. *By Mr. Johnson*: Did Mr. Harrison tell you that it was in consequence of doubting the assault that he sent somebody to watch Mrs. Bentley afterwards? At this time Mr. Harrison began to express some doubts of the whole matter.
209. That is not an answer to my question—did Mr. Harrison state that he sent somebody to watch Mrs. Bentley because he doubted the truth of her statement about the assault? I will not say he made use of that expression, but he said he had a man there at any rate.
210. Was it not about a gentleman who she alleged had spoken to her, had been rebuffed by her, and had left her? There was something about a gentleman who jumped off the omnibus and followed her from Newtown to Enmore, but whether it was at this time or before, I am not sure, but it is word for word in the detective diary.
211. I want to have the impression Mr. Harrison made on your mind—was it not in reference to a gentleman whom, she alleged, she had seen at the concert the night before? I cannot say so.

212. When was it he told you of it—was it after you had heard of the alleged assault? Jno. M'Lerie, Esq.  
Yes, after that, for I saw Mrs. Bentley personally at her own house, upon the subject of the alleged assault.
213. Was it after you had seen her that Mr. Harrison told you this? After that—I am positive it must have been after that. 14 Nov., 1862.
214. Of course it would have struck you as a very singular thing that, if he had suspected her before the time of the alleged assault, he would not have watched her on that day? No doubt that was the impression of Harrison in sending the man out—he must have had some doubt of her former statement as to the assault.
215. That was the reason of sending somebody afterwards to watch her? Yes, I dare say.
216. *By Mr. Morris*: Does not Mr. Harrison state in his report that, at the time of the alleged assault, he doubted her truthfulness? He does.
217. Does he not state that he laid a trap for her? I remember the conversation that took place between himself and me, the morning after I had seen Mrs. Bentley. I said—“Last night I saw Mrs. Bentley on the subject of the assault, and she gives the particulars certainly with great minuteness; and if the circumstances took place as she says they did, she is the coolest woman I ever met, and the circumstances are very extraordinary.” Harrison said, “You will find them still more extraordinary.” He must have had some doubt at this time.
218. Is it not the case that the various members of the detective police dress themselves in a great variety of ways? They do sometimes, in order to detect crime. I have seen some dressed in such a way that I could not recognize them myself.
219. Is there any diary or memorandum kept of the various dresses they wear upon certain occasions? No, but of certain duties they are employed upon.
220. Not of the dresses worn by them? No.
221. Would it not be desirable? As the detective force is looked upon with so much suspicion in this part of the world, perhaps it would be as well.
222. You are aware that detective police have turned out to be engaged in crime which others have been sent to detect? I have had no knowledge of anything of the kind since I have been connected with the police.
223. Have no members of the detective police, or at any rate no persons employed by the head of the detective police, ever been convicted of crime? Do you mean of crime for which other parties have been taken up?
224. Have you not known of cases where they have instigated other persons to commit crime? No.
225. *By the Chairman*: Armitage's store? That was as base a rumour as ever was circulated.
226. *By Mr. Couper*: It was not the case, then? It was not the case.
227. *By Mr. Morris*: Has Inspector Harrison related to you other facts which go to criminate the Bentleys themselves which he has not put in that report? Yes, one other point is omitted; that is, in relation to the letter that went to Government House, which I have produced. Inspector Harrison stated to me, as a most extraordinary thing, that Mr. Bentley seemed to be aware that a letter had gone to Government House—one of these anonymous letters—and on two or three occasions he expressed his surprise that the Governor had not made it known to him; and Mr. Harrison said to me—“It appears a most extraordinary thing that I never heard of this letter going to Government House except from Mr. Bentley himself; how could he know of the existence of a letter?”
228. *By Mr. Johnson*: Did Mr. Harrison give you a detailed account of what took place about that? About that letter?
229. About the suspicion that some such letter had been sent to Government House? Mr. Bentley stated that he had reason to believe that a letter had gone to Government House, for Lady Young had met Mrs. Bentley on some occasion and passed her unnoticed.
230. Was not the statement to this effect, that having understood that these letters had been sent in all directions where she visited, or was taken notice of, and that Lady Young having, as she supposed, cut her in the street, he had ground to suppose that some such letter had been sent to Government House? Yes; he expressed himself warmly, and said he thought the Governor was acting in an ungentlemanly manner in not making him acquainted with it if he had received a letter.
231. Did he not say he had gone to Government House to inquire about it—was not that part of the communication Mr. Harrison made to you? No; I said to Mr. Harrison, “Go to the Private Secretary, with my compliments, and ask him if any anonymous letter has been sent there, and, if so, ask him if he will be so good as to let me have it.”
232. Can you recollect fully the nature of Mr. Harrison's communication to you, when he appears to have insinuated that a particular letter had been sent to Government House—was it not a mere suspicion that Mr. Bentley expressed—did he not state that as they had been sent in other directions, and as Lady Young had behaved in this peculiar manner to Mrs. Bentley, he had a suspicion that something of the kind had been sent? Mr. Harrison said that Mr. Bentley, from the fact of Lady Young having passed Mrs. Bentley a few days before unnoticed, supposed he had reason to believe that the Governor had received an anonymous letter.
233. That is the foundation of the suspicion that they had sent it there themselves? I am not saying that they had sent it there themselves.
234. When did Mr. Harrison allege that he had this particular conversation with Mr. Bentley? When the letters were going about.
235. Was it in November or July? It must have been after the police were put in action the second time in the matter—that was in April.
236. Was there not, about the month of May last, another somewhat remarkable correspondence



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- pondence with regard to D'Apice, at Government House, about some ridiculous matter of being allowed to wear orders? That had to do with the same matter as the newspaper advertisements signed "Meg Dodds."
237. Had not this something to do with the letter to Government House? No, the letter with respect to Signor D'Apice being allowed to wear some foreign order was sent to me by the Private Secretary, with directions from the Governor to inquire who the person was.
238. Was not that somewhere about the month of May? It may have been about that very time.
239. Did Mr. Harrison tell you that the conversation about the Bentley letter to Government House was at all connected with the conversation about the letter to Government House respecting D'Apice? No.
240. Have you the envelope of that letter to Government House? I have not with me.
241. Do you know whether you have it? I do not think, when the Private Secretary sent it, there was an envelope with it; there may have been.
242. Did you understand that it came through the post? To Government House?
243. Yes? I did so.
244. With the abilities of Inspector Harrison, and the force at his command, do you think it would be an easy thing for two persons, or for one person, while under their surveillance, to write two or three letters, and post them, without detection? I think with the amount of surveillance they exercised in endeavouring to trace out the perpetrators of these anonymous letters, it would have been almost impossible.
245. You believe it would have been impossible for the Bentleys themselves to have done it, after Mr. Harrison's suspicions were aroused? No; my opinion refers to the persons who were suspected, for they were so closely watched, that I think it was impossible for them to have written and posted letters without being observed.
246. Then, when Harrison's suspicions were aroused with respect to the Bentleys, seeing that he had detectives in the house who could watch them, was it not equally impossible for them to write letters without being observed? The detectives were not in the private apartments of the house—they were kept below.
247. There were only Mr. and Mrs. Bentley and two servants in the house;—do you mean to say that Mr. Harrison and his subordinates could not have exercised as vigilant a surveillance with respect to those people as does any in the community? What would be the object of the surveillance?
248. It is a very plain question: Harrison is said to have come to the clear conclusion that the Bentleys were the authors of these anonymous communications;—having come to that conclusion, and having detectives to watch both inside and outside the house, I ask, could he not have exercised as strict a surveillance upon all these inmates as any individuals in the community? Not as regards writing letters.
249. And posting them? And posting them.
250. In the case of another person who was suspected, you come to the exhaustive process that he could not have done it because he was so closely watched? The persons we suspected and watched were a foreigner and an Englishman; and the letters, if written by them, could not have been written without their being together, as they must have been written by one at the dictation of the other.
251. That is a theory of your own? That is a theory.
252. Let me touch your theory a little. Your theory is, that no one of these letters which were posted during the time in question could have been written by the man who wrote them, except in the presence of the man who dictated them? The inference is, that no man could do it without being instigated by motives of reward.
253. I am not asking you about the motives which might have instigated the parties; your theory is, that the letters could not have been written without both these parties being present? The theory goes thus far—Mr. or Mrs. Bentley might have written without the knowledge of the police, though they were in the house, and they might have been posted by Mr. Bentley, because he goes to the club; but in the case of the parties suspected, no letter went from their houses during the time without the knowledge of the police.
254. What was there to prevent your watching Mr. and Mrs. Bentley any more than to prevent your watching the other person to whom you refer? The object—
255. I am not asking the object of the police; I ask you, what was to prevent your watching the Bentleys any more than any other person—why not? God bless my soul! If Mr. Harrison thought Mrs. Bentley posted the letters, could he not know for a certainty of it? Because she was not watched.
256. How could she send them to the post office without the knowledge of the police? The letters might have been posted in twenty different ways.
257. Would you think it the act of a vigilant policeman, having a suspicion that a person who charged others with sending anonymous letters was herself the writer, and having the opportunity of watching the movements of the people in the house, both within and without, did not avail himself of the means? It was not his object—
258. I want to know whether, if Mr. Harrison came to the conclusion that the Bentleys themselves had been guilty of enormity they charged against others, he would have acted with sufficient vigilance in not keeping a watch upon their movements? These suspicions against Mr. and Mrs. Bentley were the suspicions of Mr. Harrison alone; he was not watching Bentley's house, and never communicated his suspicions to his subordinate officers.
259. You are not answering the question? I am answering the question, if you will allow me. The detectives who were watching Mr. Bentley's house had no suspicions at the time.
260. I am not asking about those who were watching about Bentley's house;—would it not be a most remarkable want of duty, in a detective who had come to the conclusion that the persons who had charged others with the commission of this offence were themselves guilty,  
if

if he neglected to take every opportunity to determine the question? It would be a most gross dereliction of duty. But the detective officers in the house had no suspicions; these suspicions were confined to Harrison. Jno. M'Lerie,  
Esq.

261. *By Mr. Wilson*: Why did not Mr. Harrison take all the steps in his power to find out whether his suspicions were correct;—he was the person employed to find out who were the authors of these letters, and as he suspected that the Bentleys were the authors, why did not he take means to discover them? 14 Nov., 1862.

262. *By Mr. Johnson*: You come to the conclusion that A, who is suspected of writing these letters, did not write them, because he has been watched so closely as to render that impossible;—that involves a very high degree of surveillance; but why could not the same degree of surveillance have been exercised towards Mrs. Bentley by Mr. Harrison after his suspicion took that direction? That is a question for Mr. Harrison to answer.

263. It is a question for you to answer? Mr. Harrison has a number of duties to perform; if he gave himself entirely to the Bentley case he must neglect them, and confine himself exclusively to their house.

264. Why so? He never communicated his suspicions to his subordinate officers.

265. Why did not he? I do not think he had any right to do so.

266. Why could he not come to you, and say, "The Bentleys have done this; let me have a couple of detectives, and if any more letters come I will prove that they posted them";—would not that be the natural way to act? I do not think so.

267. You think it was a proper thing for a detective officer to come to the conclusion that the Bentleys were guilty, and to take no steps to convict them—is that your opinion? No, it is not.

268. What is your opinion? That Harrison did all his duty in the matter.

269. *By Mr. Wilson*: You have stated that there were two parties watched by the police—one a foreigner, and one an Englishman; and you have given it as your decided opinion that neither of those parties wrote or posted the letters, because it could not have been done without they had been both together;—now I wish to know distinctly the grounds of that opinion—why could not the letters be written and posted when the foreigner and Englishman were not together? The Englishman I allude to was pointed out to me as the probable amanuensis of the foreigner, when suspicion first pointed at him, and I came to the conclusion that no amanuensis would write a letter except at the instigation of his principal.

270. How do you know there was a principal? Because Mr. Bentley's suspicions pointed to one.

271. Suppose this Englishman had been educated on the continent, and were a thorough continental scholar, could he not have written without the instigation of the other? Yes; but as Signor Cutolo was suspected of being the author, and Mr. Montagu of being the amanuensis, the inference with me was that the letters would not have been written unless both had been present.

272. That was only a suspicion? It was suspicion that pointed them out.

273. It was simply a suspicion that one was the author and the other the amanuensis;—has anything come to the knowledge of the police such as to enable you to make a statement as to the absolute necessity of these two parties being together, or to shew the impossibility of Mr. Montagu being the sole writer of these letters? Nothing whatever.

274. Then there was no absolute necessity for these two parties to be together to enable these letters to be written and posted? The natural inference is, that if one were the principal the letters would not have been written without he were present.

275. According to my judgment you had no right to infer that that was the case;—a certain suspicion was stated to the police, as a ground-work to enable them to ferret out the author of the letter, and they might have had a conviction that there were two persons engaged in it, but what proof had they? From being distinctly pointed out by Mrs. Bentley as the suspected parties.

276. Do you think that the circumstance alone of suspicion having been directed to them would justify the police in taking it as an established fact? Until new ground was taken up.

277. Then the police arrived at this conclusion—that two did not do it in unison, but one may have done it? That is my own opinion now, that it may have been done by a single person, but the inference was that the letters were not written without both parties were present.

278. Then the police had no evidence that Signor Cutolo did not do it, or Mr. Montagu singly. If the evidence of Mr. Harrison—

279. *By Mr. Johnson*: As far as you know? As far as I know, it may have been written when only one of the two were present.

280. When you say the attention of the police was directed entirely to these individuals in consequence of Mrs. Bentley saying they were the persons, are you not aware that in the first place there was another person suspected? When the letters were first promulgated the name of Mr. Rawack was mentioned; then some circumstances arose that made it almost impossible that he could have been concerned in it; then Signor D'Apice was mentioned, and then Signor Cutolo.

281. Was it not Mr. Harrison who more particularly expressed his suspicion of Signor Cutolo? In one or two conversations I had with Mr. Hanson, Signor Cutolo's name was mentioned by him as strongly suspected.

282. Did he state his reasons? I think he said professional jealousy in the case of all the three persons mentioned.

283. Did he not, in point of fact, make out such a case that he impressed the police with the same belief? Yes; it was my belief at the time.

- Jno. M'Lerie, Esq. 284. A man of your experience would not believe it because some person said so, but from all you heard you formed the same opinion? Yes, I believed at the time Mrs. Bentley was a martyr to professional jealousy.
- 14 Nov., 1862. 285. You looked upon him as a person having a motive? Yes.
286. And being a foreigner you thought he had somebody to assist him? Yes.
287. About this theory of joint action;—could not the foreigner say to the other, "Go home and write me such a letter," and could not the Englishman write it at his own house? Yes.
288. Then the theory of joint action has no application to such a state of circumstances? Not under the circumstances you mention;—they may have acted individually as well as collectively.
289. I suppose one man may have suggested the letter at one place to one person, who may have written it in another place and given it to a third person to post? All those facts are just possible.
290. Or he may have posted it himself? Yes.
291. You do not mean to say that you so closely watched this person that he could not have posted a letter without your knowledge? No, but I know they were not together within certain periods.
292. But they were not so watched as that they could not have written or posted these letters individually? These houses were watched, and there was no communication between them.
293. *By Mr. Hoskins*: You cannot undertake to say that one of these two persons did not post these letters? No.
294. *By the Chairman*: There is a great family likeness between these letters? Family likeness?
295. The characters of these letters resemble each other? Some of the letters are in a female hand; most of them are in that style (*referring to the letter*).
296. The story told in the letters is similar? Yes, base charges against the lady.
297. After the story had once been concocted between two people it could be repeated *ad libitum*? Yes; one letter purported to be from a lady at Darling Point, for Mrs. Bentley to call upon her to make arrangements to give instructions to two of her daughters.
298. *By Mr. Morris*: When your suspicions were aroused with regard to the Bentleys, or with regard to some other parties—did you not do what you did in the case of Mr. Montagu and Signor Cutolo, compare the handwriting of the anonymous letters with the handwriting of the Bentleys? No, I had no means of doing so at the time.
299. Have you not yourself expressed an opinion, that the handwriting of the anonymous letters is much more like the handwriting of Mr. Bentley than the handwriting of Mr. Montagu? Take it altogether, that the style is more that of Mr. Bentley.
300. Have you ever seen any letters written by Mr. Bentley—that you know to be written by him—in any hand different from that of the letters you received from him? I have seen letters supposed to have been written by Mr. Bentley.
301. Probably you will be able to give to the Committee, or to get for the Committee, those letters that you suppose were written by Mr. Bentley, and which were in a different hand from his ordinary hand? Yes.
302. Will you have any objection to state in whose possession these letters, the handwriting of which you think so similar to that of the anonymous letters, are? I am in the hands of the Committee; I am not sure that I should be able to produce them without the consent of the gentleman.
303. *By Mr. Johnson*: I may ask who is the person? I have no objection to mention his name—Mr. Hanson. I produce the letters now. (*The witness produced the same.*)
304. These three letters which Mr. Hanson provided you with are all anonymous letters, addressed to the Editor of the *Empire*? Yes. One signed "Truth," one "One in the Secret," and one "Colonist."

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TUESDAY, 18 NOVEMBER, 1862.

Present:—

MR. MORRIS,  
MR. WILSON,  
MR. LEARY,

MR. LUCAS.

MR. HOSKINS,  
MR. COWPER,  
MR. W. FORSTER,

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

Mr. Johnson appeared on behalf of the Petitioner.

John M'Lerie, Esq., Inspector General of Police, called in and further examined:—

- Jno. M'Lerie, Esq. 305. *By the Chairman*: You received a requisition to produce any further papers or documents you might have in your possession relating to this case? I did, and in compliance with the instructions of the Committee, on my return to my office on the last day I was examined, I directed the Inspector of the Detective Police to be prepared to hand me this morning his diary, which I now produce. (*Diary produced.*) I may say that I have not seen that diary myself; it is sealed up, and I have thought it better not to look at it till my examination is over. I have also to hand to the Committee forms of the weekly duties performed
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performed by the detective police, which I have directed the inspector to fill up from the time I introduced them in May last. (*Handed in.*) I may as well also state that Inspector Harrison, on receiving my instructions, informed me that in this diary, and mixed up with matters connected with the inquiry in the Bentley case, were private memoranda having reference to other matters; and in order that the Committee might, if they thought fit, take only those matters having reference to the Bentley inquiry, I directed the inspector to transcribe all having reference to that matter, which transcript is here, and the Committee will be able to compare it with his diary. (*Transcript handed in.*)

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306. *By Mr. Wilson:* Is there anything in the diary of such a private nature that the inspector would not like it to be seen? The inspector has no objection to the Committee looking at it; but in order to save time, this is a transcript of all having reference to the Bentley inquiry. With reference to the duties performed by the detective police, as entered in the forms I have handed in, perhaps the Committee will be kind enough to bear in mind that the "special duty" there referred to has reference to the Bentley inquiry.

307. *By Mr. Johnson:* I should like to know the earliest date at which Mr. Harrison communicated to you his alleged suspicion that the Bentleys were themselves the authors of these anonymous letters? In my former evidence I said, that after I had had an interview with Mrs. Bentley, I saw Harrison the next morning and told him of that interview, and at the same time expressed my surprise at the extreme coolness of the lady, under all the circumstances, after such a grievous assault had been said to have been committed upon her.

308. You told me all that before, when I did not ask you, and I do not ask for it now? It was on that occasion that Mr. Harrison first mentioned his suspicion that the Bentleys themselves were the authors of the letters.

309. Cannot you fix the date? I cannot; I did not make any memorandum of it.

310. You only once saw Mrs. Bentley? Yes; on that occasion.

311. Did Mr. Harrison tell you at that time that he was no longer concerned in endeavouring to discover anybody else? He did not say anything of the kind on that occasion.

312. When did he first tell you he was sure the Bentleys were the authors of the letters themselves? Not till my return from the country, when he handed in a written report to the Chief Secretary,—not till then did he state, positively, that that was his opinion.

313. When was it you returned from the country? It was about the end of June.

314. He had given up the case long before that, had he not? I do not think he had altogether abandoned the case before that.

315. In Mr. Harrison's report, he states that, on the 25th April, he left the house, satisfied that Mr. Bentley, and no other, was the author of the anonymous letters, and the whole affair a fabrication;—are you aware that he states that he came to that conclusion on the 25th April? I am not aware of the precise date that he came to that conclusion.

316. As the head of the police, is it not your opinion, that if Mr. Harrison was so satisfied then, he ought to have taken means to detect the Bentleys in sending any further anonymous letters? I am not aware that he did not do so.

317. Are you aware that eight of these anonymous letters were posted after that date? I do not know, of my own knowledge, that such was the case.

318. Would it not strike you as a most unusual and unaccountable circumstance, that the Bentleys themselves could have posted eight of those letters without detection immediately following that period? I think it not at all impossible.

319. Would it not have been a very remarkable circumstance that these people, who were or might have been under the strictest surveillance of Mr. Harrison and his detectives, could have written and posted eight of these letters after he had satisfied himself that they were the guilty parties? They were more likely to have done it afterwards than before, because if that was the conclusion he came to in April, no doubt his surveillance was relaxed, and therefore they would have better opportunities. But I do not know that it was the case then.

320. Then your theory is, that as soon as he was satisfied that the Bentleys did it themselves, he relaxed in his efforts to prove that they were guilty? I did not say so; I said that if he was satisfied that no other parties had written the letters, he may have relaxed his efforts.

321. Do you not think it was his imperative duty to detect them if he believed that they were the guilty parties? I question whether an officer of Mr. Harrison's experience had sufficient legal knowledge as to the consequences to the Bentleys themselves, if he thought they were the guilty parties.

322. I am not asking his opinion as to the legal consequences, but in a matter about which the whole community were excited, and in respect of which there was the highest degree of curiosity, or a much stronger feeling, to find out who were the real authors;—do you mean to say that Mr. Harrison would have done his duty if he had not taken means to detect them? He might have taken means to detect them, but I do not know what he could convict them of.

323. Would it not have been his imperative duty to detect them? Yes.

324. Would he not have had at least equal opportunities to detect the Bentleys as he would have had to detect any other persons? Looking at it as a police officer, I do not think he would.

325. Why not? Because the Bentleys, if the guilty parties, were then on their guard, whereas the parties suspected and looked after before that were not aware of the police being constantly watching them.

326. Are you sure of that? I am not sure of it, but I have no reason to believe they were; my impression is that they were not.

327. Do you know, in fact, whether Mr. Harrison took any steps whatever to detect the Bentleys

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- Bentleys in posting any communication after he had come to the conclusion that they were the guilty parties? I am not aware.
328. Did he tell you whether he did or not? Not to my recollection. In fact, I am sure he did not.
329. Do you know what means he took with respect to the two suspected parties, as to seeing whether they posted letters? I cannot give all the particulars of the means he adopted. He adopted the usual detective means. Mr. Harrison will be better able to explain to the Committee all the minutiae he adopted than I can.
330. Do you know from him whether he put these two parties under such surveillance that they could not have posted letters without being seen? Such was his report to me.
331. Surely he could have put Mr. and Mrs. Bentley under as much surveillance? I cannot say.
332. Why not—Mr. Bentley is secretary to a club, is he not, and lives in Elizabeth-street? Yes.
333. And the detectives were perpetually in his house? Not perpetually.
334. As long as Mr. Harrison chose to have them there? As long as Mr. Bentley required them.
335. Were the detectives ever in the houses of either of the two suspected parties? Not to my knowledge.
336. You only saw Mrs. Bentley on this one occasion that you have spoken of? Only on that one occasion.
337. On that occasion were you not passing the house, and did not Mr. Bentley ask you to step in? Yes.
338. Mrs. Bentley was just about going out—she had her bonnet on? I think she was sitting in the drawing-room, with her bonnet on.
339. Was anything said at that interview about the assault? Yes.
340. Both Mr. and Mrs. Bentley being present? Yes.
341. What was said? Mrs. Bentley described, with great minuteness, the dress, appearance, and even the crest on the ring of the man who assaulted her, and also the figure on the shirt that he wore.
342. What did you say? I listened to the lady.
343. Does your answer mean that you said nothing? I listened to the lady, and put several questions to her. I asked as to the colour of his hair and whiskers, and Mrs. Bentley said she was quite sure he wore false whiskers.
344. Was Mr. Bentley present? Yes, and left the drawing-room and came down stairs with me.
345. Did any other conversation occur at that interview? A little drawing-room small-talk—that was all. Mrs. Bentley did not seem desirous of continuing the conversation in connection with the assault.
346. Did any other conversation take place? Yes.
347. What about? Well, I recollect having said to Mrs. Bentley, "I have a piano in my house that you brought out from England with you." That was part of it.
348. Did you ever have any conversation with anybody else about the circumstances of that assault, and Mrs. Bentley's description of the person who assaulted her? No doubt I had.
349. With Mr. Wrench? Yes.
350. Did not Mr. Wrench give you those particulars of the appearance of the individual who committed the assault? No; my impression at this moment is that I saw Mrs. Bentley before I saw Mr. Wrench.
351. Are you sure of that? No; my impression is that it was the second or third day after the assault was said to have taken place, that I was passing Mr. Bentley's house.
352. Did you not see Mr. Bentley on Monday, the 28th of April, a few yards from your own office? I recollect, since I was here last, that I met Mr. Bentley at the corner of Market-street, near my own office, about that time.
353. Did he not shew you one of these anonymous letters at that time—the letter in which the writer boasts of the assault? I think he did.
354. Were you intending to call on Mrs. Bentley on the day the interview referred to took place? I was not; I was going down to the Chief Secretary's Office, and I was called in by Mr. Bentley, who was standing at the door of his own house.
355. Did you at that interview state something to this effect: Mr. Harrison tells me things are going on much in the same manner; I fear you must be tried very much, Mrs. Bentley? I may have said so.
356. Do you recollect saying so? I do not; it is just possible I did say so.
357. Did she not in reply say, "Yes, I am afraid it is beginning to tell upon me"? Yes, now that you remind me, Mrs. Bentley made a remark of that kind—that the persecution was beginning to tell upon her health.
358. When Mr. Wrench was allowed by you to read this report of Mr. Harrison's, was he allowed, or did he, in fact, make a copy of it? He could not have made a copy of it, because he read it in my own office.
359. Where did Mr. Hanson see it? In his own office.
360. Was it left with him? Yes.
361. How long was it in his possession? I think about twenty-four hours.
362. Then he had an opportunity of taking a complete copy of it? He might have done so, if he would have been guilty of such a breach of confidence.
363. He had the opportunity? Yes.
364. You have observed, I presume, that he was guilty of a most enormous breach of confidence? I do not know that he took a copy of it.

365. You know he commented upon it in his paper? Yes.
366. Do you not think that was a gross breach of confidence? As I said on a former occasion, Mr. Hanson was a public journalist, and, as this had become a public matter, he might have thought he had a right to make use of it.
367. I do not ask what he might have thought, but what you thought. When you had prevented Mr. Bentley himself from seeing this report, do you not consider that it was a gross breach of confidence on the part of Mr. Hanson to publish anything relating to it? As a private individual, I think it was; but as a public journalist he might have thought he was doing right.
368. Without drawing distinctions of that kind, what is your opinion of the conduct of Mr. Hanson—was it not, and is it not your opinion now, that it was a gross breach of confidence? I am of opinion that Mr. Hanson was guilty of a breach of confidence towards me in the matter.
369. Did you ever remonstrate with him about it? I did not.
370. You have had other communications with him since, have you not? Once or twice.
371. Did you never ask him how he came to be guilty of such a breach of confidence? I did not.
372. It does not seem to have made much impression on you? Whatever impression it made, I did not feel justified in making any remarks upon it.
373. How many interviews have you had with Mr. Hanson since he committed that breach of confidence? Not many—not above two.
374. When did they take place? One a few days ago, and the other when the letters I handed in the last day I was examined were given to me—the anonymous letters addressed to the editor of the *Empire*.
375. When did he give you those letters? I think it must have been in June, before I went into the country.
376. Before you went to the country? Yes. They have been in my possession ever since.
377. For what purpose did he give them to you? Because he suspected Mr. Bentley was the writer of them.
378. Before you went up the country? Yes.
379. Will you state the date when you went up the country? It was the middle of June, I think—about the 14th or 15th.
380. It was before you placed Mr. Harrison's report in Mr. Hanson's hands—you were in communication with Mr. Hanson, with reference to a suspicion against the Bentleys, before this report was concocted? I will not be positive now, whether it was after I returned from the country or before, that I got these letters from Mr. Hanson.
381. *By the Chairman*: Do you know of any means of refreshing your memory? I do not.
382. *By Mr. Johnson*: Surely the very sequence of facts must make it unmistakable;—does it not strike your memory at once whether you gave Mr. Hanson this report, as a friend of Mr. Bentley, before or after he had given you these letters as his enemy? I will not be positive.
383. I understood you to say, at first, that these letters were given by Mr. Hanson to you before you went up the country? That was my impression when you first asked the question; but I should not like to be positive, now, whether they were given to me before or after.
384. Were they given to you after you had shewn Mr. Hanson Mr. Harrison's report? No, not afterwards. I have had no communication with Mr. Hanson since then, till the other day. The report was returned by Mr. Hanson to me at my office in an envelope, and from that time till within the last few days I have had no communication with Mr. Hanson.
385. What was Mr. Hanson's avowed object in placing these letters in your hands? Because it was not the first time he had suspected Mr. Bentley of writing anonymous letters. He had some letters of his in his possession, and from the similarity of the handwriting he thought these were written by Mr. Bentley.
386. That communication occurred at the time you were treating Mr. Hanson as Mr. Bentley's friend? Yes.
387. How could you, at that time, consider Mr. Hanson as a friend of Mr. Bentley? Because he avowed himself to be such.
388. When he was furnishing you with the means of convicting him of most disgraceful conduct? He avowed himself as having been the friend of Mr. Bentley.
389. Your justification for shewing this document to Mr. Hanson was, that you understood him to be Mr. Bentley's friend? Yes.
390. *By Mr. Hoskins*: Did you understand him to be on terms of personal intimacy with Mr. Bentley? From what he said I thought he was. Mr. Hanson was, in fact, the first person who put the police in motion on Mr. Bentley's behalf.
391. *By Mr. Johnson*: I understood from you, that you were aware from Mr. Hanson that he was assisting you to convict the Bentleys of being the authors of these anonymous letters? He was not assisting me at all. He put the letters into my hands, and said he suspected they were written by Mr. Bentley, at the Australian Club.
392. You do not mean to say that when he placed these letters in your hands, it was not for the purpose of assisting the police in bringing this matter home to the Bentleys? It was nothing of the kind. He said he suspected, from the real handwriting of Mr. Bentley, that these letters that he handed to me were written by him.
393. I thought you stated that he had given you these, which he suspected to have been written by Mr. Bentley, on account of the similarity of the handwriting to that of the anonymous letters? No; Mr. Hanson said to me at the time, that he was of opinion that Mr. Bentley was in the habit of writing anonymous letters, and that from the similarity of his

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- Jno. M<sup>r</sup>Lerie, his handwriting to those which he handed to me, he thought they had been written by him.  
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394. What had that to do with the matter, unless he was suspected to be the author of these other anonymous letters? That was Mr. Hanson's opinion.
- 18 Nov., 1862. 395. Expressed to you at the time? Yes.
396. And nevertheless you placed this document in his hands, and left it with him for twenty-four hours, upon the assumption that he was a friend of Mr. Bentley's? Yes.
397. Having at the same time, and afterwards, declined to shew Mr. Bentley or his solicitor the same document? Mr. Bentley never applied for it.
398. Well, his solicitor? I gave it to his solicitor.
399. Did you not decline to give it to his solicitor till you took the advice of the Crown Solicitor? Yes.
400. Did you not keep him waiting for it several days? It was given to him the next or second day after the application.
401. *By the Chairman*: You previously gave it to Mr. Hanson without any such delay? Yes.
402. *By Mr. Johnson*: Did you yourself observe any similarity between the anonymous letters that Mr. Hanson gave you and the ones in question in this case? Not between them and the letters in question in this case, but between them and Mr. Bentley's handwriting I did.
403. My question is, did you see any resemblance between the anonymous letters Mr. Hanson gave you and the anonymous letters in question in this case? No such comparison was made by me.
404. Cannot you answer the question in direct terms? Not having made the comparison, I did not, of course, see any similarity.
405. I understand, then, that you did make a comparison with Mr. Bentley's true handwriting, and that you thought there was a similarity between the two? Yes, I did, and I think so still.
406. Are you quite sure that you never expressed an opinion that Mr. Bentley's handwriting in these anonymous letters that Mr. Hanson gave you (assuming them to be his) was more like the handwriting of the anonymous letters connected with this case than Mr. Montagu's;—have you not expressed an opinion that the handwriting of these three anonymous letters which Mr. Hanson gave you (upon the supposition that they were Mr. Bentley's writing) is more like the anonymous letters in question in this case, than Mr. Montagu's handwriting? I have never said so.
407. Is your memory very bad? No, I believe I have a tolerably retentive memory.
408. Have you not said so in your examination here the other day? I do not think so. If I have said so, I must have misunderstood your question.
409. *By Mr. Morris*: Do you not remember that when I first got out these letters from you at all, I asked if you had not yourself said that you had seen handwriting of Mr. Bentley's which was more like the anonymous letters than that of Mr. Montagu, and that was one of the reasons that led you to suppose they were the authors of these letters themselves? The comparison of the anonymous letters handed to me by Mr. Hanson was made with the original letters of Mr. Bentley; and if I gave such an answer as that, I must have intended to convey that the handwriting of the anonymous letters given to me by Mr. Hanson was more like the original handwriting of Mr. Bentley than the anonymous letters in question in this case.
410. *By Mr. Johnson*: Are you able now to state with distinctness when Mr. Harrison was first employed upon the second occasion? I think it was in March.
411. Was it not after the 17th March? It was in the month of March, after Mr. Bentley called upon me.
412. You told us that before? I did not keep notes of all these things.
413. Are you able to recollect now whether Mr. Harrison told you that he had detected Mrs. Bentley in a falsehood, as to her having been met by a gentleman before or after the alleged assault? After the alleged assault.
414. *By Mr. Morris*: Did Mr. Hanson not furnish you at one time with some anonymous letters that he alleged to have been written by Mr. Montagu? No; he mentioned to me a quarrel he had had with Mr. Montagu. He said Mr. Montagu had been in the habit of writing musical or theatrical critiques for him, and he found him false once, and had ordered him out of his office.
415. Did he ever say he had been dismissed from the office for writing anonymous letters? No; he said he had for some time written either musical or theatrical critiques for the *Empire*, and that, finding he was not what he represented himself to be, he ordered him out of the office.
416. Did Mr. Harrison ever lead you to suppose that Mrs. Bentley was the victim of her husband in this matter, with regard to these anonymous letters? He never mentioned any thing of the kind to me; he said that it was between them. On more than one occasion he expressed his opinion to me that it was between Mr. and Mrs. Bentley—that they were both mixed up in it.
417. Did he tell you of any circumstances connected with the distress and anxiety of mind that Mrs. Bentley had exhibited to him on the subject, almost admitting that she knew all about it—in fact actually admitting that she knew all about it—but that she was under an oath not to divulge it? Mr. Harrison mentioned to me one morning that he had been at Mr. Bentley's house, that Mr. Bentley had left the room at ten o'clock, and that he had remained till one or two o'clock in the morning, and that Mrs. Bentley, during that time, had made some extraordinary disclosures to him.
418. *By Mr. Wilson*: Did he tell you the nature of those disclosures? He did not.

419. Do you recollect the date? No.
420. Do you know the month? It was in May or June, before I went to the country.
421. In your evidence, on Friday, you stated that an application was made to you to lay the Bentleys' case before the Government, and that you then stated that you would do so on the Bentleys making their statement on oath? I did.
422. Was Mr. Harrison's statement made on oath? It was not.
423. Why did you put the simple statement of Mr. Harrison before the Government, and refuse to place any other person's statement before the Government unless it was made on oath? From all that came within my knowledge, I never thought Mr. and Mrs. Bentley would make deposition to these facts.
424. Surely you must have considered a detective's word was equal to an ordinary citizen's oath, when you put them on an equality in that way? Mr. Harrison's statement was borne out by other facts.
425. Did you think, at the time, that it was borne out by facts? I did.
426. What was your personal knowledge of those facts? I only knew them from the police reports made to me.
427. You knew nothing about the facts connected with the case, except on the statement of Mr. Harrison? I did not, except from the impression made on my own mind by the interview with Mrs. Bentley at her own house.
428. Did you conceive that that impression was sufficient to enable you to refuse any one else's statement besides Mr. Harrison's unless it was on oath? It went a long way with me. The imperturbable coolness of the lady convinced me that the assault could not have taken place.
429. Under any circumstances, do you think it justice that such a thing should be done? It is a question for the opinion of the Committee.
430. I am asking your opinion; of course you may decline to answer the question if you choose? It is a matter of opinion.
431. I would like to get your opinion? Perhaps looking at it from two different points of view, opinions might be different. Looking at it from a police point of view, I think it is justice.
432. Have the police any right to look upon it in any other point of view than that of a desire to do justice? I think they have done their duty in the case.
433. I was asking a question whether it should not be their only desire to do that which is just? Precisely so.
434. Why could you not have placed statement against statement? No doubt Mr. Harrison, if necessary, will make oath to all the statements contained in that paper of his now.
435. Why did you not ask him to do so? I will do so if you like.
436. I am talking of your conduct in the case up to the present time—you refused to take the Bentleys' statement except on oath, but you receive Mr. Harrison's statement not on oath? Mr. Harrison's statement was made and handed to the Government before I came from the country. If I had been in Sydney, it is just possible I would have suggested the propriety of its being made on oath.
437. Do you not think that at the time you asked Mr. Bentley to make his statement on oath, you might have asked Mr. Harrison to corroborate his statement on oath? It might have had more the appearance of fair play certainly, but I have no doubt he will make oath to it now.
438. What grounds had you for requiring the statement of the Bentleys to be on oath? Facts that came to my knowledge.
439. Will you be kind enough to tell us how you came to know those facts? Only from information I received.
440. Then you know of no facts except those stated to you by the police? Except one—the conduct of Mrs. Bentley when I saw her at the interview I have spoken of, and that made an impression on my mind that the lady had never been assaulted as she described.
441. Will you state what that conduct was? The coolness with which she described the man so minutely, even the crest upon the ring he wore, and the positive assertion she made that he wore false whiskers.
442. I think you stated before, that she said she *thought* he wore false whiskers? No, she said she was sure he had false whiskers.
443. What was the description she gave of the ring? She said it was a white cornelian, with a crest—a stag's head, or something of that kind; she described the crest, and also the figure of the shirt he wore—she said he had a figured merino shirt on.
444. That was not very difficult to remark? A lady who was being assaulted in the gross way she alleged, would be hardly likely, I think, to notice such matters so particularly.
445. Did you never hear of a lady, under such circumstances, being able to recognize and swear to a man;—did you never hear of a woman being able to assail the murderer of her husband, and hold him till help arrived? Such cases may have occurred.
446. I refer, for instance, to the case of Mr. Noble, who was killed in this city, some years ago, when his wife seized the murderer and held him? I was not in Sydney at the time.
447. *By the Chairman:* What reason have you to believe that Mr. Harrison will swear to all his statements, if necessary? I have no reason to doubt that he will do so; I have no doubt he will do so if required.
448. *By Mr. Wilson:* It has been stated that Mr. Harrison offered to place detectives in the boarding-houses in Sydney—are you aware whether there is any truth in that statement? I never heard of it.
449. Has Mr. Harrison power to do so? Not without my knowledge.
450. Is it ever done? Not to my knowledge.
451. It never has been done? Not with my knowledge.

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- Jno. M'Lerie, Esq. 452. Is it in Mr. Harrison's power to employ persons to detect crime without your knowledge or concurrence? If he hires them of course they must be paid, and I never pay any one who is employed without my authority.
- 18 Nov., 1862. 453. Is it not possible that he should do so? If he does, he pays them out of his own pocket.
454. Does he not get private rewards in some cases? Yes.
455. Could he not pay these persons out of money coming to him in that way? He might.
456. Are you aware, as a fact, that these men are employed by the detectives without your being consulted? I am not aware of it.
457. Have you heard that such is the case? Mr. Harrison frequently gets information from people in the town, no doubt.
458. Are you aware whether Mr. Harrison or any of the other detectives pay men themselves for services rendered or information given? If they do it is out of their own funds.
459. Are you aware whether they do so or not? Yes, I am aware they do.
460. Some time ago, in Cockerell's case, it was proved at the trial that a man of very bad character, named Grant, was employed by the detectives;—was that man employed with your sanction or concurrence? That was during Mr. Singleton's time. I think he must have been paid by Mr. Singleton himself. I cannot pay a farthing without the sanction of the Government.
461. How was this man Grant paid? I do not recollect. I do not recollect any application for a sum to pay him, and therefore I conclude he was paid by the police themselves.
462. Do you recollect about two detectives being employed in the case of the Bucknells? Yes.
463. Were those men employed with your sanction? They were employed with the sanction of the Government.
464. They were allowed to go and hire themselves in the Bucknells' employment with the sanction of the Government? They were; I got the sanction of the then Chief Secretary, Mr. Watson Parker.
465. *By Mr. Morris*: With regard to your conversation with Mrs. Bentley—did Mrs. Bentley not say to you that the man who assaulted her told her to observe him well, and to tell Mr. Harrison that he wore a gold ring with a cornelian heart? Now you mention, I remember that she did say so. She said that after he had withdrawn his hand from her bosom he said, "Now, madam, you will know me again—there, you may tell Harrison that I wear a ring of this sort," shewing the ring with a cornelian heart or something of that sort.
466. *By Mr. Johnson*: Did not Mrs. Bentley represent that he used the words "gold ring with a cornelian heart"? Yes, that was the expression.
467. Was it a heart or an anchor? Either a heart or anchor.
468. Then her description was given from what she stated the man himself said—not from her own inspection? No, from what he told her; but she described the figure on the shirt from her own observation.
469. *By the Chairman*: Mrs. Bentley had related this matter to two or three people prior to speaking of it to you? Yes.
470. She had seen Mr. Harrison? Yes.
471. And no doubt she had related the matter to him, and also to Mr. Bentley? Yes, no doubt.
472. So that her excitement must naturally have worn off? That would depend upon the nature of the assault and the temperament of the lady.
473. *By Mr. Leary*: I do not know whether you have told us what was the nature of the assault? She said that he put his hand into her left breast, and tore the nipple so that the blood flowed.
474. *By Mr. Morris*: Did Mr. Harrison tell you Dr. Brereton's opinion? He did; he recited a conversation between himself and Dr. Brereton.
475. Could you relate that? Yes; he said Dr. Brereton had spoken to him of this assault, and said that, being the medical attendant of the family, he went to suggest that he, as medical attendant, should see the wound. Mr. Bentley objected to this, and said that before consenting he would consult Mrs. Bentley. Dr. Brereton saw Mr. Bentley subsequently, and Mr. Bentley then said that Mrs. Bentley had a delicacy in shewing her breast, and would not allow him to see the wound.
476. Did Mr. Harrison tell you whether Dr. Brereton had expressed an opinion as to any peculiarity of Mrs. Bentley's mind? No, I do not think he did.
477. *By Mr. Johnson*: Could that have occurred and you could have forgotten it? No, I am almost sure nothing of the kind took place.
478. *By Mr. Wilson*: Talking of the assault, you stated in your previous evidence, that Mr. Harrison had placed men at Enmore, and that these men did not see the assault? No, I said that after the assault, and on a subsequent visit of Mrs. Bentley's to Enmore, a man was placed there, who saw Mrs. Bentley leave Mr. Josephson's house without being accosted by any person; but on that occasion, after returning from Enmore, she told Mr. Harrison that she had been accosted by a man who requested her to go to Cook's River.
479. Will you tell us the name of the man placed by Mr. Harrison at Enmore? It was either Saunderson or Camphin.
480. One of the regular detectives? Yes, who had been in the force for years.
481. Did any of these men ever make any statement to you on the subject? No, all the reports to me came through the inspector.
482. Do you not think that, as this was a very important matter, you might have got some written statement from those detectives who were employed in the matter? The matter certainly has assumed an importance, but I did not attach so much importance to it at first; I had more important matters to attend to at the time.
- 483.

483. Are you aware whether any of the letter-boxes in the city have been examined by the detectives, or any other parties, with the view of seeing what letters were there—the iron pillars? I think on one occasion Mr. Harrison reported to me that a letter was seen to be put into one of the iron pillars, and that he waited, or caused some person to wait till the pillar was opened, to see what letters were there. I think a report of that kind was made. Jno. M'Levie,  
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484. How could he see what letters were there? He wanted to see the handwriting.
485. Had he any authority to examine the letters put into any letter-box in the city? No.
486. He assumed this power to himself? No doubt.
487. Were any of these letters opened? Certainly not.
488. Have you ever heard that these letters were opened by the detectives? Never. They could not have been, for I know the post office authorities are too particular to allow it.
489. He does not appear to have applied to the post office authorities. I suppose you are aware that it is generally a boy that opens these pillars and takes out the letters, and Mr. Harrison, I presume, would go to that boy and demand to look at these letters? To look at the superscription merely.
490. You are not aware whether or not any of them were opened? I should think not, certainly. I hardly think any police officer would dare to do such a thing.
491. You cannot tell, of your own knowledge, whether any of these letters were opened or not? No; but, as I said before, no officer of police would dare to open any letter.
492. Are you aware that the Editor of the *Empire* newspaper offered to publish Mr. Harrison's statement *in extenso* in that newspaper? Yes, I am aware he did.
493. Had he any authority from you to make such an offer? None.
494. Then if Mr. Hanson had that statement, so that he was able to publish it, he must have obtained a copy during the time it was in his hands? Yes, I suppose so.
495. And he had no authority from you to copy that document? Certainly not.
496. *By Mr. Leary*: On the occasion that you have spoken of, when you had some conversation with Mrs. Bentley with respect to the assault, it was two days after the assault? I say two days; it may be more or it may be less.
497. You state that, in relating the circumstances of the assault, the lady appeared exceedingly cool, considering what had happened? I did.
498. And on that ground, and that being your only personal knowledge of Mrs. Bentley's conduct in the matter, you believe her account was a falsehood? My confidence was shaken, I must say.
499. Was there any prevarication in her statement? I did not cross-question the lady—she made her own statement to me.
500. Had you any reason to doubt the truth of her statement, except that she was very cool in her manner? I had reason. My impression was that the assault had never taken place.
501. Why? From the lady's manner, and the little importance she appeared to attach to it, looking at the indecent nature of the assault as well as the wound inflicted.
502. You have stated before, that one reason of your disbelief was in consequence of Mrs. Bentley being so well able to remember the description of the cornelian ring; but now, in answer to Mr. Johnson, you state that the man who committed the alleged assault directed her attention to it;—under ordinary circumstances, is not that a sufficient explanation of a thing of that kind? Not to me, it is not.
503. *By Mr. Johnson*: Is it not a vastly different thing whether she asserted that she had observed it herself, or whether she said she had heard it described? There is a difference.
504. Had you not seen Mr. Harrison between the time of the alleged assault and your interview with Mrs. Bentley, and had he not described to you her statement with respect to it? Yes, I saw Mr. Harrison on the morning subsequent to the alleged assault.
505. Did not his report substantially concur with what Mrs. Bentley told you herself? In most particulars it did. Mrs. Bentley gave me some particulars as to the man's having false whiskers—that Mr. Harrison did not mention.
506. I would wish to know whether Mr. Harrison professes that this is the diary (*referring to the diary previously produced*) he keeps day by day? That is his diary.
507. Does he profess that these are the identical entries made day by day, and that there is no previous writing from which he copies? That is what I understand from Mr. Harrison—that they are made day by day.
508. And that there is no preceding writing down of the occurrences mentioned? He does not carry that in his pocket, and no doubt he makes notes.
509. Do you understand from Mr. Harrison that these entries are made at the various successive times, being on the very days that the occurrences referred to took place? I will not say they were entered on the very day —
510. Or the following day, at furthest? It is, as I understand it, a diary of the circumstances as they occurred, but whether entered on the same day or the day after I will not say.
511. *By Mr. Hoskins*: Are they not placed before you every morning? No, I never saw that diary till I opened it on this table this morning.
512. *By Mr. Johnson*: It would be a very singular thing, would it not, if this diary mentions the receipt of a letter two days before it was received? Yes, it would certainly.
513. *By Mr. Forster*: I want to know what reason there is for the extraordinary influence Mr. Hanson seems to possess over the police? Influence! I think it is quite the reverse, judging from his writings.
514. Is he an agent of the police? An agent! Well, if he is the writer of these articles that appear in his paper, he is anything but an agent.
515. Are you sure he is not employed by the detective police? I am not aware that he is.

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516. How does it happen that he comes to you and gets these important documents handed over to him to do what he chooses with, and that such confidence is placed in him by the police? I think I have explained that already. He was professedly the intimate friend of Mr. Bentley, and Mr. Wrench was the same; and as two friends of Mr. Bentley, who took very great interest in the action of the police in the first instance, they were shewn these papers.
517. I think you said Mr. Bentley never authorized you to consider Mr. Hanson his friend? I do not think Mr. Bentley ever mentioned his name.
518. You took Mr. Hanson's friendship for Mr. Bentley from his own statement to the police? From the interview when the police were first put in motion, and his subsequent action in the matter.
519. From what has happened now, would you believe Mr. Hanson's word another time? I should not like to trust him with any papers that I wished to be kept secret.
520. Did it never strike you that Mr. Hanson's object was simply to get news for his paper? No, I did not think so at the time. My impression was, that he acted purely from a feeling of interest in the family of Mr. Bentley.
521. I suppose you will be more careful in dealing with public journalists another time? Rather.
522. *By Mr. Hoskins*: Had you been in communication with Mr. Hanson about the Bentleys' case before Inspector Harrison's report was drawn up? Daily, almost; at least, during the time the inquiry was going on; there was an interval of two or three months and then it commenced again. Mr. Hanson, in fact, accused the police of not using proper exertions.
523. Did Mr. Hanson ask you to allow him to peruse Mr. Harrison's report? He did.
524. Did he ask you to allow him to take it to his office? I think he did; he said he would return it to me next day.
525. Did he take it to his office? Yes, and returned it the next day.
526. Did you, when you handed that report to him, request him not to make the report public? Yes; I said that the only person who had seen this report was the Chief Secretary, but that as Mr. Hanson was the avowed friend of Mr. Bentley, I had no objection to shew it to him, and also to Mr. Wrench.
527. You shewed it to him in your office, but also allowed him to take it away? He did not read it in my office.
528. You allowed him to take it away? Yes.
529. You told him you considered it a private communication, and that he was not to make use of it as a journalist? I said nothing about his journal, but I did say it was a confidential communication.
530. Do you happen to know whether, a few days subsequently, there was a leading article in the *Empire*, in which the principal facts detailed in that report were published? I saw that leading article, and was much surprised at it.
531. Then of course you consider that Mr. Hanson, in publishing those remarks, was guilty of a breach of confidence? I think so.
532. Have you been in the habit of furnishing Mr. Hanson with any information in reference to any of the mysterious crimes in the detection of which the detective police were engaged? No; I never furnish journals with any police information.
533. Has not Mr. Hanson been frequently at your office, importuning yourself or the detectives to furnish him with information? I never saw Mr. Hanson at my office above once or twice in my life.
534. Will you be kind enough to tell me why the detective police were stationed at the Post Office? Because I suggested to Mr. Bentley that, in order to discover the writer of these anonymous letters, a letter should be placed in the Post Office, addressed to H. B., and an advertisement inserted in the papers, requesting H. B. to call for it, and in order to discover who would call, a detective officer was placed at the box to hear it called for.
535. *By the Chairman*: Did you, or Mr. Bentley, or Mr. Plunkett, suggest this? I think I suggested it, and gave a copy of the letter that was to be written.
- [*Mr. Bentley here stated that he prepared the draft of a letter to be placed in the Post Office in the way suggested; that he called upon Captain M'Lerie, and requested that a detective might be placed in the Post Office to see who called for it; that Captain M'Lerie raised some objections, but after some demur gave way to his (Mr. Bentley's) wishes, and wrote out a draft which he thought better than the one proposed by Mr. Bentley, so that, as he said, H. B., if he did call, might have something to read.*]
536. *By Mr. Hoskins*: Did the detective so stationed at the Post Office see any person call for the letter? He did. A person who is one of a firm of stationers in the Market buildings, the initials of whose name were H. B., called for the letter and opened it, and when he had read it threw it away. We found that this man was in the habit of calling for letters addressed to H. B.
- [*Mr. Bentley said that perhaps he might be allowed to state that the advertisement was so clear that no person could have called for the letter it referred to unless wilfully. It ran to this effect—that the person who had addressed a letter to Mr. Plunkett, on musical topics, was requested to apply at the Post Office for a letter addressed H.B., as he had written his own name so indistinctly that it could not be deciphered.*]
537. Do you know the person who called for this letter? The detective police saw him afterwards, and ascertained that it was merely a piece of idleness on his part.
538. Do the detective police know this man? Yes.
539. Do you know him? Yes, he is a stationer in the Market buildings.

540. Would there be any difficulty in getting this man to give evidence? None whatever. Jno. M'Levie,  
Esq.
541. After this man had received this letter, was any other letter with the initials H.B. again deposited in the Post Office? No, not after that—to my knowledge.
542. How long was the policeman stationed there? Only a day or two. 18 Nov., 1862.
543. Are you in the habit of allowing the detective police to assist in unravelling mysteries of this kind? No, it is not a police duty at all. You will observe that, throughout the police records I have handed in, this is called a "special duty." But it appeared to me that circumstances in connection with this case as detailed were so diabolical, that, at the request of Mr. Bentley, I allowed them to go on a second time with it.
544. In looking through this diary, I find the police as frequently employed on "special duty" as general duty? That is because there were two men employed on this duty for two months.
545. What were their names? Saunderson and Clark part of the time, and then Saunderson and Camphin.
546. Have the detective police been employed in any other cases of this kind besides this of Mr. Bentley? Yes, in the D'Apice case, occurring at about the same time.
547. Are the detective police paid by the parties for performing these duties? No.
548. Do you think it consists with the duty of detective policemen paid for the detection of crime, to be employed in the service of private individuals? At the time that this case was undertaken with my sanction I looked upon it as a most diabolical crime.
549. Have you formed the opinion that the writer of the anonymous letters sent to the Governor was the same person as the person who wrote these letters which you say Mr. Hanson gave you? There is a great similarity in the style, though it is a feigned style, in the formation of the letters.
550. Do you yourself think that these anonymous letters were all written by one person? I have not seen them all.
551. All that you have seen? No; I think one of those I saw was plainly written in a female hand. With that exception I think they were all written by one person.
552. Have you formed any opinion as to the authorship of these letters? I have.
553. You form that opinion from information you have received from your subordinate? Yes.
554. Have you any objection to state whom you believe to be the author? I said before that I believe the authorship of these letters rests with Mr. and Mrs. Bentley.
555. I understood you to say also that Mrs. Bentley had been followed by the police—how long were the police in the habit of dogging Mrs. Bentley? As long as she requested them to follow her, and on one occasion when she did not request them.
556. How long was that? It extended over a month or two.
557. Did the detective police dog——? Not "dog"; they went for the protection of Mrs. Bentley.
558. Had she been assaulted in the streets frequently? She had been assaulted once.
559. Were the two persons who were suspected of the authorship of these letters as closely watched by the police as Mrs. Bentley was—this foreigner and the Englishman? They were watched, but I cannot say precisely in what way they were watched; it was reported to me that they were watched.
560. You never asked the detective police in what way they did it—whether they followed them when they left their houses or when they returned? No. I have reason to believe it was done effectually.
561. I did not understand you clearly, in reply to Mr. Johnson, why Mr. Harrison relaxed his vigilance in the Bentley case after the month of April, seeing that several anonymous letters were sent subsequently? No doubt his suspicions were aroused as to the authorship of the letters, and also as to the truth of the statement as to the alleged assault.
562. Did Mr. Harrison communicate to you his reasons for forming the opinion that the Bentleys themselves were the authors? Yes.
563. Do you remember what those reasons were? One reason was, that on the occasion when Mrs. Bentley said she had been spoken to by a man at Enmore, no man was near her; and another occasion was the finding of a card on the dressing-room table in the bed-room.
564. A card? Yes, a visiting card of Mr. or Mrs. Bentley, with something written on it in the anonymous handwriting.
565. I understood you to say that Mr. Harrison placed detectives in the house, to exercise surveillance over some person or persons, whether Mrs. Bentley or other persons? I beg your pardon; they were not placed in the Bentleys' house as a means of surveillance over them, but at the request of Mr. Bentley, to discover the persons who were the authors of these letters, and who had threatened to assault Mrs. Bentley.
566. Have there been other instances where policemen have been put in people's houses in this way? At the request of the parties—never without the sanction of the owners.
567. Do you happen to know whether the detective police are in the habit of carrying about blank search warrants? I know they are not, and never have been since I have been connected with the detective police in Sydney.
568. *By Mr. Cowper*: Did you ever sign a blank warrant and give it to a constable? Never; I never signed even a blank summons. I would as soon think of cutting my hand off.
569. Do you know of its ever having been done by any Magistrate? Only on one occasion, in connection with what transpired in a Committee of this House, and I was perfectly thunderstruck when it came to my knowledge.
570. *By Mr. Lucas*: I understood you to say, Mr. Harrison had no power to place detectives in lodging-houses or private houses, without your instructions or consent? No.
571. Do you think you have power to do so? Certainly not; it would be done only at the request of the owners of the house. 572.

- Jno. M'Lerie, Esq.  
18 Nov., 1862.
572. Either in a lodging-house or any other? Yes; the police are the servants of the public, and have no right to interfere in private matters.
573. *By Mr. Hoskins*: Do you happen to know whether the detective police are in the habit of searching lodging-houses or boarding-houses, indiscriminately and frequently, without procuring search warrants? They are, and they must do; they are obliged to do so for the detection of crime.
574. Have they the power to do so? Not without the consent of the keeper of the house. If the lodging-house keeper says they cannot come in without a warrant, of course they could not do it.
575. Do they, in every instance when they search a lodging-house, first ask the occupant whether he will give permission? They do. I think there has never been a complaint on the matter made to me. They are generally allowed to do it without interruption, but I know an instance where, in a "cross" lodging-house, kept by a man who was a "cross" man himself, they were not allowed to go in without a warrant.
576. Have you ever heard complaints of the detective police searching houses without authority? Never, and I have therefore reason to believe that whenever they do do so it is with the authority of the owners of the houses.
577. *By Mr. Johnson*: Did you say just now that you thought the letter sent to Government House, and the anonymous letters which Mr. Hanson gave you, were in the same handwriting? I said there was a similarity of style.
578. Then, in point of fact, you have compared the anonymous letters with these three letters that Mr. Hanson gave you? Yes, the only one I saw—the Government House letter.
579. When did Mr. Harrison first tell you of this alleged occurrence at Newtown, of Mrs. Bentley having stated that a man spoke to her when there had been no such occurrence? The day after.
580. Can you fix the date? I cannot; it was merely in the course of his daily report to me of his duties.
581. Was that after you had seen Mrs. Bentley? It was after I had seen Mrs. Bentley.
582. You are sure of that? Yes.
583. *By the Chairman*: With regard to this lodging-house matter—Is there anything to prevent Inspector Harrison placing or obtaining a person to be placed in a lodging-house without your consent, not connected with the detective police—could he not by his influence obtain a respectable man to change his lodgings and go into some house where he might wish him to go? It is quite possible.
584. And whence he could make reports to the inspector who placed him there? It is perfectly possible.
585. Did you ever hear of a matter of that kind being carried into effect? No.
586. Is it not frequently done in police tactics? I have known it to be done at Home.
587. Would you consider it a breach of police duty to allow it to be done? I would set my face against it, because I consider it would be an interference with the privacy of individuals that I would not approve.
588. Have you any reason to say positively that Mr. Harrison has never taken such a course? I cannot say. His zeal may have carried him to that length—certainly not with my knowledge or consent.
589. With respect to the conversation that has been alluded to as having taken place between you and Mrs. Bentley, you stated in the first instance that Mrs. Bentley had given the particulars of the crest on the ring? Yes, that was my impression until the fact was recalled to my mind.
590. You remember now that she did not describe the crest from her own observation? She said the man held up his hand and named the crest to her.

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Mr. Thomas Charles Bentley examined:—

- Mr. T. C. Bentley.  
18 Nov., 1862.
591. *By the Chairman*: There is a petition which has been presented to the House—are you the person who presented that petition? I handed in that petition.
592. There is a letter here marked J. H. T., addressed to the Editor of the *Empire*? I never saw that letter till it was shewn to me by Captain M'Lerie last Friday.
593. There is another letter also addressed to the Editor of the *Empire*? I never saw that letter until it was produced last Friday.
594. Here is a third letter? Neither had I seen that.
595. Then you positively deny any knowledge of these letters? I positively deny it, except that I have a letter, in something like that handwriting, that Mr. Hanson gave me, asking me to endeavour to trace the author for him, and he also asked me if I thought it was Mr. Henry O'Brien's handwriting.
596. Can you produce that? I can. I cannot find it at this moment, but I will endeavour to produce it.
597. When did you become acquainted with Mr. Hanson? When the ship "Castle Howard" came into port he came on board the ship, his wife being related to the wife of the captain, and when he heard my name, he asked me if I was in any way related to Bentley the publisher, and I then learnt from him that he had kept a bookseller's shop at Reigate, at the time a portion of my family were resident there, and when I lost a relative; he happened to know something of the circumstances of her death. In that way we became casually acquainted.
598. Mr. Hanson introduced himself to you on that occasion, and in that particular way? Yes. 599.

599. This afterwards ripened into intimacy? Gradually we called upon each other. Mrs. Hanson called on Mrs. Bentley and I then called upon Mr. Hanson. One day, when I was passing down Pitt-street, I saw a hand before me with an envelope, and heard a person say, "Do you know that, Mr. Bentley?" and I saw some writing similar to that which Mr. Wrench had shewn to me a few days before. Mr. T. C. Bentley.  
18 Nov., 1862.
600. Whose hand was this? Mr. Hanson's. I identified the writing with some writing that I had seen at Mr. Wrench's office, and asked him what it was. He told me it was an anonymous letter about Mrs. Bentley. I asked him the nature of it. He said that he had dismissed it from his mind, like all anonymous letters, and destroyed it. Struck by the similarity of the writing I had seen at Mr. Wrench's, and also at some extraordinary conversation and questions that had been put to us by Mr. Black, I asked Mr. Hanson if he would allow me to have the envelope. He gave it me, and I went to Mr. Black's office, and I said, "Mr. Black, Mr. Hanson has given me this envelope, and has stated that it contained an anonymous letter traducing Mrs. Bentley. You have been putting some very extraordinary questions to us of late—have your questions any bearing on such proceedings?" He said at once that they had, and he went to a drawer at one side of his office, and handed me the letter, which I produce. (*Anonymous letter, No. 1, handed in and read.*)
601. *By Mr. Morris*: What was the date of that? The postmark is May 17, 1861.
602. *By the Chairman*: Are any of the allegations in that letter correct? None whatever. Mr. Black stated to me that Mr. Aldis had also received a letter, and no doubt if I called upon him he would give me that one also. I called on Mr. Aldis, and he stated that Mr. Black's statement was correct, and if I would call upon him next day he would bring the letter into town. I called next day, and he gave me this letter, posted July 2, containing the same statements as in the previous letter. I may state that I cut off the bottom of that envelope, in consequence of Mr. Clark Irving wishing me to supply him with the handwriting, and not wishing him to come into contact with Mr. Aldis, I thought the words "George-street" would be quite sufficient, without giving him any names. (*Letter No. 2 handed in and read.*)
603. I was asking you with regard to your intimacy with Mr. Hanson, of the *Empire* office? A short time after that, Mr. Hanson brought me a letter which he had received, in which he was requested to meet Mrs. Bentley at a certain place where she was to make an assignation; and in consequence of Mr. Hanson having brought it to me, I considered that he had acted in a straightforward and manly manner, and in consequence of that I formed a friendship for him, and Mrs. Bentley, at my solicitation, used sometimes to visit at Mrs. Hanson's. But I feel it my duty to state, as far as Mrs. Bentley is concerned, that all friendship with regard to the Hansons emanated from myself, and that she was friendly with them only at my solicitation, and in consequence of my having believed that Mr. Hanson was my sincere friend.
604. You had every reason to believe he was your friend? I had.
605. What was the first intimation you had that you had no right to consider him in that light? The leading article in the *Empire* newspaper of the 18th July. I was going to Mr. Johnson's office on the morning that article appeared, and I left Mrs. Bentley making this complaint, that she should refuse to teach Mr. Hanson's daughter any more, as she thought it very improper for parents who placed their children under instruction to let them neglect it, and therefore if Miss Hanson was not more regular, she should refuse to teach her any more.
606. Did you ever inform any of the officers of the police force that Mr. Hanson was your friend? At the time Mr. Harrison took this matter in hand he knew it, because Mr. Hanson had placed this matter in his hands, and he most likely would know it, because I made no disguise in the matter, but Mr. Harrison made it a necessity (*i.e.*, made it a *sine qua non*) that I should enter into no communication with Mr. Hanson whatever in respect to matters which transpired in connection with the case.
607. Did Mr. Hanson ever lead you to suppose in the slightest degree that he thought you were the writer of certain anonymous letters that he had received? On the contrary, after the publication of my letter, I called upon him, having heard that there were some rumours about Mrs. Bentley being a monomaniac. I had addressed a letter to Dr. Brereton, to which I had a reply, which is stated in the depositions, in order that his attendance upon Mrs. Bentley might at once set aside such an absurdity. I also addressed a letter to Mr. Hanson, asking him to fix the date when Mrs. Hanson first informed Mrs. Bentley of the contents of the anonymous letter, in order that the Honorable the Colonial Secretary might be fully convinced that such a rumour was an absurdity; and he told me I had no need to trouble myself about such rumours, for it was of very little consequence what Mr. Cowper or anybody else thought.
608. The statement that Mrs. Bentley was a monomaniac was made after Mr. Hanson had acquainted the police with his suspicions that you yourself were the writer of the anonymous letters? I cannot say.
609. Can you fix the date of this conversation? I can; it was after the 14th of June, and before the 21st.
610. When did you receive any more of these anonymous letters, and from whom? On the 29th October, when I reached my house from the club, Mrs. Bentley informed me that she had had a letter from a Mrs. Morris, asking her to call upon her in reference to giving musical instruction to her children, and she asked me to which Mrs. Morris it could refer. I stated that from the description in the letter I was quite at a loss to form an opinion; but I went down to the Australian Club to look at the Directory, and failing to find any address, I spoke to Sir William Macarthur, asking him if he knew this Mrs. Morris purporting

Mr. T. C.  
Bentley.  
18 Nov., 1862.

purporting to live at Muringa Lodge. He assisted me to look through the Directory without any effect, and I afterwards asked Mr. Griffiths if he could give me any information, as Mr. Lamb's house was mentioned in the letter, and as I believed him to be on terms of intimacy with that family. I was then leaving the club, when the hall porter informed me that Mr. Hanson and another gentleman wished to speak to me. I went into the strangers' room, and Mr. Hanson said, "Here, I want to see you; read that letter;" and he placed in my hands this letter. (*Letter handed in and read.*)

611. *By Mr. Johnson*: Perhaps it would be more convenient to produce at once all the anonymous letters in question which have come to your hands. Do you produce the following, including those you have already handed in:—

1. Letter to Mr. Black; postmark, 17 May, '61.
2. Letter to Mr. Aldis; postmark, July 2, '61.
3. Envelope addressed to Mr. Hanson; postmark, Sept. 30, '61.
4. Letter to Dr. Brereton; postmark, Oct. 21, '61.
5. Letter to Mrs. Bentley; postmark, Oct. 29, '61.
- 5a. Letter to Mr. Hanson; postmark, Oct. 29, '61.
- 5b. Letter to Dr. Brereton; postmark, Oct. 29, '61.
6. Letter to Mr. Herman Milford; postmark, Nov. 5, '61.
7. Letter to Mr. Aldis; postmark, 7 Jan., '62.
8. Letter to Mr. Boulanger; postmark, January 20, '62, enclosing—
- 8a. Being a letter purporting to be written by Mrs. Bentley.
9. Letter to Mr. Hanson; postmark, January 22, '62.
- 9a. Enclosure in that letter.
- 9b. Letter to Mr. Aldis; postmark, Jan. 22, '62.
- 9c. Enclosure in that letter.
10. Letter to Mr. Wrench, without envelope; said to be posted, January, '62.
11. Letter to Mr. Wrench; posted, January 27, '62, enclosing—
- 11a. Purporting to be written by Mrs. Bentley.
12. Letter to Mr. Robert Johnson; posted, Jan. 30, '62.
13. Letter to Mr. Robert Johnson; February 3, '62.
14. A letter, not produced, addressed to Mrs. Milford, the wife of His Honor Judge Milford.
15. Letter to J. H. Plunkett, Esq.; posted, 10 Feby., '62.
16. Letter to Mr. Boulanger; posted, 19 March, '62.
17. Letter to Mrs. Bentley; posted, March 24, '62.
18. Letter to H. B. Bradley, Esq.; posted, March 24, '62.
19. Letter addressed to Mrs. Bentley; left in the back dining-room of her house.
20. Letter left on the sill of the staircase of Mr. Bentley's house, April 4.
21. Letter addressed to Mr. Boulanger; April 8, '62.
22. Letter found in China flower vase, on 13 April, '62.
23. Letter addressed to Mrs. Bentley; posted, April 22, '62.
24. Letter addressed to Mr. Bentley; posted, April 28, '62.
25. Letter addressed to Mr. Kloete; posted, April 29, '62.
26. Letter addressed to Mrs. Bentley; posted, April 30, '62.
27. Letter addressed to J. H. Plunkett, Esq.; posted, April 30, '62.
28. Letter addressed to Inspector Harrison; posted, May 9, '62.
29. Torn MS. found in roof, on 11 May, '62.
30. Letter addressed to Inspector Harrison; posted, May 27.
31. Letter addressed to Mr. Wrench; posted, May 28, '62.
32. Letter addressed to Mr. Aldis; posted, May 28, '62.

612. You produce these? I do. (*Letters handed in.*)

613. *By the Chairman*: Have you found the anonymous letter that you stated you would hand in to the Committee? I have. (*Letter handed in and read.*)

614. Have you any knowledge of that letter, otherwise than as having been placed in your hands by Mr. Hanson? No.

615. You stated that Mr. Hanson said he believed that letter was written by Mr. Henry O'Brien? Yes, then a Member of Parliament. I laughed at the idea; and I think, if my memory does not fail me, that Mr. Hanson stated he had taxed Mr. O'Brien with writing such letters; but I will not speak positively as to that. I speak positively as to the fact of Mr. Hanson's having stated that he believed it to be written by Mr. O'Brien.

616. *By Mr. Johnson*: With respect to these three anonymous letters that Mr. Hanson handed to Captain M'Leerie, are you at all acquainted or *au fait* with the subject referred to in them? No; I scarcely know now the contents of them.

617. Will you read them, and say if you are acquainted with the political topics alluded to in those letters? (*The witness read the letters referred to.*) Certainly not.

618. Were you aware of the circumstance of Dr. Lang having been horse-whipped in the streets? I did hear of it just after I landed in the Colony, by a Mr. M'Donald, I think it was.

619. Have you ever taken any active part in politics at all? Not in the least. I have never argued upon them.

620. Have you ever addressed the papers at all on any subject? I never wrote a letter to the papers in my life except with my name attached.

621. Have you done so on political subjects? Never.

622. *By Mr. Morris*: Do you remember an occasion when yourself and Mrs. Bentley and Mr. Harrison were speaking of Mrs. Bentley's father? I cannot recall any such conversation, or any allusion to Mr. Monk, before Mr. Harrison.

623. Were you ever in Italy—you and your wife? For five or six months we were there. Mr. T. C.  
Bentley.
624. Was your wife born in Italy? No, in Devonshire.
625. Was she ever in Italy previous to your marriage? She never left England until she was married. I left England in consequence of my health. I was ordered to travel in Europe. 18 Nov., 1862.
626. What led you to suppose the Jesuits had anything to do with this particular persecution? I never did suppose the Jesuits had anything to do with it. Several\* of my friends suggested that the Jesuits wished to turn away my two servants, who are Roman Catholics, and have been with us now for two years; but I have always stated my opinion that there was nothing to shew that it was a religious persecution at all. Towards the close of it, I was informed that one of the suspected parties had been brought up in a College of Jesuits, and it was, therefore, suggested that the Jesuits might have something to do with it. But I argued against that freely on these grounds, that if the Jesuits had any object to accomplish, during my residence abroad they would have had full opportunities of making any attacks they chose; and I also stated that we had been married now five or six years, and until Mrs. Bentley had made a public appearance in the musical world we had never had any annoyance of any kind whatever, and under these circumstances, I could not see any necessity for putting a religious aspect on a circumstance that did not on the face of it appear so. I did state that if the Jesuits had anything to do with the matter, and if one of the suspected parties was a Jesuit, it was because he was using power at a distance of 16,000 miles away from his superiors without their knowledge or consent; but so far as regards any religious body having anything to do with it, I have never believed anything of the kind.
627. *By Mr. Johnson:* With whom did that discussion take place? On several occasions Mr. Boulanger has suggested that the Roman Catholics had something to do with it, but more particularly Mr. Harrison has done so. I have asked Mr. Harrison what object the Jesuits could have—if they had anything to do with it they must have some end in view—and he has told me in several discussions that I did not know the Jesuits, that for the smallest ends they would use the most powerful means. I said that since I had been in this Colony I had met with nothing but friendship. Soon after I landed, I was elected Secretary of the Australian Club, and when I sent in my resignation, I left the Club, I believe, with their kind wishes, and was elected unanimously by a large Committee, consisting of twenty-five gentlemen of the Union Club. And if the Jesuits had anything to do with it, their opportunities would have been greater and their efforts more successful by attacking me than by attacking Mrs. Bentley. He said, "Take, for instance, the case of a house, and they want that house to come down by a given time; if by directing a small stream of water underneath the foundations they can accomplish their object, do you think they would be fools enough to come round by the front door, to create suspicion, when they could carry on their operations 'in secret'?" He then said, "You should read the 'Wandering Jew.'" I said I had not done so, and it ended in Mrs. Bentley's asking him if he had the book; he said he had, and he afterwards brought it. I did intend, if I could have got a copy, to read it in the original; but to Mr. Harrison principally I am indebted that my mind has been imbued with any idea that the Jesuits have had anything to do with the matter.

THURSDAY, 20 NOVEMBER, 1862.

Present:—

MR. COWPER, MR. W. FORSTER, MR. HOSKINS,		MR. LEARY, MR. MORRIS, MR. PIDDINGTON,
MR. WILSON.		

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

Mr. R. Johnson appeared as Solicitor for the Petitioner.

Sub-Inspector Charles Edward Harrison called in and examined:—

628. *By the Chairman:* What are you? Sub-Inspector of the Detective Police. Sub-Inspector  
C. E.  
Harrison.
629. How long have you held that position? Sub-Inspector since the 1st of last March. I was Inspector of the Detective Police since May, 1858. I was absent from the force about two years, and I had been Sub-Inspector of the Detective Police before that, since 1855. I joined the police in 1854. 20 Nov., 1862.
630. You are aware of the object of this inquiry? I am.
631. *By Mr. Johnson:* When did you first enter the police? In May, 1854. I think it was in May.
632. Have you been in the police force ever since then? No, I was away from it for about two years, up the country.
633. What occupation did you follow during that interval? Storekeeping; I had stores on the diggings.
634. What occupation did you follow before you went into the police? Before I went into the police, various occupations. 635.

\* *Revised:*—Several of my friends suggested the Jesuits, and wished me to turn away my two servants, &c., for nearly two years.



- Sub-Inspector O. E. Harrison.  
20 Nov., 1862.
635. Will you describe them? I have been a draper's assistant, in a wine and spirit store, a sailor—that is all.
636. You never followed any other occupation than those three? No, except in the police; but previous to joining the police in 1854, in 1853 I was for five or six months in the gold escort.
637. Were these all the occupations of your life; you have been a draper's assistant, in a wine and spirit store, a sailor, connected with the gold escort, and since in the police,—have you never followed any other occupation whatever? No other.
638. When did you first engage to investigate the Bentley affair? The latter end of last year; I do not know the date.
639. What was the exact date of your first employment on that case? I do not know.
640. How was that, did you not keep a diary? I did not keep a diary last year.
641. When did you first commence keeping a diary? I left off keeping a diary for some time, and took up the matter again at the beginning of this year; at least, at the latter end of last year I began to keep a diary, the diary being a private one. I never kept a diary in connection with the police force. The diary that is here now is strictly a private one, and I never thought it would be applied to the use it has been.
642. *By the Chairman*: To what uses has it been applied? I was informed, the night before last—to begin with—when the Inspector General spoke to me about certain dates—
643. Just continue what you were saying about the night before last, in answer to the question I asked you? I was informed by a Member of the House, that the diary given to the Inspector General, in confidence, merely to be used with reference to certain extracts, had been taken away by a Member of the Committee, and hawked about town for other purposes than I had —
644. Who told you that? I decline to answer the question.
645. And yet you make this assertion? That I was so informed.
646. By a Member of the House? Yes.
647. *By Mr. Wilson*: You decline to tell who was your informant? It was told to me in confidence.
648. You make a direct charge against officers connected with this Committee? I said a Member of the Committee.
649. You make a serious charge against a Member of the Committee, such as you would not like to have made against you without the power of rebutting—
650. *By Mr. Morris*: What Member of the Committee was it who, you were informed, had taken this diary about the city? —
651. *By the Chairman*: You refuse to state what Member or person it was who made this charge to you? Who stated that fact to me, if fact it was; he told me in confidence.
652. He was not a police agent? Not to my knowledge.
653. He did not give you this information as a police agent? He is a Member of the House, and gave me this information as a friend, I presume.
654. You state positively that you did not get the information as a police agent? I did not.
655. You refuse to make any farther statement as to this charge of your diary having been hawked about the town? I have told you all that passed on the matter, Mr. Dalgleish.
656. I am the Chairman of this Committee, if you will address me as such? I did not ask the name of the party.
657. Yet you make this statement upon the statement of a party whose name you decline to give? Yes.
658. Then we may take the statement for what it is worth—an anonymous statement and an anonymous letter are alike in value, I suppose? It may be so.
659. You have not dreamed it? I have not dreamed it.
660. You are certain you were informed of this matter? I am.
661. You sometimes think you dream, do you not? I do not understand you.
662. In some of your remarks upon this case, do you not say I might have been dreaming—do you not make the remark that shews you are in the habit of dreaming? It may be so; that is not a diary kept for police purposes, but my own private diary—it contains private matters as well.
663. Are you aware that Captain M'Lerie, in his examination before this Committee, stated that the diary was public property? I am not aware; if he did state so, he was incorrect.
664. Was he not called upon to produce that diary as a public document? I am not aware.
665. *By Mr. Johnson*: Do you not, as part of your official duty, keep a diary of your proceedings? I do not.
666. And never did? No, never.
667. Have you ever represented to your superior officer that you did keep a diary? No, I have not.
668. Do not add to the mystery by those shakes of the head; give us an answer—yes or no? I have not.
669. Did you keep a diary during the last year—the year 1861? I did not.
670. Of any kind? I did not.
671. Did you for the preceding year? I did not.
672. Did you ever keep a diary till you made this diary here present? Yes.
673. When? Some years back.
674. How many years ago is it since you entirely ceased to keep anything in the shape of a diary, public or private, till the commencement of this year? About seven years.
675. Before you were in the police? Yes.
676. Since you have been in the police have you never kept a diary, public or private, or anything in the shape or substitution of a diary, excepting the book now produced? No.
- 677.

677. Do not misunderstand me;—did you keep no rough memoranda on paper from which you might have made entries afterwards into a book? Yes; I might have made many memoranda respecting any matter in hand, but no diary that after the matter was over I retained.
678. Have you any papers of any description—scraps of writing of any sort relating to the entries in this diary? No, I have not, to my knowledge.
679. Were the entries in this diary copied from scraps of paper, or made from your memory direct into the book itself? Both. Some of the entries there have been made from particulars that I have put down at the time on a piece of paper, when I have not had an opportunity of making the entry in the book. The entries were not all made on the dates therein set down, because I was particularly occupied; sometimes the second and even the third day afterwards I have made some of these entries—whenever I had an opportunity I made these entries. I generally kept it very closely entered up—as soon as I could after the circumstances transpired; but I may say that in some instances there might be one, two, or perhaps three days elapse without my making an entry.
680. In those cases would you make an entry from memory, or would you copy the paper you had previously written? I cannot say; in many instances I wrote from memory, and I believe in many instances from some notes that I had taken at the time.
681. Have you in your possession any of the rough notes or memoranda which assisted you in making out this diary? I have not.
682. What have you done with them? As I entered them in my diary I used to tear them up.
683. Have you anything which formed the foundation of this record in your diary? Do you mean in regard to the Bentley case in particular?
684. I mean in regard to the Bentley case? Memoranda that I myself have made?—I do not think I have.
685. You have not? I think not.
686. Where did you get this book from? Sands & Kenny's.
687. When did you buy it? I do not know whether it was—I think it was the end of last year.
688. Will you swear you did not buy it this year? I might have bought it on the first or second of the year.
689. Might you have bought it on the second of the year? I might.
690. Did you get a bill for it? No; but I will tell you who gave it me. I got it from Mr. Harris, who is, I believe, the manager of the printing department of Sands & Kenny; he got it and brought it home to the house where I stayed, and where he also resided.
691. Are you able to swear that you had this in your possession in the first week in January? I believe so.
692. Can you undertake to say so? No, I would not swear that I did.
693. Is it possible that you were not in possession of this book until six or seven days after some of the entries bear date in it? I do not know.
694. Is it a possible case? It is possible that I got it the first week in January.
695. Is it possible that you got it in the middle of January? No; I got the book at the first of the year, but I cannot tell you exactly the day; there may have been some of the entries made back, to bring the book up to the first of the year—such may be the case; I do not know that it is so.
696. I see there are entries here on the 1st January—look at that entry on the 9th January, and tell me if you had that book in your possession at the date that was made? (*The witness referred to the book.*) I believe so.
697. Will you undertake to say you had? No, because my memory does not carry me back so far.
698. Is your memory so bad, that you cannot tell whether you got a diary in which entries are made on the 1st January, before the date on which those entries purport to have been made? I may have had the diary before the 1st January. I may have had the diary by me, and not have made the entries at the time; that was not the course I pursued—I used to enter them up.
699. Had you any manuscript entries of any kind in the early part of January that you would have had recourse to, to copy into this book? Yes, I might have had.
700. Just look at your first folio, where the first entry is made, 1st January:—"Remained in the office, writing, all the morning; sent the men to Randwick races, and by water to Hunter's Hill regatta."—That was not a very important thing to enter at all if you were making a retrospective review? I do not know; I am in the habit at the office of giving the men their duties to perform for the day, and I am likewise in the habit of putting down on slips the particulars of the duties.
701. "Strolled about the city during the afternoon"—Now I can imagine a man who made a most minute diary on the day the thing took place, putting that down, but I cannot imagine one making such an entry nine days afterwards? I do not know that it was nine days afterwards.
702. Will you undertake to say it was not? No.
703. Is your memory of such a class, that with the book in your hand you cannot say whether you made that entry on the day on which it bears date, or whether you made it nine or ten days afterwards? I am satisfied in my own mind—yes.
704. Will you undertake to say — ? I will not undertake to swear, but I believe I did not.
705. Your memory is not sufficiently clear to enable you to say whether such an insignificant thing as that was entered on the day when it purports to have been made? The fact of its being so insignificant a matter to record may account for my not remembering it; perhaps if it were more important I should do so.

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706. *By the Chairman*: It looks exceedingly as if the entry were made to impress the reader with the fact that the diary was made at the time? I had no idea that it would ever be out of my hand.
707. *By Mr. Piddington*: You have admitted that you have made entries in that diary of a retrospective character? Yes; there may have been times when I have not made entries in it for two or three days.
708. Can you charge your memory whether that is one of the entries you describe? No, I cannot.
709. *By the Chairman*: Do you limit the time to three days? No.
710. What limit do you place upon these retrospective entries—was it a month? No.
711. Are you sure that a month has not intervened between any of these entries? Yes.
712. You are perfectly sure of that? Yes.
713. In fact you would swear that? Yes.
714. *By Mr. Johnson*: Did you ever make any entries in this book at a time so distant that you might have mistaken the day of the occurrence? I think not.
715. I suppose you have a very distinct memory of the transactions of the Bentley case? I have, because I was very interested in it.
716. You remember when you were informed of the assault upon Mrs. Bentley, at Newtown? Yes.
717. That was the Friday in Easter week? Yes.
718. Do you remember that the day following that, a letter came according to your expectation that it would come, to corroborate the fact of the assault having taken place? I do not know whether it was the following day—a letter did come—I do not know whether it was the following day or not.
719. You had a conversation on the night of the assault, had you not? With whom?
720. With Mr. and Mrs. Bentley? Yes.
721. Allow me—I will read an entry to you. On Saturday, 26th April, you say—“As I expected, from the tenor of our conversation last night, Bentley called at the office and shewed me a letter”—Just look at that (*handing the diary to the witness*)—what night do you refer to when you say “from the tenor of our conversation last night”? The night previous, I believe.
722. What do you mean by “believe”—have you any doubt? So it states.
723. You say you have a good memory of the Bentley case, and that when you heard of the assault you had a conversation that night? Yes, considerable.
724. And you enter in that book on the next day—“As I expected, from the tenor of our conversation last night”—Now do you refer to the Friday night as the night of the conversation? Yes.
725. Do you refer to the following day as the day when you saw the letter? I do not know. As I made this entry on the Saturday night —
726. I do not ask you when you made the entry, but I ask you, do you refer to the conversation on the night of the assault, and to the letter on the following day—why do you hesitate? I do not understand you.
727. I will see if I can make it plainer—do you refer in that entry to these two facts—that you had a conversation which excited your suspicion on Friday, which was verified by seeing a letter you expected on Saturday? Yes.
728. You do—is that a truth? Yes.
729. Why is that hesitation? I do not understand you clearly now.
730. You must be a stupider man than you ought to be for your office? I wish to understand your question fully before I answer it, that I may answer it correctly.
731. The conversation here spoken of in the entry of Saturday—did it take place on the night previous to Saturday? Yes.
732. Then it follows, from that, that you saw the letter you expected would be sent on the following day—the Saturday? I do not know whether it was the Saturday. I saw the letter—Mr. Bentley brought the letter.
733. Read the entry—is that a true entry? The whole of it is true.
734. *By the Chairman*: Is that identical entry true? Yes, it is true—I believe it is true.
735. *By Mr. Wilson*: Will you explain what you mean by “on the following day”? —
736. *By Mr. Morris*: I will point out to you, to shew that the entry must be right, that in the letter reference is made to the next Tuesday—this being Saturday—so that it must evidently have been the day you saw the letter—it could not have been some other letter received closer to Tuesday.
737. *By the Chairman*: I think it an extraordinary thing you cannot answer the question—(*the witness referred to the diary*)—do you assert that to be true? Yes.
738. As it appears there? Yes.
739. *By Mr. Wilson*: Will you explain what you mean by “the following day”—in your own words —
740. *By the Chairman*: Explain the entry in your own way? “The following day.” I have not got to what it says about the following day.
741. I do not think the words occur there? That is why I did not answer the question before; I was looking for those words.
742. *By Mr. Johnson*: It is a misapprehension of Dr. Wilson’s—the words “following day” do not occur, but it comes to the same thing. Are the entries that are contained in these two pages—Friday, 25th, and Saturday, 26th—the narrative of the occurrences therein written, true? They are true, but whether the entry was made as on Saturday, was written on Saturday, or on Sunday the following day, I do not know.
743. Was it written either on Saturday or Sunday? I believe so; I cannot say whether

I might have written it in the middle of the night—it was on or about that time, but whether it was on the day itself I cannot say.

744. How many days have you a doubt about—you said just now it was written either on Saturday or Sunday—is that true? At that time I was very particular, and entered in my diary when the circumstances occurred whenever I had opportunity.

745. Is it true, as you said just now, that if you did not write it on Saturday you did on Sunday? Probably on Saturday—it might have been on Monday.

746. *By the Chairman*: That is not an answer—was it Saturday or Sunday? I cannot say.

747. You cannot say whether it was on either? It might have been on the Saturday, or it might have been on the Monday.

748. *By Mr. Johnson*: Might it have been later than Monday? No.

749. Is this a positive statement? No, I used to enter it up when I had time, and I always had time within three days.

750. Then your statement is, that this was written either on Saturday, Sunday, or Monday, when the facts were clearly within your own recollection? Yes.

751. Whether it was entered on Saturday, Sunday, or Monday, would make no difference as to your knowledge of the truth of that statement itself? No.

752. Is it true, as entered in that journal, that on the Friday you expected such a letter as you say came on Saturday would come? I do not recollect now if I expected it on the Friday; as the entry is there so it was; I cannot recollect now.

753. The entry is—“As I expected, from the tenor of our conversation last night, Bentley called at the office, and shewed me a letter which Mrs. B. had received this day, “acknowledging the assault”? Yes.

754. Now you say your memory was perfectly clear—at all events when you made the entry—you could not be mistaken as to the truth of the entry? There might be a mistake.

755. Of what kind? There might be an error in it with regard to some remark, or some particular fact that had occurred, but with regard to the truth of the statement as therein set down, I will swear to it.

756. Will you swear that on the day following the description to you of the assault, this letter was shewn to you? I will not swear it, because I do not recollect.

757. Is that the book (*handing the diary to witness*)—It states here it was on the day following? I believe it was on the day following.

758. Is your journal to be relied upon to that extent, seeing that the statement is there—can you say that on the day following, the letter was shewn? I believe so.

759. Have you no greater confidence than that in your diary—look at the terms of it—“from the tenor of our conversation last night”—a letter is brought to me this day? I think I can recollect the conversation that took place.

760. Do you recollect seeing the letter? I was more interested in the facts that night than I had been before.

761. In the fact of the assault? In the case than I had been before.

762. Then, of course, that would be an additional reason why you should have a clear recollection whether you expected seeing the letter on the following day? I might not have recalled the circumstance that I expected any letter would come until it was brought back to my memory by the letter coming.

763. What do you mean by this entry—“As I expected, from the tenor of our conversation last night, Bentley called at the office and shewed me a letter which Mrs. B. had received this day”—Now, whenever you wrote that, did you not mean the night before the time you were writing? No, I might not; because, if you will allow me, I will explain. If that were written on the Sunday, it would not mean the night before I made the entry—it alluded to the conversation on the Friday night, and not to the night before I made the entry, because that would be the Saturday night.

764. You must, in making this entry, have meant Friday night, whenever you wrote it? Yes.

765. And then, the day you received the letter was the day following that night—why do you hesitate? That I received the letter?

766. *By Mr. Piddington*: That Mr. Bentley shewed the letter you expected to see? That would be on the Saturday.

767. *By Mr. Johnson*: I want to know is it true? Yes.

768. Then it is true that he shewed you the letter on Saturday—why do you hesitate? I am endeavouring to recollect under what circumstances Mr. Bentley shewed me the letter.

769. Here is the diary—do you intend to throw discredit upon the entry of yourself? I do not.

770. How is it you have so much hesitation in saying whether these two circumstances you have entered here—the circumstance of your being informed of the assault on the Friday, and the circumstance that, on Saturday, you were shewed the letter that, from the conversation, you expected would be shewed to you—why do you hesitate to say that that is a true statement of what took place? Because I would like to satisfy myself from memory whether these entries were made on the day, or the day following, or the day after, or whether any thing intervened that prevented my writing.

771. *By Mr. Piddington*: Whether they were entered at the time or not, these entries refer to the correct dates, whenever you entered them? Yes.

772. Then that cannot affect your statement? No; but I was thinking whether it was possible I might have made a mistake.

773. *By Mr. Johnson*: With respect to what? With respect to the date when Mr. Bentley shewed me the letter.

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774. *By Mr. Morris* : There is a passage in this diary which says—"As I expected, from the tenor of our conversation last night, Bentley called at the office and shewed me a letter which Mrs. B. had received this day, *acknowledging the assault*"—which is underlined—"stating, at the same time, she would never be able to identify him, and that he intended to be at the Philharmonic concert on Tuesday night next." Is it likely that, when you mentioned Tuesday night next, that could have been the day previous to the concert? I think not.
775. *By Mr. Johnson* : Have you the least doubt about the truth of that entry, that a letter was received "this day," that is, Saturday, whenever you wrote it? No.
776. The time of writing the entry is really immaterial? Yes.
777. Is it true that letter was shewn that day, April 26th? I believe so.
778. Is it possible it is not true? That a letter was shewn to me?
779. On that day? That a letter was shewn to me?
780. I shall have to ask you many similar questions, and I hope for the sake of the public time you will answer them more readily, or we shall be a month with you alone—wherever it was written you believe it was written on Saturday? I do not know. I cannot say whether it was written on Saturday or Sunday, but it was written before the Philharmonic concert.
781. Perhaps it was written on Tuesday? I used to enter up my diary —
782. Was it written before the Philharmonic concert—do not recede from that? Yes, I have every reason to believe it was.
783. *By Mr. Piddington* : Then it must have been written on Saturday, Sunday, or Monday? I have no doubt upon the subject.
784. *By Mr. Johnson* : When do you believe you made the entry? I cannot say positively even when I believe I made the entry.
785. Have you no belief on the subject? Yes, that I made it on the day there set down, or within two days afterwards.
786. I want to know is it your belief that you made it on the Monday—do you believe you made it on the Monday? I do not know.
787. I do not ask what you know—I ask now what you believe? I have no recollection on what day it was made; I believe it was made within two days.
788. Why do you say it was within Monday? From memory, and I recollect that about this time I used to be very particular in entering up the facts of the case at every opportunity I had, for my own information.
789. Just look at your Monday's entry, and tell me whether that entry itself was written on the same day that the Saturday's entry was written (*handing the diary to the witness*)? It looks as if this entry were not made at the same time. Part of this entry may have been made on Monday night and part on Tuesday morning. I may have been interrupted when I was writing, and have been called away to attend to some other matter.
790. What I want to know is, whether the pages in your diary, comprising Saturday, Sunday, and Monday, were all written at the same time or not? No, I do not think they were.
791. Were you always two or three days in arrear in entering these things? I do not know that these entries were all made on Monday. I wrote on Monday afternoon what occurred in the early part of the day, but the latter part of the entry may have been made on the following morning or some part of the following day.
792. You think the Monday's entry was entered, the earlier portion of it, on the Monday, the latter portion of it on the following day? I think so, but cannot say positively that it was the case. This portion of the Monday's entry might have been made on Tuesday morning, the other in the afternoon.
793. You think they were all made on Monday and Tuesday, or Tuesday afternoon? Yes, I have every reason to believe so.
794. Was the Sunday's entry written on Monday? I cannot tell.
795. Look at the writing—do not you see some difference in the style of the writing, I mean in the colour of the ink or in the nature of the pen. It looks like it close to the end of one page, and the commencement of the other—does it not strike you, as if you had finished and shut the book, and then at another time taken it up again and recommenced? The inks are of different colours, and the writing does not appear to have been written at the same time, but I do not think it was written at different times, though one might have been written in the morning, and the other in the afternoon or night, or perhaps the middle of the night.
796. Do you recollect, in your report which you laid before the Colonial Secretary, giving a statement as to your conversation with Mr. and Mrs. Bentley on the day of the assault, and following it by this statement—"On the strength of this belief I again saw Bentley, and on the same evening"—that is, the evening of the assault—"I made some indirect remarks as to the motives of the assault. I did so for the purpose of confirming my suspicions; and if correct, I knew Bentley would write a letter next day, probably detailing the particulars of the assault, for the purpose of confirming Mrs. Bentley's statement." Is that true? That is as true as the diary.
797. I have no doubt it is? I have taken the particulars of the report I furnished the Colonial Secretary from the diary.
798. I am not drawing a comparison between things which I consider are identical—but is it true? Is what true?
799. "I did this for the purpose of confirming my suspicions, and if correct, I knew Bentley would write a letter next day, probably detailing the particulars of the assault, for the purpose of confirming Mrs. Bentley's statement. The following afternoon Mr. Bentley waited upon the Inspector General with a letter confirmatory"—I ask is that statement true? I believe so.

800. Have you any doubt about it? No, such was the case, but I must at the same time remark that what is there written is taken from my diary. I referred to the book when I wrote it, and if there is an error in this, the same error will appear in my book. An error in one will be in the other—that is, if there is an error.

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801. Do you remember the conversation with Mr. and Mrs. Bentley about the assault? Yes.

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802. When you made the entry of the 25th April on that subject, were the facts fresh in your memory then? With regard to the facts of the assault—yes.

803. They were then supplied, in reference to that topic, in your report to the Colonial Secretary, by the entries in your journal? Yes.

804. Will you tell the Committee what Mrs. Bentley described particularly in reference to the man's ring? That he said to her, "You can look well at me, so that you will know me again, and you can give a description to Harrison, and tell him that I wear a shirt with 'foxes' heads on it, a gold ring with a cornelian heart, or a cornelian stone."

805. Was it the word "heart"? I do not know whether it was the word "heart," or "stone," or "anchor."

806. Or an anchor? Something cornelian.

807. We will go to those two words, "heart" and "anchor,"—you say you made your report to the Colonial Secretary from the entry in your journal? Yes.

808. Is that true? Yes.

809. You are sure of that? Yes.

810. Quite sure of that? Yes.

811. What was it Mrs. Bentley said—was it "heart" or "anchor"? I cannot tell at the present moment—I do not recollect.

812. Will you swear the word she used was not "anchor"? No, I will not; it was something remarkable in the ring; it was a cornelian something.

813. It was a gold ring with an anchor in cornelian? I think it was a cornelian heart.

814. Is it possible you described it to the Colonial Secretary as a cornelian anchor? I do not know how I described it at the time.

815. In your entry, from which you say you made that report, it is described as a heart, and in your report it is described as an anchor—will you swear you took one from the other? Yes, I will swear I took one from the other, but I may have made a mistake. Mrs. Bentley did describe it as a gold ring, with either a heart or an anchor, but I cannot remember now which it was she told me.

816. You have it written down here, at the time you say it was fresh in your memory—a gold ring with a cornelian heart? Even there I might have made a mistake.

817. You might have made it correct if you were writing from memory when you wrote this report to the Colonial Secretary, but you could not have made a mistake if you were copying from this diary? —

818. *By Mr. Cowper*: This report was not in your handwriting? No.

819. In whose was it? A cousin of mine.

820. *By Mr. Johnson*: Did you read it before you gave it to the Colonial Secretary? That I do not know.

821. You do not know whether you read over your own report to the Colonial Secretary before you gave it him? No; but it was hardly a report; it was written in a hurry, and was not signed, and —

822. Who wrote it? A cousin of mine.

823. What is his name? Ferdinand Ponder, book-keeper at Armitage's.

824. *By Mr. Wilson*: Has he any other employment? No.

825. Is he not in the employment of the police? No, and never was.

826. Did you never employ a person of the name of Ponder to assist you in the capacity of a detective of police? No.

827. How did it get into your diary that you engaged a person of that name on February 26th? I do not recollect that his name is mentioned at all in the diary.

828. You have an entry here—"In the evening I met J. Ponder, and explained to him the assistance I wished him to render me in detecting — and he promised to assist me in every way"? Very possibly, but not in the employment of the police.

829. You had been employing him to assist you in detecting? I do not know what the matter was—it might have been of a private nature. He is a cousin of mine, and may have assisted me, but he has never been in the employment of the police; it may have been a private matter.

830. It may have been a private matter? I mean a family matter.

831. Refer to your own diary of the 26th February? (*The witness referred to the diary.*) I do not know to what it alludes, but such is the case, such took place.

832. You state here that he has agreed to assist you in detecting —? Some matter.

833. Was he receiving pay for that? Never.

834. Did you consult the Inspector General of Police before you engaged Ponder to assist you in detecting? I never engaged him, and he has never been engaged. There are a large number of persons in the city who assist me, in some instances, I suppose, from friendship to myself, in others for the public good, and Mr. Ponder would assist me in this way, without remuneration.

835. I am not asking you how he was remunerated, or if he was remunerated in a pecuniary way, but in your diary I see an entry that Ponder assisted you in detecting? It might have been some private family matter.

836. *By the Chairman*: Would you not recollect it if it were some private family matter? I may recollect to what it alludes—in fact, I do now.

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837. You mention that you walked home with him, and explained your views more fully? I recollect now to what it alludes—at least I believe so.
838. Was it a family matter? I am not prepared to state.
839. *By Mr. Wilson*: Do you ever engage other persons, or do other persons assist you in detecting offenders? Yes, frequently.
840. Do you consult the Inspector General of Police before you enter into any agreement? I never enter into any agreement.
841. Do you mention to him the names of the parties you wish to assist you? No, because I do not wish to bring their names before the Inspector General of Police; they get no remuneration, but do it, I suppose, out of friendship to myself.
842. Are not the detectives in the habit of engaging persons in assisting to detect crime, whose names do not appear before the public? Not to my knowledge.
843. I will give an instance in point: I suppose you are aware that some time ago a man of the name of Grant was employed by one of the detectives in Cockerell's case? I was not aware; I was not here at the time.
844. Have you heard of it? I have seen Cockerell's pamphlet, and heard remarks made on it, but I was not aware that Grant was employed on it, that he was ever in the police force, or ever received pay.
845. I believe it has not been contradicted that he did receive pay? I am not aware of it.
846. Did you ever know of any similar case of any person receiving pay from the Government, or from individual members of the police, for assisting in the detection of crime? Yes, I have myself given parties pay for information.
847. Did the Government refund that money or pay out of pocket? No, they have not done so.
848. Did you ever apply for it? No, in no instance have I applied for a shilling.
849. Are you in the habit of consulting the Inspector General of Police before you engage parties? I do not engage parties. Parties come to me and say, "I am in possession of such and such information, regarding such an offender, or such parties; I am hard up—I want money; you must make it worth my while, and I will let you have it; if not, I shall keep my information to myself." I would not let a criminal escape for a few shillings, pound, or even five pounds, and of the money I have so paid I have never had a shilling back.
850. Do you not think it hard that you should be called upon to pay that money? I have often thought so, but I have never made any application for it; my salary is sufficient for my wants.
851. Are there no persons employed but detectives without the knowledge of the Inspector General of Police? I cannot answer for my men, I can only answer for myself; I am not aware that such is the case or has been the case.
852. How much do you pay in the course of a year for information such as you have mentioned to us? Do you mean taking one year with another?
853. Give us the average of what it will cost in the year? I dare say my expenses, where I do not get back the money I expend, would amount, one year with another, to £100.
854. I am asking for this particular expenditure? You mean paying for public information?
855. Yes? Some months it will be 5s., 10s., £1, or even £5; but, taking the year round, I could not say how much.
856. *By Mr. Piddington*: Is that entry referring to the name of Ponder in your diary connected in any way with the Bentley inquiry—you say you recollect what it refers to? Yes, some part of it; yes, I believe so.
857. *By the Chairman*: Ponder has been employed in the Bentley case? No.
858. He gave assistance in the Bentley case? No, I do not say that.
859. What do you say? I refer to the entry in the diary; there is a conversation there that took place with Ponder. I believe some conversation that passed between us regarded the Bentley case, but I would not be positive such is the case.
860. *By Mr. Cowper*: Who is the Tom Metcalf mentioned about some robbery business? He was a clerk at Chisholm's; he is in a bank at Albury now.
861. *By Mr. Piddington*: Do you recollect, when you consulted Ponder on February 26th, whether you referred to the Bentley case, or asked him to assist you in the detection of the mystery? No, I cannot say whether such was the case.
862. I thought you stated just now that you distinctly recollect the subject? Yes, I believe the Bentley case was the subject of conversation at this same time, but in what way I cannot say.
863. Do you recollect any other subject that connected itself with your conversation with Ponder? Yes.
864. That subject is not connected with the Bentley case? No.
865. Though you can recollect one branch of the conversation, you cannot recollect what was said in connection with the Bentley case? I believe at this time we had some conversation about the Bentley case, but what it was I cannot say.
866. Then your memory serves you with respect to one topic of conversation, but it does not serve you with respect to the other? It does serve me with respect to both, but I do not know to what extent it went with regard to the Bentley case.
867. Or whether there was any definite application to Ponder for his assistance, with regard to that particular case? I might have referred to some assistance that I might require—to something I might ask him to do for me in the case.
868. *By the Chairman*: Did you ever ask him to do that something afterwards? No.
869. *By Mr. Johnson*: Whom do you say you bought that diary from? Sands & Kenny.
870. You mentioned some name at the head of the printing department? Mr. Harris.
871. When do you say you bought this? It might have been the last week in December or the first week in January.

872. Did you pay for it? I did.
873. How much? I really forget.
874. Have you bought more than one Lett's diary since the middle of last December? I have not; I think that is the only one I have bought in my life.
875. Who did you pay? I got some other books at the same time; I paid Mr. Harris.
876. *By Mr. Piddington*: You did not buy the books at Sands and Kenny's? No; Harris brought them. I think I wanted a diary, and a volume of Bulwer, and he brought them home for me. I have an account at Sands and Kenny's, and whether I paid for them in that account, or whether I paid Harris when he brought them home, I cannot say.
877. *By the Chairman*: Did you not say before that they were put down to Harris's account? I cannot say whether they were put down to Harris's account, or to mine.
878. *By Mr. Piddington*: You said Harris was in the employ of Sands and Kenny? Yes.
879. Are you in the habit of buying goods from persons in the employ of storekeepers, and not from the parties themselves? Under the circumstances of Harris and myself staying in the house together, and his having been eight years in the employ of Sands and Kenny, I would say to him, "I want so-and-so—will you get it for me?" and he has got it and brought it to me, and I may have paid the money to Sands and Kenny, or I may have paid him for it.
880. You say you have an account with Sands and Kenny? A trifling account.
881. How is it that having an account with them, you buy goods of their shopmen? I explain that staying in the same house I may have asked him to get me what I wanted. I do not say this occurred more than once; it may have occurred on two different occasions. I may have said, "I want so-and-so—will you get it for me?" and he has said, "I will get it for you to-morrow." That would save me calling.
882. Does Harris bring you an account for the goods when he delivered them to you? There are no goods in question.
883. It is a book? Yes.
884. Did Mr. Harris bring you an account—an invoice—of the book? I do not recollect whether he did.
885. You buy books without an invoice from a person in the employment of another person, and yet at the same time you have an account with the person who employs him? No, I do not buy books, nor did I buy books in that way; I asked Harris to bring me the book from Sands and Kenny, which he did. Whether I gave him the money when he brought it, or whether it was put down to my account, I cannot say.
886. *By Mr. Johnson*: Have you received an account from Sands and Kenny this year at all? That I do not know. I know I do not owe them anything, but I cannot say whether ———
887. Do you keep the accounts that are delivered to you? I do. The amount was only trifling; it would not be more than 25s. at the most.
888. Were you engaged in the Bentley inquiry about the 26th February? I think so. I do not know whether that was about the date when I was engaged in it.
889. Were you engaged in it until after the 17th March—I mean upon the second occasion that you were engaged? I do not know whether it was the 17th March. I took the matter in hand upon my return from Raymond Terrace.
890. Was not that considerably later than the 17th March? I do not know the date; the date is there. I believe it to have been in March.
891. You said Ponder made these extracts which have been laid before the Committee? Yes.
892. Did he extract them from the journal himself? He did not; he wrote them as I read the extracts from the journal; as I read it so he wrote it. There may be several remarks in the report that—you mean the extracts from the journal.
893. That is what I said? I thought you meant the report—that is my mistake. No, Ponder did not write the extracts from the journal; the extracts from the journal were written by a clerk in the Detective Office.
894. These extracts from the journal were made by a clerk in Captain M'Lerie's office? Yes.
895. Did he make them from the journal itself? He did not; he made them from the copy I gave him.
896. Did he see the journal? He did not.
897. I will go back to the report—you say that Ponder wrote the document you gave to the Colonial Secretary? Yes.
898. Did he copy it from the journal? He did not; there were matters in it I did not wish even to come to his knowledge. I took that portion of the journal which related to the case, and as I dictated it to him so he wrote it.
899. Then this report was made up in this way: You had the journal in your hand, and you dictated from the journal as you thought fit, and then he copied what you said—that is the way that was done? Yes.
900. Did he have any opportunity of inspecting the journal himself? He did not.
901. Or of seeing the book? He might have seen it in my hand. No one else saw it till it was brought here; I always kept it under lock and key, and never shewed it to any one.
902. Can you account for the circumstance that there are no entries at all in this journal on the 2nd, 3rd, 4th, 5th, 6th, 7th, and 8th of January—can you account for that circumstance? No; I do not recollect the reason.
903. Although there are these very immaterial entries on the 1st? I do not know. I might have been away out of town for some days, or I might have been engaged in the suburbs. I might not have had time. I might not have made notes, and my memory might have failed me on those days, and consequently I left it blank. I do not know why I did not make entries on those days.

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904. I am not asking you possibilities, but can you from recollection state how it is that there are no entries in this journal from the 2nd to the 8th of January inclusive? I cannot.
905. Nor why these three apparently very immaterial matters are entered on the 1st? I cannot.
906. January 11, 12, and 13, are all in blank—can you account for that? I cannot.
907. You say you did not entrust this book to Mr. Ponder? I did not.
908. Or any other person? No.
909. Have you had any conversation with Captain M'Lerie on the subject of this case since he was examined here? The case has been mentioned—I have only seen Captain M'Lerie twice since. I have been very busy up at the Sessions.
910. Have you had any conversation about what took place while he was before the Committee? No, not any particular conversation.
911. Did he say anything about your journal—did he tell you it was left here? Yes.
912. What did he tell you about that? He told me he had given my journal in to be used for reference to compare the extracts from it with it. I was annoyed that the journal had not been brought back. I look upon it as a private one. I had no idea it would be brought here for that purpose, but that it would be simply used as a reference. Captain M'Lerie informed me that it was not before the House, and that I could get it back again.
913. Captain M'Lerie is not very favourable to this inquiry I believe? I never heard him express any strong opinion either one way or the other.
914. Did you not hear him express himself to this effect: That he was very glad that Mr. Dalgleish's motion had failed? Very possibly he did.
915. Do you recollect such a thing? Yes, I believe he did.
916. Tell what took place between you and him? I cannot recollect the conversation that took place. I only see Captain M'Lerie for a few minutes in the day. The matter may have been spoken of and dropped again. I cannot repeat all the conversations that took place with the Inspector General of Police; they are not of a private nature.
917. Do you remember making an entry in your journal about it? I may have done so.
918. Do you recollect making it? I do not.
919. I will enlighten you. On the 28th October did you see Captain M'Lerie? That I do not know.
920. Did you see him after Mr. Dalgleish's motion lapsed by the Assembly being counted out? I see him every day—twice a day or three times a day.
921. Do you recollect conversing with him on the subject? I do not recollect.
922. I will read this to you:—"Dalgleish's motion came on in the House to-night for a Select Committee to inquire into the Bentley case, and no doubt to his great disgust there was no house, as there were not sufficient members present to form a quorum. This was done on purpose, and M'Lerie was in great glee when he informed me of the fact." He might not have expressed himself so; it might have been from his manner; he might have been in great glee about something; he might have been in a good humour, laughing at the time.
923. That is what you mean—that he informed you of the fact, and was in an excessive state of good humour? I do not mean even that.
924. Don't you mean that he expressed himself very much delighted and almost elated by the circumstance that this inquiry was likely not to be granted? I really do not recollect what took place.
925. *By Mr. Wilson*: Will you tell us how you know this count out was done on purpose? I have been so informed by some of the Members of the House.
926. *By the Chairman*: Some of the Members of the House are in constant communication with you? I see some generally every evening.
927. Will you tell me where you were when that particular Member of the House told you your diary was being hawked about town? I was in the town—not in the House—in the street.
928. Where were you? In the neighbourhood of King and Pitt-street.
929. You were not in the House? I was not.
930. You still decline to mention the name of the Member? I do not think I would be justified in doing so, as I was told it in confidence.
931. *By Mr. Johnson*: Look at your entry of the 4th April, and tell me if that entry was made on the day it bears date? I do not know. I cannot give you any further particulars with respect to these entries than I have done. I know lately I have been so busy that in some instances with regard to these entries, I have not entered it up for a fortnight or three weeks; but I have kept the particulars of the occurrences of the day by making notes in the evenings, and have entered them in the diary when I have had time. I am speaking of the last two months or so; but at this time, in connection with the Bentley case, I was most particular, and entered it at the moment, if I had time.
932. Do you mean that statement, that some of the entries have not been made for a fortnight or three weeks after the occurrences, to apply to any of the Bentley entries? No, lately; I am speaking of those within the last two months.
933. About that entry of the 4th April—tell me if the entry itself is true? Yes, the entry is true.
934. Did that letter contain threats? I cannot say.
935. You say so there? I think I have a right to explain with regard to some of these letters. I only got the contents of these letters from Mr. Bentley reading them for me. The letters were so written that I could not read them; he read them, and that very clearly. He used to read them, and from his reading I knew the contents; I could not say whether they were so.

936. You say the letter contained threats—now read a little further down—you say “The letter was addressed to the house in Elizabeth-street, and had a 2d. stamp on, evidently intended to be posted in the first instance.” Is that true? Yes; so I recollect without referring to the diary, if that was the date.
937. Now, Sir, is that the letter (*handing letter, marked K*)? I do not know.
938. Will you swear it is not—you had better look at it? No.
939. That is not the letter? No, it was a threatening letter. What the threats were, or their purport— That is not the letter I there allude to.
940. Will you swear that is not the letter Mr. Bentley shewed you that was left upon the window-sill of the staircase? He may have shewn that letter as having been found on the window-sill of the staircase, but that is not the letter I here allude to that was found in the house.
941. What letter do you allude to? A letter containing threats. That is not the letter.
942. You say, on Mr. Bentley going to look, he found the letter upon the window-sill? So he informed me.
943. Is not that the letter he shewed to you as the one he found? No.
944. That you will declare? He may have shewn this as having been found there, but that is not the letter that he told me he had found on the window-sill, which letter contained threats.
945. Is that the letter—the letter you have now read—the one I produced does not contain threats? This is not in the same handwriting—the handwriting is of a different character—I recollect the particulars of that letter.
946. Tell me what you recollect particularly of that letter? I have only read this part—(*referring to the letter*) I have not read the other. If my memory does not—
947. Excuse my stopping you one moment. You say you recollect the circumstances of that letter—tell me what circumstances you do recollect? I recollect a letter was received; purporting to come from a party who was willing to give Bentley information if he kept the appointment; and I had some conversation with Mr. and Mrs. Bentley about the propriety of doing so; at the same time I said I looked upon it as another ruse, and did not believe in his letter. I believed so.
948. You believed so—had you any doubt? I have had many doubts about this matter—you will not say that is the letter yourself.
949. Will you find the entry in your journal relating to that circumstance? I do not know that there is any entry. There is the journal; it is but a small one, and if I mentioned every circumstance it would not contain all. I had other matters besides the Bentley case—I did not take this for that case in particular.
950. Then although you made an entry on the 4th April about the letter said to have been found on the window-sill, you say you recollect that the letter I have produced is a distinct and different letter, and the conversation about it—? The conversation about the letter making the appointment.
951. About *that* letter (*Letter marked K*)? I believe the letter was similar in purport to this, but I cannot say whether that is the letter or not.
952. About what period do you say that letter was shewn to you? I cannot say. It was all on or about the same time, but I cannot recollect.
953. Will you declare that the letter that was found on the window-sill, had a stamp upon it? From memory I cannot say—so it is stated—what is there I believe to be true.
954. Will you undertake to say that is not a false statement? It is not a false statement—but whether I saw the envelope of the letter with the stamp, or whether it was Mr. Bentley who informed me of the circumstance, I cannot say. I believed in Mr. Bentley fully at the time. I believed in everything he said.
955. Do you mean to tell the Committee that you entered this as having heard it from him, or that you entered it as a fact that you observed yourself? I believe I observed it myself, but I cannot say for certain whether that was the case.
956. How was it you happened to be at the Bentleys on the 4th April? I do not know.
957. Did Mr. Boulanger fetch you? I do not know; he might have done. Mr. Bentley fetched me himself.
958. Was he there when this letter was shewn to you? That I cannot say.
959. Have you read the depositions of Mr. and Mrs. Bentley, and their servants? I have.
960. Do you observe in that deposition the letter which you say they shewed you as found on the window-sill? I do not recollect anything about any letter in particular in the deposition. I ran through the deposition, and I find the deposition in the main, correct. There was no part of the deposition that I know myself to be false, excepting with regard to searching the roof of the house, and that with an aboriginal tracker. That is the only mistake I found in it. It was the morning after the parties had said they had been concealed in the roof. Mr. Bentley said I went and searched the loft and roof with a native tracker. I had one detective with me; he was a big Scotchman.
961. Is this what you refer to—the 171st paragraph: “On the next morning (Wednesday, the 23rd day of April last) Mr. Harrison, according to his promise, came to our house with an aboriginal native tracker, and they both went up into the loft together, but I heard nothing of the result of their inquiries. Mr. Bentley was not at home at the time.” Is that the only part of the deposition which you say is incorrect? That is as far as my own knowledge of it goes.
962. Are not the facts stated in this deposition—leaving that paragraph out of the question—as far as you know, stated with truthfulness? Yes, as far as I know. Those matters that I do know about, are stated there as they were stated to me by Mr. Bentley about the time they

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- Sub-Inspector they occurred. I do not know whether it was on the same dates. In the depositions, as far as I know, from beginning to end, there is nothing I can say is incorrect, except this about the aboriginal tracker.
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963. You brought a big Scotchman on that occasion who had not been before? Yes; I think he was well known. Mr. Bentley knows him well enough.
964. What is his name? Clark.
965. Did you see Mrs. Bentley upon the occasion of your taking Clark to the roof? From memory I cannot say whether I saw Mr. or Mrs. Bentley.
966. Or neither perhaps? Yes.
967. Was Mrs. Bentley giving a lesson at the time? I do not recollect; she might have been.
968. When were you first engaged in the Bentley matter at all? At the latter end of last year, when Mr. Hanson first spoke to me about it.
969. It was put in your hands by Mr. Hanson? By Mr. Hanson and Mr. Bentley. I saw Mr. Bentley at Mr. Hanson's house.
970. Had you not seen Mr. Hanson before you saw Mr. Bentley? Yes, I must have done; it was that took me to his house about the matter. I was there to see Mr. Bentley. I got a note, I think, from Mr. Black, through Mr. Ronald, that Mr. Black wished to see me about some anonymous letters; and I then got some anonymous letters from Mr. Hanson. I went to the *Empire* Office, and he made an arrangement with me to come to his house.
971. *By Mr. Cowper*: What Mr. Black was this? Of Molison and Black.
972. *By Mr. Johnson*: A member of the Philharmonic Committee? Yes.
973. Did you not upon that first occasion of meeting Mr. Hanson and Mr. Bentley, express your opinion that it was not the work of an Englishman? I did. So I believed as the facts then stood; so I believed for a long time afterwards.
974. Did you not lead them to suppose you suspected some person in particular? I could not well do otherwise from the facts laid before me; they pointed only at one man.
975. I do not ask you that—I ask whether you did or did not? Yes.
976. You made some unsuccessful inquiries on the subject of the investigation? Yes, I did for about a month, I think.
977. You took some of these anonymous letters into your possession—did you not? Yes, two or three—three, I think—I do not recollect how many.
978. Had you more than one interview with Mr. Bentley at that time? Yes, I think so; I think I saw Mr. Bentley again.
979. When and where? I do not recollect. Not at his house, but at Mr. Hanson's house, or in the street. I am not certain that I did.
980. How long do you say the matter was in your hands at that time? I do not recollect—I think about a month or two. I think I was away from town during a week or more of the time.
981. What steps did you take during that month, as you say I think that it was about that portion of the time that you had no diary? I do not recollect what steps I took.
982. You do not recollect what steps you took? No; there was nothing definite in the case then. I had other matters to attend to. Mr. Hanson said this was of a strictly private nature. I do not recollect what steps I took in the matter. I know whatever steps I took ended in nothing, and so I informed Mr. Hanson.
983. Do you mean to say you cannot tell what steps you did take? I do not recollect.
984. Not any steps? I cannot recollect. One of the steps I believe I took was to put Mr. Cutolo under surveillance.
985. Did you do so? I believe I did.
986. Who did you employ for that purpose? I do not remember. The matter went out of my hands at that time. I do not recollect what steps I took.
987. Not of any kind? No; out of the great number of steps I do not remember what steps I took in particular.
988. I do not say what steps in particular—tell me one step. Did you put Mr. Montagu under surveillance? At that time, no. I do not think Mr. Montagu's name had been mentioned at that time.
989. You can tell nothing more of what you did during what you say was a month? I may be mistaken. I do not say it was a month; it might have been ten days. I do not recollect how long I had the letters in my possession.
990. Did not Mr. Hanson reproach you with not doing your duty in the matter? He did.
991. What did you say to him? I was very near doing something to him when he made that remark. I said nothing, and walked away.
992. Although he reproached you with doing nothing, you cannot say what you did? He did not reproach me with doing nothing.
993. You said he did? That was not what he said. Mr. Hanson said, "Well, have you been successful in finding out these parties?" I said, "No, I have not been successful yet; this is a matter of time, it cannot be found out so soon as you expect." Mr. Hanson said, "You are a friend of Cutolo's, and you have thrown us over the bridge; if I had sent you a cheque for £50 at the time I sent that letter, this matter would have been unravelled long before this, but now we will put it into other hands; there are other parties taking an interest in it, and we shall find it out without your assistance." I then washed my hands of it until Mr. Boulanger and Mr. Bentley subsequently came to the Inspector General.
994. Mr. Hanson was very warm in expressing his suspicions against Signor Cutolo? I do not know that he expressed himself warmer than Mr. Bentley on the subject, for I had no conversation with Mr. Hanson during the time I had the letters and was making inquiries. It was from the conversation I had with Mr. Bentley and Mr. Hanson, when the matter was placed

placed in my hands, that I acted. The facts stated then went one way. I took steps then on the strength of the information I received, and on the strength of these facts in particular. Mr. Hanson and I had no conversation on the matter, nor have we had since, when I undertook the matter from Mr. Boulanger.

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995. You had no conversation with him? During the time I undertook the matter I had no conversation with Mr. Hanson on the subject. He once or twice stopped me and asked me how did the case go on, with a sneer and a laugh, and I made him some answer.

996. You are not able to say whether Mr. Hanson warmly entered into the idea that Signor Cutolo was the guilty party? I was informed so by Mr. Bentley; from my own knowledge I do not know it.

997. Did you hear anything from Mr. Bentley, or Mr. Hanson, about suspicion having at first fallen upon another individual? No, I did not. Signor Cutolo, Mr. Montagu, and Mr. San Juste were the persons who were pointed out to me as the authors.

998. Were you asked to get the handwriting of all the professional people? No, but I said I would get it, and I did.

999. You were not asked? It may have been a subject of conversation with regard to getting it; I know I expressed my intention of doing so. All the steps I took in the matter, up to a certain time, Mr. Bentley was aware of, and the men I employed in it; I kept nothing from him.

1000. Was it not in November, 1861, that the case was first put into your hands? I think it was November; I will not be positive.

1001. Did Mr. Hanson and Mr. Bentley give you certain particulars of the case which led you to believe that Cutolo was the man? Yes.

1002. What did they tell you? I really cannot recollect what they told me at that time.

1003. Can you recollect the substance? It was about some conversations that had taken place with Signor Cutolo, and about Cutolo being present when certain remarks were made, or when Mrs. Bentley was introduced to certain parties, and that those parties had received letters with regard to Mrs. Bentley, and that there was nobody there who could have done this unless it were Cutolo. There was always something pointing to Cutolo in the matter, all throughout. The small facts I do not recollect.

1004. Are they not correctly detailed in Mr. and Mrs. Bentley's deposition? I do not know.

1005. Are not the facts set out there in substance what they told you? I do not know.

1006. You read the deposition? Yes; still my head does not contain all that is contained in that deposition. Probably I did not take an interest in that part, but only in that which concerned myself particularly. It may be so.

1007. Do you know when Mr. Boulanger arrived in Sydney? I do not.

1008. You state in your report that he arrived just about the 18th March? So I was probably informed at the time; I do not know of my own knowledge.

1009. Who informed you? It might have been himself—it might have been Mr. Bentley who said Mr. Boulanger came at a certain time.

1010. Did he not come earlier than that? He might have done.

1011. You took charge of the case, did you not, upon the understanding that it was not to be divulged that you were engaged in it? No.

1012. You did not? There was an arrangement made by Mr. Bentley, Mr. Boulanger, and myself; after what had passed between Mr. Hanson and myself, I would not have Hanson to deal with in the matter any more, as he was too hot-headed to have anything to do with the case; I said that he would be impatient, and that I would not have anything to do with the case if he had, and that the fewer entrusted with the matter the greater the chance of success. Mr. Bentley agreed to this, as well as Mr. Boulanger. Mr. Aldis, Mr. Wrench, and Mr. Black, being frequent visitors at the house, and Mr. Bentley saying that he placed every confidence in them, I did not throw any obstacle in the way of their being made aware of the steps that were being taken.

1013. Did you not yourself come to the conclusion that Mr. Montagu had been assistant to whoever was the writer of the letters. Was it not your theory that Mr. Cutolo was the instigator, and Mr. Montagu the amanuensis? It was Mr. Bentley's theory, not mine.

1014. Did you ever adopt that theory? Yes, I believed it to be so; from the facts put in my possession by Mr. Bentley it could only be in that way.

1015. In your opinion? Yes, it could only be in that way: that Mr. Cutolo was the author and Mr. Montagu the amanuensis, and that Mr. San Juste was the one that used to go round and put the letters in the post.

1016. What steps did you take to detect these parties? I put them under surveillance night and day.

1017. All three of them? Yes; I do not know whether they were all under surveillance at one time. I cannot say they were all under surveillance at the same moment.

1018. Whom did you employ to keep them under surveillance? Detectives Downham, Clark, Saunderson, Camphin, and ———. At the same time, with regard to the inquiry and the watch I kept upon Signor Cutolo and Mr. Montagu (but on Signor Cutolo and Mr. San Juste in particular), I had the assistance of parties in the city moving in the same circle with themselves, who rendered me every assistance in the matter. I had the assistance of scores who took quite as great an interest in the matter as myself, and got particulars from them.

1019. When did you first put Signor Cutolo under surveillance? Directly I took the matter in hand.

1020. How long had you him under surveillance? Off and on, till I came to the conclusion that he was innocent.

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1021. When did you come to that conclusion? Directly after the assault on Mrs. Bentley.
1022. What sort of surveillance did you put him under? I had him watched during the day, and had his house watched till he went to bed. He was watched again in the morning, and it was observed who went to his house and left it; and the same with Mr. Montagu.
1023. You said "off and on"—what do you mean by that? I had the matter in hand a long time, and from the time I first took it in hand, I had not Signor Cutolo under surveillance every hour up to the time that I felt convinced he was innocent, because I had not the means to do it.
1024. Then he was not under continual surveillance? He was always under surveillance, but not watched about.
1025. What is the difference between always under surveillance, and watched about? A very great difference.
1026. Will you explain? By watched about, I mean that a man is ordered to follow a person wherever he goes. A man can be under surveillance without that.
1027. In what way? If a man who is under surveillance, meets another in the street and speaks to him, the person to who he has spoken is perhaps followed, or kept under the eye of the police for a day or two.
1028. I want to know whether if you are not continually watching a man, he may not do something when he is not watched that it is important to you to know? You cannot tell that.
1029. *By Mr. Piddington*: This watching of Signor Cutolo was a sort of irregular surveillance? Yes.
1030. *By the Chairman*: Was Signor Cutolo so watched as that you knew every time he went to the Post Office? I cannot say so.
1031. Do you know whether he ever went to the Post Office during the time you had the matter in your hands? No.
1032. Do you know whether he ever posted any letter? I was not constantly watching him.
1033. Are you in a position to say that your men so watched him as to be able to say whether he ever posted any letters? I am not in a position to say so.
1034. Did you understand from them that they did so watch him that he could not have posted letters without their seeing him? I know I have every confidence in the men that I placed there—I trusted them.
1035. That is not the question? I cannot answer the question; I cannot say that I know Signor Cutolo never posted any letter.
1036. I ask you whether, from reports of your men, you know that Signor Cutolo was so continually watched, that he could not have posted any letters? No, I do not say so.
1037. That is not pretended? I might have posted letters; he might have done so for a long time before being caught; but for the surveillance placed over him, something must have been discovered, even if he had not been caught posting letters.
1038. What do you mean by saying that Mr. Montagu was so watched that he could not have posted letters without your men seeing him? I do not say that; but that seeing they were posted for the purpose of seeing whether he posted any letters, and not having seen him do so, I presume he had not.
1039. You have not been informed that Cutolo was watched to that extent? No.
1040. Or Montagu either? No; but they were closely watched, and the men knew what they were about, and their object in watching them. I never heard of their reporting that a letter was posted, because I had taken steps to provide for that if it had been done.
1041. Could they so watch them as to be certain of the fact? No, it is impossible.
1042. Are you aware that Mr. Montagu posts a great many letters? I am not aware that he does. Mr. Montagu or Signor Cutolo might have written the letters when they went to give lessons, and might have left them behind to be posted by some other person likewise in the conspiracy. There were so many said to be mixed up in the conspiracy that it was impossible to say.
1043. With all the surveillance you were able to give, they might have posted them themselves? They might have posted every letter, but I do not think they did.
1044. They were not watched so as to make that a matter of certainty? No, because I do not believe it could have been done; it might have been but I do not think it could have been done; I do not think it took place.
1045. Would there have been any great difficulty in watching Mr. Bentley from the time you suspected him to be the writer of the letter, to see if he posted any letter? Yes.
1046. What would have been the difficulty? Bentley was rather too quick for us; he used to jump into a cab and rattle off. I did try him two or three times but he went off in a cab, and I lost him, and there the matter ceased. I was not aware of the matter till it was too late; if my suspicion had been awakened sooner I should have had a better case.
1047. Did you put him under surveillance? I did, for three or four days.
1048. Will you give me the particular date of this? I cannot.
1049. Have you any entries in your journal with respect to this? I may have; I can give you the names of the officers who watched.
1050. Who were they? Sanderson and Camphin.
1051. What directions did you give them? To watch Bentley and see whether he posted any letters. This was on or about the time of the publication of the affair in the newspaper—just before that.
1052. I want you to fix the date when you put Bentley under surveillance? I cannot until I have the papers here.

1053. The 4th June—you did not put him under surveillance before that? It was on or about that time, or a little before. Sub-Inspector C. E. Harrison.

1054. Cannot you fix it nearer than that—was it before the 4th June you put him under surveillance? I do not know. 20 Nov., 1862.

1055. That was rather an important matter. I should think you would have entered that; you have put down that your suspicions of Bentley were confirmed the 26th April? At the time of the assault.

1056. That was the day after—how do you account for so important a matter as that being omitted in your diary? Because I do not recollect whether I gave a special order with regard to Bentley being put under surveillance. I think one of the officers told me he had been keeping his eye upon Bentley for some days previous, and I told him he had better continue to do so. I recollect passing by the Club, and saw the officer there waiting, who said Mr. Bentley had just run against him and did not know him. Whether I gave an order to the effect that he was to be put under surveillance I cannot say.

1057. What did you mean by saying that you would give the names of the officers who were employed for that purpose? I ought to have said who were engaged for that matter.

1058. You said who were employed? I should have said engaged.

1059. They took this upon themselves, of their own motion, without any instructions from you? I have told you —

1060. Did they take this duty upon themselves without instructions from you? To watch? They told me they had watched, and I told them to continue. I may have given some instructions with regard to it before, but I forget.

1061. Did they at any time take this office or duty of watching without your instructions? I cannot say.

1062. What do you mean by saying they told you they had done so, and you told them to continue it? I do not mean to say that they told me they had been watching Bentley positively, but I say I believe that was the case—they had an eye upon Bentley. They had suspicions of their own that I was not aware of at the time. All the steps they took in the matter on their own account I cannot — They may have taken steps they did not report.

1063. Did they tell you they had been watching Bentley? Yes; and I told them to continue it.

1064. Had they your instructions to do so at the time? I do not know. Do you mean did I give a special order to any man to watch Bentley?

1065. I did not say anything about a special order; I say when these men told you they had been watching Bentley, had you, prior to that, given them instructions? I do not think I did so. I think they gave me some information respecting Bentley, and I told them they might as well continue watching him.

1066. When was that, before or after the assault? After the assault; Bentley was aware of everything before the assault.

1067. When you came to the conclusion that Bentley, and no one else, was the author of the letters, did you then put him under surveillance? I did not. I put Mrs. Bentley under surveillance.

1068. Did you detect her in posting the letters? No; because she was not constantly watched. I put her under surveillance with regard to the statement she made of parties stopping her on the road, to see whether that was the case, not with regard to posting the letters, for I suspected Mr. Bentley of posting the letters.

1069. You having formed the opinion that Mr. Bentley posted the letters, did you put him under surveillance—that is a plain question? I did not put him under surveillance as I have there stated the particulars.

1070. Where? About that time—I do not recollect —

1071. Shew me where you have put it? (*Handing the diary to the witness.*) I do not know that it is there.

1072. What do you mean by “as there stated”? As you were questioning me, and as I have now stated.

1073. Did you say “now”—did you not say “there stated”? No, I did not. I was alluding to what you said.

1074. Did you use the word “there”? I may have used the word “there.”

1075. *By Mr. Piddington:* It was not correctly used—you mean to say that you should have used the words “as now stated”? Yes.

1076. Was that after the letter was published? It might have been on or about the time.

1077. The letter was not published till a month and eleven days after the assault—did you put him under surveillance before the beginning of June? The letter was published on the 4th of June. I did not put him under surveillance at that time. I thought of doing so, but I adopted another course; he was not under surveillance till this occasion, which lasted over two or three days. That was a considerable time after the assault took place at Newtown; it was just before I gave the case up altogether.

1078. It was five weeks after? I do not know.

1079. When did you give up the case altogether? When the letter appeared in the newspaper.

1080. You say you gave up the case as early as the time when the letter appeared in the paper? Or soon after. When I say I gave up the case, I mean I took no further steps in the matter to unravel it. I then looked upon the case as finished.

1081. Why did not you, when you say you came to the conclusion that the Bentleys themselves were the authors of this business—that Bentley himself wrote and posted the letters—why did you not take means to convict him? I did take certain steps in the matter.

- Sub-Inspector 1082. What steps did you take? A number of steps.  
 C. E. 1083. Let us know them? I cannot give you the particulars of the steps I took.  
 Harrison. 1084. Do you mean you *can* not—do you mean because you are prohibited? Not so. I followed a certain course in the matter which I thought would lead to the unravelling of it. It was a matter of time, and the case finished sooner than I expected; had it gone on longer I believe I should have had a better case.  
 20 Nov., 1862. 1085. How did it finish? It finished when that letter appeared in the paper. The Colonial Secretary was informed that the police had been employed in the matter, and I stated then—it was the first time I had done so—who I believed the authors to be, and I looked upon the case as concluded, for I did not see any chance of success to induce me to pursue any further steps.  
 1086. I wish you to inform the Committee what is your justification or excuse, when you came to the conclusion that Mr. Bentley and no other was the writer of the letter, and that he was the man who posted them, for not taking such steps as to detect him in posting the subsequent letters? With regard to Mr. Bentley himself, I do not know why I did not put him under surveillance at the time, as well as Mrs. Bentley.  
 1087. You cannot explain that? No.  
 1088. Do you not think the most obvious thing in the world was to have watched him to see whether he posted any more letters when you suspected him of posting them? That would have been one course, but I thought I knew a better one.  
 1089. Could you not have pursued that as well—was there anything to prevent your pursuing that obvious course? I might if I had men, but at that time I was reduced to two men.  
 1090. Do you mean to put it on the ground that you had not sufficient men to adopt this course? I do not; it might have, or it might have been others. I marked out a certain course of action for myself, and I used to follow it, and I could not do everything. I marked out what might have been a better course.  
 1091. What were the steps you did take? Then?  
 1092. I mean after the 25th March—when you say you became convinced that Bentley and no one else was the author of the letters—what steps did you take? To satisfy myself.  
 1093. You say you had satisfied yourself—that you were thoroughly satisfied yourself—now I want to know what steps you took to satisfy the public? On the day of the assault I felt satisfied it was the case that Mr. and Mrs. Bentley were the authors, but I wanted proof for fear I might be mistaken in the matter, and I got those proofs.  
 1094. Did you take any steps to enable you to lay before the public the proof of the guilt of the Bentleys? I did—to lay before the public. No.  
 1095. Your individual satisfaction was of no importance—I ask you, did you get any proofs to lay before the public? I did not.  
 1096. Did you take any steps to get any? Yes, I did.  
 1097. What steps did you take? I have told you I took those steps in the matter. I was there pretty constantly. I paid particular attention to the conversations that were passing on matters in connection with Mrs. Bentley, but with regard to getting evidence conclusively against Mr. or Mrs. Bentley, legally, I had no means of taking any.  
 1098. *By Mr. Fiddington*: The steps amounted to merely the impression produced on your own mind from circumstances arising? Yes; I had no proofs against the Bentley's but what was conclusive to myself—of legal evidence I had not a tittle.  
 1099. *By Mr. Johnson*: Do you profess to have ascertained any fact which you could lay before the public as shewing that the Bentleys were the guilty parties? No, I do not; nor can I.  
 1100. Have you a single circumstance to relate, except what depends upon your own statement? With regard to what?  
 1101. With regard to verifying your suspicions of the Bentleys? Yes, certain particulars can be confirmed.  
 1102. Tell me what they are—have you ascertained that they can be confirmed? I know of one, for instance: After the alleged assault, the following time that Mrs. Bentley went out to Newtown to give lessons, in addition to the officer, who she knew accompanied her, in order that if she were spoken to by anyone she might make a signal to him, I sent another to watch Mrs. Bentley, and directed him not to let himself be seen, and he did so.  
 1103. So he informed you? So he informed me. He said he concealed himself in the bush, close to Mr. Josephson's gate, and having watched her from the omnibus to the house, he waited until her return, and nothing took place—at least he told me nothing had taken place. Mrs. Bentley informed me the same evening, or the following day, that coming from Josephson's, when she had got to the gate, a man stopped her, and told her that I was waiting for her at Cook's River, and that she felt inclined to go, but that then she thought it might be only a ruse, and finally made up her mind that she would not go. She told the man she would, and then passed down the road. I then, when Mrs. Bentley informed me of this, saw the officer, and asked him whether anyone had spoken to Mrs. Bentley at all, and he said that no one had accosted her at all; that she had stopped at the gate a second or two to fasten her glove.  
 1104. That was a circumstance you omitted to mention in your report to the Colonial Secretary? There were a great many other circumstances.  
 1105. That is a circumstance? Yes.  
 1106. The question I asked you—whether you could state any facts you could prove—is there anyone to corroborate your statement, that Mrs. Bentley told you anything of the kind—that rests entirely upon your statement? Yes. I do not think Mrs. Bentley would deny it.  
 1107. I think she would—if she did not I would no longer have anything to do with her case. I am asking you to point out any circumstance tending to prove the guilt of Mr. or Mrs. Bentley, that does not depend entirely upon your own assertion? I cannot.

1108. You see that depends entirely upon your own assertion. Did not Mrs. Bentley at this time—that is, a week after the assault—that you had men watching her for her protection—was she not fully given to understand that? She knew it for a long time previously.

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1109. Did she not know it at that time? Yes, a man used to follow her at a distance; she used to ask who the man was who would follow her on a particular day, and I would tell her. Both she and Mr. Bentley knew all the men who were employed in the matter.

1110. Did you not have a discussion with Mrs. Bentley, and did she not complainingly or reproachfully say that you had omitted to send some man to watch her? She might have said so; I do not know.

1111. Do you not recollect her mentioning that she was convinced of it, from having turned round and looked at a particular spot? That may have been the case. I do not recollect it.

1112. Was she not fully aware that she was seen from the time she left her house till the time she returned to it? They could see if Mrs. Bentley were assaulted.

1113. Yet you say she told you, at the time she knew she was watched, that something had taken place which had not taken place? Yes, but the policeman might have been a couple of hundred yards away.

1114. For the purpose of watching Mrs. Bentley? Not for the purpose of watching her, but of seeing whether any one accosted or assaulted her. I proposed to Mr. Bentley that I should send an escort with Mrs. Bentley, and I gave as a reason that if any person assaulted her again, as we could not find him in town, she might give the signal to the detective, who would see who he was, and find out his object, and that this would give a clue to the affair. Mrs. Bentley was then anxious to know who the officer was who would accompany her, alleging, as a reason, that if she did not know him, she would not know to whom to give the signal. On this account I made her aware of the officer who was going out with her each time, so that there might not be a mistake.

1115. Was it not fully understood that she was not to be out of sight of your officer, from the time she left her house till she reached Mr. Josephson's, and from the time she left Mr. Josephson's till she reached the omnibus? No.

1116. What was the purpose of stationing a policeman there at all? When she got into Mr. Josephson's grounds there was no chance of meeting any person there; it was the bush.

1117. That was the very place where the assault took place? The party stopping there had been on the main road, and had watched her getting out of the omnibus, and up to Mr. Josephson's gate, and then walked away; and when Mrs. Bentley had given the lesson, he met her at the gate again. She had never been interrupted in Mr. Josephson's ground.

1118. You state that she had never been molested in Mr. Josephson's grounds—was not her statement that she was assaulted in Mr. Josephson's grounds? That was afterwards.

1119. *By the Chairman:* Was not this person watching to prevent another assault? The assault had not taken place. This escort went with Mrs. Bentley up to Easter week. On the Friday of Easter week he did not go with her—on the day when this assault took place—because she said she was not going out that week.

1120. Do you know the distance from the road to Mr. Josephson's house? The house is in sight, but a good step down the avenue. It is not the wild bush you have to walk through.

1121. *By Mr. Cowper:* Is it a quarter of a mile? No; when you turn in at the gate there is a bit of scrub, through which you go to the house.

1122. *By the Chairman:* Could you see any one from the highway to the house without going into the grounds? I do not think you could from the highway; I think you could from the side of the fence.

1123. *By Mr. Johnson:* After all, the object of sending your men, as agreed upon by you, was to accompany Mrs. Bentley, in order that they might identify any one who might speak to her, during any part of her progress from her own house to Mr. Josephson's or back? Yes.

1124. Then she was aware that she was to be watched to that extent? Not that she was to be watched, but that an officer was to accompany her.

1125. I do not mean to say that she was to be watched, but to be guarded,—that the officer was to be in the way to know if any one did speak to her? Yes.

1126. And yet you say she told you a falsehood with respect to being assaulted under those circumstances—Will you answer that question? From the officer's statement Mrs. Bentley must have told a falsehood, or the officer must have told a falsehood.

1127. Or else you? Or else I must have told a falsehood.

FRIDAY, 21 NOVEMBER, 1862.

Present:—

MR. COWPER,  
MR. W. FORSTER,  
MR. HART,  
MR. LEARY,

MR. LUCAS,  
MR. MORRIS,  
MR. PIDDINGTON,  
MR. WILSON.

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

Mr. R. Johnson, Solicitor for Petitioner, also present.

Mr. Charles E. Harrison called in and further examined:—

1128. *By Mr. Johnson:* Am I to understand that you still persist in saying that you compiled this report which you sent in to the Government, from the entries made in your journal—that you, in fact, had that journal in your hand when you compiled

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Sub-Inspector compiled your report? Yes, it is compiled from the journal; perhaps not word for word, because many things that may have struck me may appear in the report which are not in the journal; and there are things entered in the journal that do not appear in the report.

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I may not have thought it worth while to mention them.

1129. Can you account for the remarkable omission that is shewn, by nothing being stated in your report with regard to the long statement Mrs. Bentley had made as to a man she had met, when you knew that she had not, in point of fact, met him? No, I cannot; except this, that there was a great deal concerning Mrs. Bentley that was constantly taking place, and of which nothing was said in the report. I did not go into every circumstance in the report, but only mentioned what I thought was the most particular.

1130. But that particular circumstance—can you account for omitting so salient a point? No, I cannot.

1131. Is there any entry in your journal—if there is I have not observed it—in reference to the anonymous letter sent to Government House? I do not know. There may be an entry of the fact, made at the time when I received information of it. I may have made a note of it at the time I was made acquainted with the fact, but I am not sure that there is; I was not aware that such was the case until I was so informed by Captain M'Lerie. He gave me the first information that such a letter had been sent. Mr. Bentley, however, told me that he believed that such a letter had been sent, and asked me to ascertain the fact from Captain M'Lerie. I told him that I would do so, and I then mentioned the matter to Captain M'Lerie.

1132. Is there any entry in your journal on the subject of the conversation you had with Mr. Bentley, relative to this anonymous letter, or of the fact of your having learned that such a letter had been received? I do not know. I forget at this distance of time; but if I could ascertain about the time when the conversation took place, I could soon find out by referring to the diary.

1133. If there is such an entry, will you be good enough to find it. I believe that you have recently been through this journal with the gentleman who made this synopsis of the case which is now before the Committee? I have been through the more particular parts of it, but certainly not through the whole of it. I only referred to those parts that I thought of importance. There are many parts of the diary that I have not seen since they have been written.

1134. Did you not state that the gentleman who made these extracts, and framed the synopsis of the case from your journal, did so from your dictation? No; he made it from a copy of the entries from the journal with which I furnished him. All the extracts from the journal were copied in the first instance, and that copy I gave into the hands of the clerk, to make a fair copy from. I did not hand, or even read the journal to him, but simply gave him a copy of the entries from which he made the extracts submitted to the Committee, and not Colonial Secretary's report.

1135. *By the Chairman:* Have you brought that copy with you? No, I have not.

1136. What has become of it? I believe it has been destroyed. I have, however, some papers with me, bearing on the case, that I thought the Committee might wish to see.

1137. *By Mr. Johnson:* Then, as I understand you, this is the fact:—You yourself made the extracts from your journal, and gave them to a clerk in Captain M'Lerie's office, who from them made up this report? Not exactly. I did not make the extracts. I was very busy at the time, and had no leisure to make the extracts, and I got Mrs. Harrison to make them for me.

1138. What have you done with that copy which was made by Mrs. Harrison, and given by you to the clerk—what was his name? Mr. M'Martin.

1139. And given by you to Mr. M'Martin, from which to make this synopsis? I destroyed it.

1140. Why? I did not think it necessary to retain. I could have no object in retaining so many copies when I held the original.

1141. Then Mr. M'Martin, who drew up this report, never saw your journal? He did not.

1142. Has anybody else seen it? Yes, they may have done so.

1143. Can you name any person besides your wife who has seen this journal? Yes. I recollect one circumstance in connection with this journal. I was in conversation one day with Mr. Boulanger—

1144. I do not wish to act unfairly with you; all I desire to know is whether any other person besides Mrs. Harrison has seen this journal? Yes, there has.

1145. Who? Mr. Boulanger.

1146. When did he see it? I cannot say the exact time, but it was about the time when he was a frequent visitor at Mr. Bentley's, and just about the time when his visits to them ceased. If the Committee will allow me, I will explain how it happened. I had some conversation with him, and some occurrence that had taken place at Bentley's was mentioned. Mr. Boulanger said that the occurrence took place at a certain date. It was something that had transpired at Bentley's, but I forget what. I told him that I did not think that was the date. We then had some discussion in regard to the time when the occurrence took place. Ultimately Mr. Boulanger said that he had made an entry of the matter, and that he would look in his diary, and see whether he or I was correct. I saw him some short time afterwards, and then he again mentioned the circumstance, saying that he had not been able to look for the date in his diary, as the case in which it was enclosed was locked, and he had lost the key. He deplored having lost the key, as he said he did not know where to get another. I told him where he could get one, and he then asked me, as I knew the place, to take his diary and case, and get a new key for it; and he told me that, when it was unlocked, I could see whether he was right or not. I got a key made, and opened the case of the diary, and referred to this matter. There were one or two trifling entries—such as, "went to Bentley's on such a date"—but nothing of any great importance. As to the matter in question, I forget whether he was right or whether I was. He afterwards came to my office, and I then

then shewed him my diary, and compared the dates of the circumstances referred to. I then fitted my diary into the case belonging to his, but I found it too big. I asked him where I could get a case, and he told me where he had bought his; and I subsequently went and bought one for myself, so as to have the diary under lock and key.

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1147. Had Mr. Boulanger an opportunity of reading anything in your diary? He had not.

1148. Had he an opportunity of seeing whether there was any writing in it or not? Yes, of course he had. I believe I was writing in it at the time when he came into my office.

1149. Can you name anybody else who has seen your diary; that is, is there anybody in a position to say that the entries you made were correct—that they were correct accounts of what then transpired; so as to give greater weight to what you say in respect to it? No one to my knowledge has ever seen any entry I have made in it. I never had the slightest suspicion when it was written that it would even be looked into, and always kept it under lock and key, so that no one should see it.

1150. Can you name any person who has seen it in the month of February last? No, I cannot.

1151. Can you mention any person who saw it in the month of March last? No, I cannot.

1152. Can you name any person who saw it in the month of April last? No; many persons may have seen it, and no doubt did see it, but I cannot name any person who has seen it to read it; in fact, I kept it out of the way, so that it should not be read; it was generally kept locked up in my private room. Parties may have seen me writing in it, making entries, but I have never shewn it to anybody.

1153. Have you been able to find any rough memoranda or note of the different transactions detailed here from which the entries were made? No; if I had any—and it was seldom that I had—I always destroyed them at the time, after making the entry.

1154. Have you any other writing, in the shape of letters or notes, that you could produce, as shewing how these entries were made—I tell you candidly that I never saw a series of entries such as these without some interlineations or erasures, and these have none? No, I have not. I may remark here, however, that whenever anything, which I considered interesting or important in the Bentley case, took place, I would make an entry of it at the first opportunity I had, on the same day. During the whole time I was engaged on the Bentley case, I was most particular in entering all the facts that came to my knowledge, if possible, on each particular day when it occurred; since then, I have not been so particular, and of late I have not made the entries on each particular day. I now generally make a note of what I require to enter, on a slip of paper, and when I have a few of these accumulated, I enter them all up together; at that time, however, I was so much interested in this case that I was very particular about entering up everything as it occurred.

1155. *By Mr. Hoskins:* So that when any remarkable occurrence, as you may have considered it, occurred, you took care to note it down at once in your journal? Yes.

1156. As soon as it occurred? No, as soon as I was made aware of it. There were some of the circumstances that I was not made aware of until some time after they took place; but there were so many remarkable circumstances connected with this case, and constantly occurring, that it is very probable that I may have omitted a good many of them.

1157. *By Mr. Johnson:* Look at that letter—take it in your hand and read it? I have done so.

1158. Is that the letter referred to in your journal as the one you expected to come, and which did come as you expected, to verify the assault? I do not know whether that is the precise letter, but it was a similar one to this.

1159. Did you not see that letter? Yes.

1160. And have it in your hands? I am not sure whether I had it in my hands, or whether Mr. Bentley read it for me. There were many of the letters that he shewed me, and which I could not decipher; these he read to me, as he said he was more used to the writing than I was.

1161. He read them to you when you were unable to do so? Yes.

1162. And did you see them when he read them? Yes, I saw them in his hands.

1163. Were they not all put into your hands by Mr. Bentley before they were read? No, not all; in some instances I did not ask to see them.

1164. But in this particular instance was not the letter put in your hands? That I cannot say positively. He generally used to meet me by saying "Here is another letter," and then, when I would answer to that, he would say "Let me read it to you; I can make it out better than you." Sometimes he would read, and I would not know whether it was a letter or anything else he had in his hand. Of course I have seen some of the letters—in fact, most of them—but I have not seen them in all instances.

1165. Then do you mean to say that you did not take the precaution of seeing yourself the letters that were read? In the first instance, I did. I examined them all very closely, but I had a great difficulty in reading them, and then Mr. Bentley would take it out of my hand, and read, saying, that he had got more used to the writing. In other instances again, I did not see him read the letters.

1166. Then occasionally you did not take the precaution of looking at the letters yourself? Yes, in some cases I did not have the letter in my hand at all.

1167. You did not take that precaution? No.

1168. Did you see the letter which you say was the expected letter that you thought would come to verify the assault? Yes.

1169. Did you take that in your hands? I cannot say; I may have done so, but I cannot speak positively.

1170. And when there was a letter arrived which you say you expected to come, to verify the assault, do you really say that you did not take the precaution of examining it yourself in your own hands? I do not say that I did not.

1171,

- Sub-Inspector 1171. Neither do you say that you did? No.  
 C. E. 1172. However, on the Friday night mentioned in the diary, you had formed the opinion  
 Harrison. that a letter would come to verify the assault, and that Mr. Bentley would write it? Yes,  
 21 Nov., 1862. I formed that opinion on the same night that I say in my diary that I thought a letter would  
 come. I did not, however, say a letter, but that there would be some corroborative evidence  
 of the assault. That was my impression. I thought the assault would be verified in some  
 way, either by letter or by some other means.
1173. As a matter of fact, is it true that on the 25th you expected a letter to arrive,  
 verifying the assault that was said to have been committed on Mrs. Bentley? I expected  
 some confirmatory evidence of that assault.
1174. But a letter? Yes, a letter or something else to confirm Mrs. Bentley's statement.
1175. But was the letter the mode by which you anticipated that this confirmatory evidence  
 would arrive? Yes, either that a letter, or that some corroborative circumstance would  
 transpire to confirm Mrs. Bentley's statement relative to the assault.
1176. But the letter? Yes. It was a letter that I expected, but I was satisfied then and  
 at other times, that if not a letter, there would be something transpire to corroborate the  
 assault.
1177. Did you, or did you not, consider it highly probable that Mr. Bentley would write a  
 letter to corroborate the fact of the assault on Mrs. Bentley? That Mr. Bentley would  
 write it?
1178. Yes—did you, or did you not? Yes, I thought it highly probable.
1179. Thinking it probable he would write this letter, did you take the least means to have  
 him watched, so as to be assured whether he wrote such a letter or not? No, I had no one  
 watching him.
1180. Will you inform the Committee why it was that you omitted to perform so obvious a  
 duty? I cannot say, except that I had marked out a plan for myself, and that that plan I  
 adhered to throughout. It was no part of that plan to have Bentley watched.
1181. Although you expected that some corroborative evidence would be concocted by him?  
 Yes.
1182. And that that evidence would most probably come in the shape of a letter? Yes.
1183. And though you thought this, you took no means to convict him of the offence, should  
 he have adopted such a course of procedure? I did not. I had taken very many different  
 steps in this case, and they had all turned out unsuccessful, and I had then laid down a  
 settled plan, by which only I determined to proceed.
1184. And that plan has also turned out unsuccessful? I do not know that. That remains  
 to be seen.
1185. You do not purpose to adduce any other evidence against Mr. Bentley beyond your  
 own statements? No; but others may.
1186. You think that others may do so? Yes.
1187. Are you aware of any others who will support your statements? I trust there will  
 be some.
1188. Who? Some who will be examined before this Committee, before the inquiry is  
 closed.
1189. Who are they? Everybody who has been in any way connected with the matter.
1190. Can you give me any name? I am not in a position to give you the name of any  
 person in particular.
1191. Do you know a single individual whom you can call to corroborate the statement you  
 make in the latter part of your journal? No, I do not. I have no doubt that many will  
 do so when they are examined; but I do not, of my own knowledge, know that they can  
 do so.
1192. But you think they can? Yes.
1193. Who do you think can do so? Dr. Brereton can.
1194. Who else? Mr. Boulanger.
1195. Any one else? Yes, Mr. Aldis.
1196. Any one else? Mr. Black.
1197. Any one else? Yes, Mr. Hanson and others, I dare say.
1198. Do you know of any others—Can none of your detectives do so? I look upon their  
 evidence as a matter of course; but they know very little of the steps that were being  
 taken. They had simply one particular duty to perform, and that was all, and did not know  
 anything of what I was doing in the matter, or what plan I was pursuing. In fact, they can  
 throw very much less light on the matter than the gentlemen whose names I have just  
 mentioned.
1199. Can they throw any light at all on the matter? I do not think they can. They  
 only know that they had a particular duty assigned to them to perform, and that they were  
 unsuccessful in what they had to do.
1200. In the first place, what do you understand that Dr. Brereton will be able to prove?  
 That I am not at liberty to say. I presume he will be examined before the Committee, and  
 can then make his own statement.
1201. Why do you not consider yourself at liberty to mention this evidence? Because  
 certain matters have been mentioned to me in confidence that I do not consider myself justified.  
 These very matters that you refer to at the latter part of my diary were written solely for my  
 private guidance, and were never intended to be made public in any way.
1202. *By Mr. Piddington*: Of what is his evidence confirmatory? Of certain matters when  
 the assault was said to have occurred. He then mentioned certain circumstances to me,  
 which I took to have been told to me in confidence, and not to be spoken of again.
1203. *By Mr. Johnson*: But when the matter becomes one of judicial examination, you are  
 aware,

aware, I suppose, that there is no such thing as confidence—do you expect him to corroborate this entry in your journal? I took that entry from Dr. Brereton's statement.

1204. What do you expect Mr. Boulanger to prove? That I cannot say.

1205. You do not know any one fact against Mr. Bentley that he can prove? I do not.

1206. Or Mr. Black? No.

1207. Or Mr. Hanson? No.

1208. Or Mr. Aldis? No. I have never exchanged a word with Mr. Aldis since I saw him at the house of the Bentleys.

1209. Then how do you know they can corroborate your statements? I only know that they all interested themselves very much in this matter, and that some of them had been acting for some time in the case as amateur detectives. Before I took the matter up they had had it in hand for some time.

1210. And their amateur operations did not come up to your idea of professional skill? That I cannot say. I am not aware of what conclusion they came to as to the result of their inquiries.

1211. However, they did not have a successful result? I am not aware.

1212. *By Mr. Hoskins*: Were you induced to form your opinion of Mr. Bentley's guilt upon your own judgment, or upon the opinion of these persons as well as your own? No, I had nothing to do with their opinion. I had satisfied myself on the point, and having made up my mind, I kept my idea to myself, and certainly never mentioned it to any of them. I have been spoken to on the subject, but I never expressed an opinion even at that time; for whatever I may have myself thought, I had no tangible proof, and as the Bentleys had a large circle of friends who were all interested in them, I kept the matter entirely to myself.

1213. *By Mr. Johnson*: I see there is an entry in your journal about your having received a letter from Mr. Boulanger that did not please you? Yes, I recollect something of the kind.

1214. Where is that letter? I think I destroyed it at the time I made the entry. It was only a note of a few lines, but I forget what it alluded to.

1215. Will you refresh your memory by a reference to the diary? Yes. (*Witness refers to the diary.*) I recollect now the contents of the letter.

1216. Is that letter that you say did not please you, now in existence? No. It was a letter that had nothing to do with this case. It was a private letter; it had reference to a private matter of his own. His wife had committed an assault upon Mrs. Nott, of Lyons Terrace, and he wanted my advice upon the subject. He wished to know from me what steps he had best take in order to prevent the recurrence of such a nuisance in future. I had promised to call on him on the evening previous to receiving this letter, in order to talk the matter over with him, but being otherwise engaged, I did not go. On the following morning he wrote me a note, speaking rather sharply about breaking my promise in not keeping my appointment, and saying that he considered his business as of quite as much importance as that of the Bentleys. It was about a matter entirely concerning myself, Mr. Boulanger, and Mrs. Nott, the only reference to the Bentleys being, as I say, that he said he considered his business as important as the Bentleys.

1217. Did he not on some other occasion complain of your want of management, or of your want of vigilance in the conduct of the Bentley matter? No, he did not, not to me; but Mr. Bentley told me that upon one occasion Mr. Boulanger had made some remarks upon the case, reflecting upon the way in which I was carrying it on.

1218. Do you not remember his saying something of this kind to you, in answer to an observation of your own,—that the parties concerned in the case were either mad or fools? Yes, I do.

1219. Did he not, in answer to your remark that the parties engaged in this conspiracy were either mad or fools, say to you, "Why, Mr. Harrison, we are all fools"? Yes, he did.

1220. Did you not take that as an imputation on your vigilance? No, I did not. There were other parties concerned in the matter to whom the remark would have just as well applied; but even if he had referred it to me, I should not have given any attention to it.

1221. Are you able to inform the Committee whether the extracts which you have sent in as the extracts from your journal, contain all the matter relative to the Bentley case that is in your journal? They contain all the matter that I conceived to be of any importance. I think they contain everything in reference to the case.

1222. There are certain entries in your journal that are not copied out amongst the extracts? There are.

1223. How then would the Committee have been made acquainted with the facts there recorded, if your journal had not been laid on the table, and they had had only these extracts before them? I consider that every fact material to the case is detailed in the extracts.

1224. Then if the Committee had not had your journal, they would have had only the extracts, with a great many matters contained in that journal left out? Yes, but only private matters—matters that I did not think the Committee would wish to be put in possession of, and that are not material to the inquiry.

1225. *By the Chairman*: Do you think that you are the person who ought to form an opinion of what the Committee might or might not think material to the case? Perhaps not, in that respect; but as regards the private matters contained in the journal, they affect me only.

1226. Did you make this entry in the diary (*Entry of November 15 shewn to witness*)? Yes, I did.

1227. Will you read it? Yes. "The Inspector General informed me I should have to give him my diary, to produce at his next examination before the Committee in the Bentley case." I may mention however, that the matter formed the subject of a long conversation between

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Sub-Inspector between the Inspector General and myself, as to whether the diary was to be retained. He  
 C. E. told me that it was to be produced only to verify the extracts made from it, and on that  
 Harrison. understanding I gave it up to him. I thought that all he would do would be to refer to the  
 diary to see that the extracts were correctly copied, and that then it would be returned to  
 21 Nov., 1862. me.

1228. Do you know any means by which the Committee or any one else could refer to this diary in verification of the extracts, without at the same time seeing casually other matters not touching upon the Bentley case? Perhaps I was wrong, but my only desire that it should not be made public was because of the private matters contained in it. I did not look upon it as a police diary at all, but only as a diary for my own private use. I did not think for an instant when I wrote it, that ever it would have been made public; and you are aware that when a man writes privately in this way, there are many things that he would not wish to be seen. That was my only objection in the matter.

1229. I do not understand what you mean by saying that your diary was not to be looked at by this Committee, except only to verify the extracts made? I did not say so.

1230. Will you explain then what you really did say? I say this, that I did not hand the diary to the Inspector General for the purpose of laying it on the table for general reference; but when I gave it to him it was in order that there should be no mistake about the correctness of the extracts. But if they were not satisfactory or there was any doubt about them, the diary might be referred to, and the extracts be compared with the original entry.

1231. But how could the Committee draw a comparison between the extracts and the diary, when, as you admit, there were matters contained in the diary that were omitted from the extracts? Of course they could not compare what was not in the extracts.

1232. Then the diary was useless, if merely for the purpose of comparison? No, these extracts did contain the whole of the facts of the case as they came to my knowledge. Everything is entered there amongst these extracts, except some few minor matters that I might wish to suppress, as they did not bear upon the case.

1233. Then it would seem that you took upon yourself to have laid before this Committee, extracts purporting to be all the facts relating to a certain case, whilst you thought fit to suppress a part of those facts, and so to mislead the Committee? No. I gave every material fact in the extracts. There were the extracts before the Committee, and there was the diary also for reference if I should have omitted anything material.

1234. But did you not say that the diary was before the Committee only for reference, in order to see if the extracts had been correctly copied? That was my idea when the diary was given up; but the Inspector General laid it on the table without any such terms, and the Committee have it there now for reference.

1235. For reference for what? For the verification of the extracts. The Committee can compare the extracts with the entries, and it will then be for the Committee to say whether the entries not extracted are relevant to the case or not.

1236. But how were the Committee to know that there were any other entries connected with this case beyond those copied out in this paper? They had the diary to see for themselves; it came for that purpose—for the purpose of allowing the Committee to see that everything material had been extracted.

1237. But in looking through the diary to see that every entry connected with the case had been extracted, how could the Committee avoid seeing all sorts of entries? Well, they could not very well avoid it.

1238. *By Mr. Piddington:* Do you assert that you copied out all the material features of the case in the extracts you have laid before this Committee? I do.

1239. *By Mr. Johnson:* Then you assert that there is nothing in your journal material to the case that is not contained in the extracts before the Committee? I think not.

1240. But why was it, as the Chairman very justly put it, that you took upon yourself to decide upon the materiality of any particular facts, instead of leaving that matter to the Committee? The Committee have everything before them. I did give up everything in any way connected with the case. The extracts in the first instance, and then the diary to verify them by. I had nothing more to give.

1241. Is it not what you express dissatisfaction about, that your diary has been referred to upon points not included in these extracts? No. I did not expect anything but that all the matters referring to the Bentley case would be looked into by the Committee. My dissatisfaction was expressed because I gave it to the Inspector General that reference might be made to it, and because I expected to have it brought back to me again.

1242. *By Mr. Morris:* But how could the Committee have made use of it if you had taken it away; that I believe was what you insisted upon at your last examination? I admit that I may have been in error in requiring the diary to be returned. But when the Inspector General informed me that my diary would be required for reference, I explained to him that it contained many private matters that I did not wish known. He said it would be only used for reference. When he returned from his examination before the Committee, and told me that he had left my diary there, I asked him if the Committee intended to retain it, and he said, "Certainly not; it is your own private property, and you can get it whenever you wish." It was upon that account that I made the application to have it returned to me.

1243. *By Mr. Piddington:* Have you any other diary or note-book of an official character in your office? None.

1244. Are you not in the habit of keeping one officially? No, none has been kept in the office until I opened this one, and this is merely a private memorandum book of my own. I keep no official diary, because I report daily to the Inspector General.

1245. Was your only objection to having this diary before the Committee, founded on the fact that it contained many entries of a private and personal nature? Exactly; that was my only objection.

1246. *By the Chairman:* Do you make any notes or memoranda of matters that occur, in order to assist your memory? No, I do not.
1247. *By Mr. Wilson:* You state that you report daily to the Inspector General of Police? Yes, when he is in town, or when I have an opportunity of seeing him.
1248. How do you report to him—verbally? Yes, verbally.
1249. Not in writing? No.
1250. Does he take any notice of your verbal reports? I have not seen him do so.
1251. Then there is no means in connection with the police department by which a person could refer back to your reports to the Inspector General of Police, upon this or upon any other subject? No.
1252. You have stated that there is no official diary kept by yourself in the detective department, or by the Inspector General? I have stated so.
1253. *By Mr. Piddington:* You never kept a diary before you began the present one? No. The object of my starting this one was, that I had found very great inconvenience arising from my not having any record of the date of the arrest of criminals, and I determined to commence at once. I kept it in the first instance for criminal cases; that was the main object with which I started it. After a time private matters got mixed up with these cases, until at last when I got interested in the Bentley case, I kept a regular record of all that occurred in relation to it.
1254. Did you ever disagree with Mr. Boulanger as to the propriety of publishing the particulars of the Bentley case? Yes, I did.
1255. On what grounds was it that you did not wish the particulars to be published? Because having the matter in hand at the time, and being very sanguine of success, I thought the publication of the letters would put all the parties concerned in the conspiracy, upon their guard, and that they would be so cautious that I should not be able to take any steps that would lead to a favourable result. As I had taken the matter in hand, I wished it to be left to me for some time longer, to see if I could make anything of it.
1256. Were you not at one time satisfied that Signor Cutolo and Mr. Montagu were the guilty parties? I was.
1257. Are you so now? No.
1258. What has led to this change of opinion? Circumstances that have occurred in the house of the Bentleys.
1259. Have you any objections to state those circumstances? The particulars will be found entered in my diary.
1260. But I wish to know from you verbally, what the circumstances were that led you to change your opinion, from one of which at one time you had a moral certainty to another that was entirely different? Yes. First with regard to the suspicion I had concerning Signor Cutolo, Mr. Montagu, and Mr. San Just. Mr. and Mrs. Bentley and myself had several long conversations in regard to these gentlemen, and Mr. and Mrs. Bentley explained to me how it was that they had come to the conclusion that these gentlemen were concerned in the conspiracy. They spoke of private parties that had been given at which Mr. and Mrs. Bentley were present, and when Mr. San Just and Signor Cutolo were also invited; and they detailed conversations that had taken place, and remarks that had been made at those parties, in the hearing of one or the other of these gentlemen. A few days after one of these parties, anonymous letters were sent to some person to whom Mrs. Bentley had been then introduced, in which circumstances were mentioned of which no one could have been aware but Mr. San Just, who had overheard the particular conversation referred to. There were so many of these little circumstances mentioned in connection with Mr. San Just and Signor Cutolo detailed to me, all of which went to explain matters mentioned in these letters, that I had such a string of facts placed before me, against them, that I could not have any doubt as to their complicity, assuming what the Bentleys told me to be correct. I did then really believe that Cutolo, San Just, and Montagu, were the parties, until the alleged assault took place, and then I had my belief shaken, and my ideas turned in another direction. The first thing that struck me was a remarkable coincidence that was not to be accounted for, and it was this:—When I found that I was altogether unsuccessful in finding these parties who followed and stopped Mrs. Bentley, I told Mrs. Bentley, in the hearing of her husband, “The first person who stops you, take no notice of his clothes, but get a good idea of his general appearance, and especially notice what articles of jewellery he wears, because no matter how he may disguise himself, he will not be likely to change his jewellery. If you can find this out, I will give directions to some of my men, who will soon have him by that description.” I remember telling her all this; and when the alleged assault took place, it certainly did strike me as very remarkable that the man should, according to Mrs. Bentley’s account, have used the words he did, as if he had heard the directions I had given her. Mrs. Bentley reported to me that the man had said to her, “Tell Harrison that I wear a ring of such a description, describing some kind of ring, and that I have on a shirt with foxes’ heads on it.” So that, in fact, he was repeating the very idea I had in my head when I gave her the directions. This first gave me a suspicion that the Bentleys themselves were the authors of the letters; and then there were a number of other things afterwards that tended to confirm it. Upon this, I went back to the contradictions in some of their other statements.
1261. That was about the middle or towards the end of April last? Yes, at the end of the Easter week.
1262. Can you mention any other facts beyond that coincidence you have detailed, that led you to change your view? There were a number of such facts. For instance, with regard to the concert that was given, and at which Mrs. Bentley was to be present—the man who was said to be her persecutor had sent her a letter to say that he should be at the concert.

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- Sub-Inspector C. E. Harrison. 1263. Will you look at this letter (*letter produced, and handed to witness*);—is that letter, which you have now had handed to you, the letter that was received on that occasion? That I cannot say.
- 21 Nov., 1862. 1264. Will you read it and say if there is in it any allusion of the kind you refer to? Yes; I believe this to be the letter. At all events, the purport of this letter is the same as the one then received.
1265. And this was one of the circumstances that caused you to change your opinion? Yes.
1266. Will you shew the Committee how you connect this letter with anything that subsequently transpired? Yes. A letter was received stating that the man would be present at the concert to be given in the Masonic Hall, at which Mrs. Bentley was to assist. In consequence of this I went to the concert, and I had two of my men stationed in the street—one at the Clarence-street entrance, and the other at the York-street entrance. I was standing at the door near the entrance into the Hall from York-street, when just before the concert was over, Mr. Bentley came to me and said, "The man is here in the place; Mrs. Bentley has seen him, and he held a letter up to her and laughed at her. He has only just passed you out through this door." I said it was impossible, and he answered, "Yes, it is a fact; he has passed you and gone into the street; Mrs. Bentley saw him." I then told him that I had not moved from the spot, and that only three persons had passed me—Mr. Simmons, Mr. Waller, and another—and that they had not gone into the street, but were then in a side room. He said there must be some mistake, and went back into the Hall. After a little he returned and said that he did not think the man had passed this way, but that he had gone out by the other entrance, into Clarence-street.
1267. Did he say where he had got this further information—that the man had not gone out by the door where you were stationed, but by the other? Yes; he said Mrs. Bentley had told him. I asked him what the man was like, and he gave me a description. I then went down to the officers on duty, and inquired if they had seen a man of that description pass out, and they said that no such man had passed them.
1268. Did you ask Mrs. Bentley for a description of the man? I did; but she said that she was so flurried that she could not give me an exact description of the person. She then gave me some vague kind of a description, but she was not positive even about that.
1269. Did Mrs. Bentley say that the man held up the letter and laughed at her? Yes; she said he had a letter in his hand, and held it up this way. It seemed to me a most extraordinary thing, as I had four officers in the room at the time.
1270. Can you mention any other circumstance that led you to this change of opinion? Yes; I recollect one night, when I was in Bentley's house, I heard him calling out down stairs, and I went down to see what was the matter.
1271. Were you on the first floor, or the floor level with the street—the basement floor? I was on the first floor, and Mr. Bentley was below stairs on the basement floor. I heard him call out, and I immediately went down stairs. I asked him what was the matter, and he said he had found the verandah door open leading into a back room, which, with folding doors, is connected with the front room and forms a large dining-room. He said that the door had been forced open, and that he was sure he had fastened it. He had spoken to me about this lock some time previously, telling me that it was a new lock, of a very strong make, that he had got purposely. I had noticed some time before that it was quite new, and not at all knocked about, but I saw afterwards that it was very much battered, as if some-one had been straining at it. He said that the door had been opened from the outside, that some one was there when he came down, and that he must have disturbed them.
1272. *By the Chairman*: Did you not explain how this door had been broken open? I did.
1273. Did you not explain how it had been opened from the outside? To a certain extent, yes; and, to a certain extent, no.
1274. Will you tell us what you mean by this? I did not examine the door closely that night, but I examined it very carefully in the morning. The reason why I did not was this: Mr. Bentley said he was sure he had disturbed somebody there. I looked about to see if there was any letter, thinking that if the person's object was to leave a letter, and it had not been left, that he would perhaps return. We looked about, but could find no letter. It happened to be a wet night, and I told Mr. Bentley to examine the ground carefully the next morning, as the foot-prints would be sure to be left clearly marked on the soft ground. We did not take a light outside the door, because I thought that if anybody had been there, and opened the door, he would be there somewhere in the neighbourhood, and no doubt watching to see if an alarm had been caused. If we did not take a light about, or shew that any confusion was created, I thought the party might think he was unobserved, and might come back again, if his object was to leave a letter in the house; we therefore just looked round for a letter, but saw none, and then went inside as quietly as possible. I then explained to him, that if the person did not come back that night, that he should examine the back yard in the morning, and that either on the verandah or in the yard, he would be sure, after the wet, to find traces of footsteps on the mould or on the verandah. He said he would do so. In the morning I called again on Mr. Bentley, and I believe he shewed me a tool-chest, which he had placed against the door leading to the verandah for safety, and to prevent the door being opened. This chest had been moved back, as if by the opening of the door it had been pushed away. In the morning, when I went, Mr. Bentley shewed me the mark of footsteps in the verandah, leading from the door down towards the yard and garden; he said, "You see these large footsteps? They must be the steps of the big man with the rough coat and cabbage-tree hat," alluding to the description of a man who was said to have been seen speaking to Mr. Montagu. I examined these footsteps very closely, and then pointed out to him that it was not a large footstep, but two small footsteps, one over the other, so as to increase the size, and make it look like a large footmark. He said that was not the case, that it was a large footmark. I then took him along the track of the  
footprints

footprints for a short distance, until I found one where the two heel-marks were quite distinct. He then admitted that it was so; that there were two footmarks in one; and that it had evidently been done for the purpose of getting the impression of a large footmark. He then said that San Just had small feet, and that he was, no doubt, the party who had made these impressions. I answered that possibly it might be so, but said no more. I then went to the fastening of the door and examined it, and I said at once that I did not see how it had been unfastened from the outside. I tried myself, but could not manage to unfasten the door when the key was in the lock and turned down; that was the way in which it was described to me to have been left on the previous evening; the key was turned down, and then there was a piece of string tied round it and fastened so as to keep the snich of the lock close down; but when the snich of the lock was slightly raised, I inserted a dessert knife under the bottom of the door, drew it up between the fold of the doors by main strength, and so opened the door by raising the snich of the lock. I could find no marks of violence upon the outside of the door, except in one place where two or three shreds of paint seemed to have been slipped off by what appeared to have been a sharp instrument. The lock seemed to me to have been very much battered, but it could not be opened in any other way than that which I took, for it was a very strong and good lock. I had a dessert knife, and I put it under the bottom of the door, and then by main strength I managed to force it up to the lock until it caught the catch and raised it, and the door opened; but in doing so I bent the blade of the knife completely over the handle. The door then retained the impression of where I had opened it with a knife, and there was no similar mark on it before that.

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1275. *By the Chairman*: Were there any marks on the door as if a screw-driver had been used? Yes, there were.

1276. Not such marks as would be caused by a dessert knife? No. There were marks on the door, between the jamb of the door and the door itself, as if a screw-driver had been forced in to prize it.

1277. As if a screw-driver had been inserted? Yes.

1278. Or a jemmy? Yes.

1279. Or a lever of some kind? Not a lever, but a screw-driver or a jemmy.

1280. They both answer the purpose of a lever, do they not? Yes; but I tried that likewise, and I found that, by inserting a screw-driver in the place where the marks were, between the jamb of the door and the door, I could not unfasten the lock, and that by the pressure the two doors were forced closer together, and as the lock went across the doors, of course they would not open. The door could not, I think, be opened in that way.

1281. *By Mr. Wilson*: Is it not a double door? Yes.

1282. With a lock between the two parts? Yes.

1283. *By the Chairman*: Could not admission have been gained by inserting a lever between the two doors to force them apart, and then by strong pressure from the outside to force the catch over the lock? I cannot say whether the door might be opened in that way; I only know that I tried to find out how admission had been gained from the outside, and from what I saw I came to the conclusion that admission had not been gained in that way.

1284. Will you look at the entry in your diary on the 2nd April? Yes.

1285. Will you read that to the Committee? Yes. "April 2. Went to Bentley's about 7 o'clock, and Mr. Bentley informed me that directly I left—9 o'clock last night—they went up-stairs into the drawing-room, and on their return to the dining-room, before 1 o'clock, they found a quantity of music torn and scattered about the floor. They were very much alarmed, and determined to leave it until I should visit the house. The music was consequently in the same state as when found on the night previous. On examining the music, I found an anonymous letter pinned between the leaves of one of the torn books, containing threats against Mrs. B. if she did not immediately retire from public life. The writer further said that she could now see that he could obtain admission to her most secret places, and that unless she complied with his request, he would put his previous threat into execution. Poor Mrs. B. was very much alarmed, but I re-assured her, and explained how the case was working better than we could have expected; for it was evident they were getting uncomfortable, while they would risk a chance of discovery by gaining an entrance into her house at that early hour. I then took my leave, and returned to the office, to turn the matter over in my mind and resolve on a course of action for to-morrow." "April 3. After some time I formed a plan, and I this afternoon put it into force. About 5 o'clock I called on Miss Flower, who resides in Castlereagh-street, and whose house is situated directly in the rear of Mr. Bentley's house, and the two yards only divided by a low wall. On the Bentley side of the wall I had found footmarks, likewise on a flower bed. I had satisfied myself the night previous that entrance had been obtained by the back verandah door. This was why I called on Miss Flower and informed her that the house occupied by the Bentleys had been robbed, but the thieves had been disturbed, and out of spite had destroyed a quantity of music. I said that a man had been seen on the wall at the back of the house, and supposed to be one of the thieves. My object was, first, to examine the house at the back; and secondly, to ascertain if either Cutolo or Montagu had been at her house between 9 and 10 o'clock on the Tuesday night; and lastly, that it might indirectly come to their ears, that the police looked on the entry to have been made by common robbers for the sake of plunder."

1286. *By Mr. Piddington*: Did these circumstances—the detail of which you have just read—take place on the morning after the night when Mr. Bentley called you down stairs? No.

1287. Does the entry, on that particular date, refer to the time the events of which you were explaining in answer to my question? No.

1288. *By the Chairman*: Did you not then examine their back door upon two occasions? I did; I examined it upon several occasions.



Sub-Inspector 1289. *By Mr. Piddington*: Will you proceed with your original statement as you were  
 C. E. about detailing it to me? Yes; I said that I opened the door with a dessert knife, and that  
 Harrison. I bent the blade back over the handle in so doing. I told Mr. Bentley that I had opened  
 the door in that way; and I also told him, in the presence of Mr. Boulanger, that if the door  
 had been fastened in the way he described, that I could not have opened it even with a knife.  
 Before I could open it, I had to get Mr. Boulanger to raise the snich of the lock a little,  
 and it was only when the lock was in a certain state that the door could be opened in the  
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1290. That is the third reason that caused you to alter your opinion; have you any others?  
 Yes. On a certain day (it was on a Monday, I think) Mrs. Bentley informed me that she  
 had been alarmed by hearing a noise overhead in the roof of the house—a stumbling noise,  
 she said, as if somebody had tumbled down. I asked her if any one had looked to see what  
 was the matter, and she said that Mr. Bentley had done so. He informed me, at the same  
 time, that he had examined the place and had found nothing, and I then said that they had  
 alarmed themselves very needlessly, for that it must have been the cats scrambling  
 about. He said he did not think so, for that he was firmly persuaded that they had  
 been on the roof previous to that. Some two or three days afterwards Mr. Boulanger left  
 a message for me at my office, asking me to go round to Bentley's immediately. As I was  
 engaged at the time, I did not go round until the evening. When I reached the house  
 Mr. Bentley and Mr. Boulanger were there; and one or the other of them said to me,  
 "Well, we have got something that will surprise you now." I asked them what it was, and  
 one of them said, "You will need some wine to strengthen your nerves before you hear the  
 news." I again asked what it was, and he said that the enemy had been concealed in the  
 roof of the house for the last two days.

1291. *By Mr. Johnson*: Is not that term "the enemy" a term of your own? No, it is  
 Mr. Bentley's.

1292. Because I see you use it very frequently in your diary? No; it was the term that  
 was always used by Mr. and Mrs. Bentley and Mr. Boulanger, and was meant by them to  
 apply to Signor Cutolo, Mr. San Just, and Mr. Montagu—they were "the enemy," and  
 were always spoken of as such; and as I got interested in the case, I got in the habit of  
 using the same term towards them. Mr. Bentley read a letter which, he said, he had just  
 got from "the enemy," in which it was stated that the party had been concealed there. The  
 letter was handed to me in the first instance; I took it and tried to read it, but could make  
 nothing of it. Mr. Bentley then took the letter and read it, and in it was stated that a  
 man had been concealed in the roof of the house for three days and two nights, or two days  
 and two nights, or some length of time that I do not now remember precisely. At all  
 events, it stated that the man had watched Mrs. Bentley during the night on two different  
 occasions; that he had seen her go into the nursery to quiet a child that was crying; and  
 that, on another occasion, he had seen her go down to the drawing-room, and that on her  
 coming up-stairs she had been attacked with an old complaint, and had been obliged to sit  
 down on the stairs; that he had been in her bedroom, and that he could, had he wished,  
 have then taken her life. I believe this was said, or something to the purport, but I forget  
 the exact words. When he read the letter I told him I did not believe it at all—that the  
 person had never been there, and that it was nothing more than an attempt to intimidate  
 them. He said that he was sure that the parties had been there, and as a proof that they  
 had, he said that Mrs. Bentley had told him that what was said in the letter was correct,  
 and that she did go into the nursery to quiet the child, and that on the night when she went  
 down to the drawing-room she did sit down on the stairs in the way described, and that  
 consequently the person must have been concealed in the house or he would not have seen it.  
 I said that it certainly was a very strange circumstance, but that even if the person had been  
 in the house he could not have been in their bedroom, because I had cautioned them very  
 particularly to keep their bedroom door locked. They said they had always followed my  
 direction, and had always locked the bedroom door every night, except only upon that one  
 occasion, when for some reason or other Mrs. Bentley had not done so. I then said that the  
 party, knowing that there was a detective in the house, would not have been bold enough  
 to come down, or that if he had been he certainly would not have gone into their bedroom  
 without leaving something there, either a letter or something of that kind, in order to shew  
 that he had been there, and that he would not have trusted to the simple and doubtful  
 circumstance of the anonymous letter to inform them of the fact; and I said to Mrs. Bentley  
 at the time, "You may depend upon it they would not have let slip so good an opportunity  
 of frightening you." Mrs. Bentley said she firmly believed the person had been there; and  
 there the matter ended. I then went up-stairs and examined the roof (Detective Clarke  
 was with me); and knowing that if anybody had been concealed there for any time they  
 must have left some unmistakable traces of their visit behind them, we examined every  
 part of the roof. The place where the person was said to be concealed was not floored or  
 boarded, but was only lath and plaster and joists, the lath and plaster forming the ceiling  
 of the rooms below; so that if any person had been concealed there he would have had to be  
 very cautious so as to walk only on the joists, for if he had put his foot on the lath and  
 plaster he would have gone through to the room underneath. The first thing I did  
 was, to examine the joists, as it was only on these that a person could tread in  
 safety. There was plenty of dust on them, but I could see no foot-marks printed in the  
 dust. There was a small window, with a frame about this size (*showing the size*), which  
 gave light to the roof. There was a great quantity of dust, and a very great quantity of  
 cobwebs round this frame, and the cobwebs seemed to me to be all very old cobwebs. I  
 opened this window and went through it on to the roof, but nowhere could I find any traces  
 of a person having been there. There were no tracks of any person having passed along  
 the gutter; and as the roof was a slated one, if anybody had been there he must have walked  
 along

along the gutter. The gutter, too, was full of a green damp mud, caused by the dust that had accumulated in it, and this received and retained any impression that was made on it very readily. My foot-marks were left very clearly in it, although I had taken off my boots in order to move about more carefully. I came back through the window, and of course in passing out and in, as I had done, I brushed away nearly all the cobwebs that had been before accumulated there. I then examined all round the roof, and found no trace of any person having been there at all, let alone for the long time that was mentioned in the letter. There is a trap-door by which to get into the roof, and between that and the window I observed some footsteps. They were small footprints. I told Mr. Bentley in the evening that I had examined everywhere as carefully as possible, and that I could find no trace of any one, either on the roof or beneath it, except only some few small foot-tracks between the trap and the window, and that the impression of the shoe was very like his own. He said "Yes, I went there to look to the fastenings of the window." I then said that I had looked very narrowly but could find no traces anywhere, and that if anybody had been there, their foot-marks would have been sure to have been retained in the dust that lay so thick upon the joists. I then told him that I had come to the conclusion that nobody had been there, and that the letter was nothing more than a threat to intimidate them.

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1293. Did Mrs. Bentley after this give you any further proof that the parties had been concealed there as she had described? Yes.

1294. On that day? No, not on that day. On the following day I called again to prosecute my inquiries, and she then gave me one of Mr. Bentley's cards, on the back of which was written, in the feigned hand of the letters, "Mr. Bentley's visiting card." I asked her where she had got this, and she said, "I found it in the dressing-table drawer, and this is a clear proof that the party has been here." She then said, "Are you satisfied now?" I answered, "Yes, I am perfectly satisfied." I then asked her, "Where do you think this card has come from?" and Mr. Bentley said, "San Just may have got hold of one of my cards." After some further conversation he at last said that he believed it had come from Mrs. Heath,\* the widow of Mr. Heath the chemist, who took a great interest in Signor Cutolo. He said that it had evidently come from Signor Cutolo, and that he had got it through Mrs. Heath.

1295. Did he state any reason he had for forming this suspicion? No, that was all he stated,—that it must have come from Cutolo, through Mrs. Heath.† I would beg to state, with regard to the occasion when I traced the footsteps in the verandah, that I omitted to state that, on the following morning after he had called me down-stairs in the evening, Mr. Bentley shewed me a letter which he said he had found in a vase that was standing out in the verandah. He said he had taken it out of the vase, and had replaced it with a piece of paper folded like a letter, so that the person, if he came back, might be led to imagine that the letter had not been disturbed. I had two detectives on the watch outside the house—Detective Sanderson on the front of the house, and Clarke at the rear of the house, stationed at the corner of the garden wall, so as to see anything that took place at the back. Directly Mr. Bentley said he had disturbed the parties, before I examined the door or the verandah, or took any steps, I went outside to see if my men were on the watch. I found them both on the alert at their different posts, and I asked them if they had seen any one passing the place. They both assured me they had not, and Clarke, who was on the back of the house, informed me that it was not possible that any one could have got to the verandah door without his knowledge. I then asked him if any one could have passed in through the door leading into the yard, by means of skeleton keys, and he said they could not, because no one had even come up to the door.

1296. Are there any other circumstances that now occur to you, on which you found your change of opinion? Yes; there was another circumstance in regard to the roof. I received, about 1 o'clock in the morning—I forget the precise date, but it was after the first occurrence of the party being concealed in the roof—I received a note, written in a half printed kind of handwriting, telling me that Mrs. Bentley's life was in danger, and that if I would save her, I must search for myself. The note was sent down to my office in the evening, but as I was very busy during the evening I could not attend to it until 1 o'clock in the morning.

1297. Is this the note? It is.

1298. What did you do on receiving that note? When I received it I was very busy. I was just on the point of going out to make an arrest in town, and I was not disengaged until 1 o'clock in the morning. I then took an officer with me and went down to Bentley's house. I think it was detective Carnes that I took with me. I knocked at the door and called Mr. Bentley down. I shewed him the letter I had received, and told him that I had better look over the place. I then searched the house, and I went up into the roof, as it was there that the man was said to have been previously concealed. I then found that the window, through which I had previously passed on the former occasion, was open, the sash being propped up with half a brick. There were a quantity of bricks scattered about on the joists and on the laths between the joists, and I noticed that the plaster in many places, where it came up between the laths, was pulled up and laying about. It appeared to me as if it had been scratched up. It was the lumps of mortar that protruded from between the laths; they had been broken or scratched off, not as if there had been any attempt to make a hole, but as if the person had wished to scatter it over the ground. Upon making further search I found a half-sheet of note paper crumpled up on the floor between the joists. I then came down-stairs and reported to Mr. Bentley what I had seen up there. He said it was evident

\* Revised:—Mrs. Foulis, the wife of Dr. Foulis, and not Heath.

† Revised:—Mrs. Foulis.

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evident that somebody must have been there, and that the object of the party was certainly to take Mrs. Bentley's life. I said I hardly thought so, but I would return in the morning, and make further search. I had some further conversation with Mr. Bentley, in the course of which I remarked that it was very strange that the persons, if they had been there, had not left something behind them. I said they could not have been there in the night or they must have required a light, since they could not walk about in the dark, as they had to tread from joist to joist, and they would risk going through the ceiling between the joists by a false step in the dark. On the following morning I went up again to the house, in order to search the roof carefully with Mr. Bentley. When I went on the following day, as soon as I entered the house, he called me into his bedroom, and then he said, "Now you see the object of this visit," and he shewed me a hole in the roof of the bedroom, through the plaster of the ceiling, directly over that side of the bed where Mrs. Bentley slept. It was a hole of about the size of a half-a-crown. I asked him how he had discovered it, and he said that little Edith, one of his children, was the first to call attention to it. He said that there was another hole of the same kind through the ceiling of the nursery. He said that it was evident that the persons had made a hole through the nursery first, and then, finding that they had pierced into a room that was not the one Mrs. Bentley occupied, they had then made the hole over the bed. On the previous night I had searched this room, and had assisted him to put the chest of drawers against the fireplace, in order to prevent the parties from coming down the chimney, if they took the fancy to come in that way; but although I searched minutely, I did not then notice the hole in the ceiling. We then went up into the roof, to make a search. In the first instance, I looked round outside on the roof to see where the bricks had been taken from. I could find no place from which they could have been removed. I told Mr. Bentley that I could see no place from which the bricks had been taken. There was a chimney at the end of the roof, but it was built of bright red bricks, but it was quite complete, and there was no place from which any bricks were missing; there was no break at all in the chimney, and besides that, it was built of a different kind of brick from those that were in the house. The bricks in the house were discoloured as if from long exposure to the weather, and had a lot of old mortar attached to them. A good many of them were broken, half bricks. He said that they had evidently been brought in from the roof, and I answered that I could see no place from which they could have been got, and besides I said, "What could be their object in bringing them in?" He said, that perhaps it was to fasten the window open. I asked, "What for?" and he said, "No doubt to facilitate their getting away, in the event of their being discovered." I looked out of the window, but I could see no place from which the bricks had been taken. I did not go out upon the roof, but I leaned out of the window as far as I could, so as to see well all round. I then said, "We had better make a close search in the roof." We looked over the whole of it, and on going over to the chimney, when near to it, Mr. Bentley picked up a slip of paper in which were a few wax matches rolled up. The paper seemed to be the part of a torn note, something like a sheet of note paper that had been written on, and then the written part torn off; a few wax matches were wrapped up in this paper, and on the floor was a gimlet. This gimlet had, about two inches up it, marked as if it had been used to dig into plaster or chalk. We also found an old knife covered with dirt and mud, as if it had been buried for some time;—it was a pocket knife. We then proceeded to look for the holes between the joists through the ceiling. I examined for a long time, but could not find them; I went down upon my hands and knees, and got picking about with the gimlet, but could not find the hole. At last I put the knife through the ceiling, and called out to Mrs. Bentley, "Is that anywhere near it?" She said it was about a foot to the left of the hole. Even with that I could not find the hole, and at last she said, "I will shew you where it is." She then took a long iron wire and passed it up through the hole, and then I saw where it was. 1299. *By Mr. Lucas*: Then you had some difficulty in finding the hole from the top, where you were? Yes.

1300. Were you led to believe from that, that the hole was made from below and not from above? No, I did not believe that it was made from below; it had evidently been made from the top with a gimlet, but the hole was too small to see anything through it. I said that it was absolutely impossible that the parties could have themselves discovered that they had made a mistake when they pierced through into the nursery, because they could not have seen sufficiently through the hole to know into what room they had got. I know by myself that you could not even see whether there was a hole or not from above, still less to know whether the hole had gone into the nursery or into the bedroom.

1301. *By Mr. Piddington*: Have you now finished your statement of circumstances that led to your change of opinion? No; I have many other circumstances.

1302. Are they of sufficient importance to be detailed to the Committee? They are of a similar kind to those I have already recounted.

1303. *By Mr. Cowper*: They are corroborative of the statement you have already made? Yes.

1304. *By Mr. Piddington*: Will you state succinctly anything in addition that you would wish the Committee to know? I had been in the habit, for some time prior to the Easter week when Mrs. Bentley was assaulted, to send one of my officers with Mrs. Bentley to Newtown.

1305. For what purpose? He went with her so that he might be within call, with a view to her protection in case of an assault, or that she might give the officer a signal in the event of her meeting with the person who had previously annoyed her, or who had been mixed up in any way with the matter. On the day previous to the Tuesday when Mrs. Bentley usually went to Newtown—that was on the Monday,—Mr. Bentley said to me that there would be no occasion for me to send an escort with Mrs. Bentley on the following day, as it being Easter week there would be holidays. On this account I did not send anybody

to escort her, and I afterwards heard that she had not gone. On the Friday following I called, about 12 o'clock in the day, at the Bentleys' house, and I found that Mrs. Bentley had gone to Newtown. I made some remark about this, and said something about my not knowing that she was going to give lessons this week; I then looked at my watch, but found that it was then too late to send anybody with her. That was the afternoon that the assault took place. I then told Mr. Bentley that I was very much annoyed that Mrs. Bentley should have gone without an officer accompanying her, and that it had occurred entirely through his having told me not to send, as Mrs. Bentley was not going during the holidays. He said it was entirely his own fault—that it must have been a mistake on his part—that he only meant that I was not to send a man on the Tuesday—and that he must only blame himself for it if anything occurred. This was the very day that was selected for the alleged assault. These facts, and conversations I have had with Mrs. Bentley herself, at different times, with regard to occurrences that have taken place at Home with herself, and being similar to these I have narrated, and other facts that she has alleged to myself, led me to the conclusion to which I came, and my opinion was further corroborated by remarks made to me by Mrs. Bentley herself.

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1306. How often have you visited the Bentleys' house during the present year? It is impossible to say how often. During the time I had the matter in hand I was there constantly—certainly every day, and sometimes twice and three times a day.

1307. Were you received there on the footing of a friend, or did you go there only in your official capacity as an officer of police? I went there as a detective officer, simply for the matter I had taken in hand.

1308. Were you ever invited to dinner or to tea? Yes, I have been.

1309. How often? Perhaps on two or three occasions.

1310. How did this occur—were you formally invited? Mr. Bentley would say to me, I want to tell you so-and-so, and if you come up at such a time we can talk the matter over, so come and have dinner with us; or perhaps he would say, you had better come to tea, and then we shall have time to talk about the matter, whatever it was.

1311. How often were you invited to dinner or tea? Specially invited, I think only two or three times.

1312. Was that to dinner or to tea, or to both? They used to have dinner and tea together, at half-past 6 o'clock.

1313. Then you have not dined there more than two or three times? Not invited. I may have been there just about dinner-time, and Mr. Bentley may have asked me to come in and dine with him, but I have not been there under a special invitation.

1314. Did you then consider yourself to have been received by them in the character of a friend or in that of a detective officer? I looked upon myself solely as an officer in the detective force, of whom Mrs. Bentley wished to make use, and to whom consequently she thought it worth while to pay some little attention.

1315. Do you consider that you were treated by Mr. Bentley as a friend or as an official? From his manner, he evidently wished to impress upon me that he desired to treat me as a friend. My own private opinion is different, but that was what he evidently wished to impress on me.

1316. How often were you at their house in the evening during the course of this inquiry? I was there nearly every evening, unless I had some particular matter of police business on hand that required to be attended to. I was there, however, whenever I could manage.

1317. Were you there fifty evenings during this inquiry? Yes, and more.

1318. Was Mr. Bentley always present with you and Mrs. Bentley? No, not always.

1319. Was he usually? Generally at the first part of the inquiry he was, but latterly he was not.

1320. How long did you usually stay when you went there in the evening? Sometimes an hour, sometimes an hour and a half, or two, three, or four hours, or even longer.

1321. Often until 11 or 12 o'clock at night? Yes, and sometimes until 2 o'clock in the morning.

1322. Were you engaged in your official inquiries when you stopped till that hour—till 2 in the morning? I considered myself to be upon duty and looking after the case.

1323. Was it necessary to the purposes of the case that you should stay in the house until that hour, on repeated occasions? No, nor I did not stay repeatedly, but I had a detective in the house, watching, whenever I was there.

1324. On all occasions? I was in the habit generally of taking one of my men with me; but I was by myself with Mrs. Bentley, as the man was down-stairs on the watch for anything that might take place in the house.

1325. Do you consider that Mr. Bentley was absent upon many occasions when you went to the house, in a way that you could not account for? Yes; I did think that he absented himself in an extraordinary way. On several occasions he retired to bed very early, when I did not think there was any occasion for it.

1326. And you were then left alone with Mrs. Bentley? Yes, I was.

1327. Was Mr. Bentley suffering from ill health? Yes, he used to complain a good deal of his health.

1328. Have you ever been engaged in similar inquiries where the parties have treated you in the same manner as the Bentleys did? I have never been engaged in such a case before, and I hope never to be again.

1329. On various occasions Mr. Bentley has himself sought your assistance? Yes, he was constantly sending me notes and sending down persons with messages to fetch me up to his house. He was always sending me messages or notes. If I was absent only a day from his house, I would be sure to receive a letter or a message with some fresh information or some additional facts in connection with his case.

1330.

- Sub-Inspector 1330. From your observations in this matter, are you under the impression that Mrs. Bentley was labouring under an excited state of mind—that she was suffering from some strong mental or bodily ailment? Yes, that is my impression. I have at times seen her very strongly excited, so much so as to faint, and she appeared to me generally to have very ill health.
1331. Have you any belief that this state of her health led to a morbid apprehension in her mind, not founded on reality? I do not think so.
1332. You had no reason to doubt the reality of her ill state of health? No, none whatever. I have seen her very ill, and in a very nervous and excited state. There could not possibly be any mistake about the reality of that.
1333. *By Mr. Wilson:* Have you ever paid attention to psychological subjects generally—subjects relating to the mental state of individuals? I have not.
1334. Do you then consider yourself capable of giving an answer to the question just asked you as to the mental state of Mrs. Bentley? I do not.
1335. Do you consider yourself capable of forming any opinion at all upon the subject? I do not.
1336. *By Mr. Piddington:* With reference to the particular time when Mrs. Bentley asserted that she was assaulted? Yes.
1337. Did you notice whether she presented the appearance of a person who had been assaulted? I cannot say that I did. I did not hear her complain of any injury. She did not say that she had been hurt, but she told me that the man had thrust his hand inside her jacket rather roughly, and her object in telling me this was to explain a remark made by the man. He said, "Ah! you have got one, too!" Mrs. Bentley said that the man had made this remark, thinking she had a revolver under her jacket. She was very much frightened she said, and she had put her hand on her heart, which was beating very much with the alarm. It was then that the man put his hand in her jacket, saying, "Ah! you have one, too!" She said that it was, no doubt, the same man who had stopped Mr. Boulanger on the Racecourse, for almost the same words were used to him; and as Mr. Boulanger had a revolver, "he no doubt thought," she said, "that I had one likewise." She did not, however, tell me of any wound or injury she had received, except that the man had used her rather roughly.
1338. *By the Chairman:* When do you state that you took this case in hand? The first time I took it in hand was about the latter end of last year—I think in the month of November.
1339. But the second time? I do not know the exact date, but it was on my return from the interior.
1340. Was it on March the 18th? Yes, I think that was the date. It was on a Tuesday.
1341. And Mr. Bentley, on the 22nd, offered you whatever money you required on account of expenses you might be put to? Yes; when I called upon him he told me he would defray all expense that I might incur.
1342. Did he say that he would give £100 for the discovery of the perpetrators of the outrage? Yes, he said he would give me a good guarantee that that amount should be paid.
1343. Did you take the case heartily in hand at that time? I did.
1344. What then did you mean by the following entry on the 24th: "Took the Bentleys' case in hand," seeing that you had first been spoken to about it on the 18th? It was because I had some other matter of pressing importance then on hand; and I had not the time to go into the case so closely as I wished to do until the latter date.
1345. Then you desired to put yourself into the case in earnest? Yes, from the first.
1346. Then this note I have just read has no particular meaning? No, except this: that when I took the case in hand, there were other matters that occupied my attention, so that I could not give my whole thoughts to the Bentley case. I believe that to be the reason for my making that entry, but I will not say positively that it was so. It must have been something of that kind.
1347. Mrs. Bentley, from the first, placed implicit confidence in you? That I do not know.
1348. Have you not an entry in your diary to that effect? I believe so, but of course I do not know whether she did so or not. She expressed herself in such a way as to lead to the belief that she did.
1349. And expressed a sense of safety when you had taken the matter up? Yes.
1350. And both she and Mr. Bentley paid you more than ordinary attention? Yes, they did.
1351. In fact, so much so, that their attentions became rather irksome? Yes.
1352. They paid you more attention than you, as a detective officer, had reason to expect? I do not know. I have received similar attentions from other parties. There is no reason why attention should not be shewn to a detective officer as well as to any other person.
1353. But what I mean is, that more attention was shewn to you than if you went there merely in your official capacity? Yes, I thought so.
1354. On the 31st March you had an interview with Captain M'Lerie, on the subject of the Bentley case? "Had a long conversation with Captain M'Lerie about Bentley's case, and suggested the insertion of an advertisement offering a reward for any information as to the writers; not in the hope of the advertisement being answered, but to enable me to put in a second and carry out an idea I have formed. Dined with Mr. and Mrs. Bentley and Boulanger at Bentley's house, and arranged about opening the ball to-morrow against the enemy. I have taken an uncommon interest in this case, and in poor Mrs. B. in particular."
1355. And you then suggested that a heavy reward should be offered by the Government for the discovery of the conspirators? Yes, I suggested that a reward should be offered.

1356. You state in your diary that you suggested the offering of a reward, not because you thought that anything would come of it, but merely to carry out some idea of your own? Yes.
1357. What was that idea? I cannot tell you what it was, because it is so long ago that I do not remember clearly what ideas were then passing in my mind; but I can tell you what I think it was. I am not quite certain, but I think it was this: I thought that by offering the reward, if it were Montagu and these other parties who were the conspirators, they would not be their own messengers, but would be compelled to get assistance from other parties to post the letters or to take them about to their different destinations. I thought that the offer of a reward would alarm the chief conspirators, and cause them to visit each other on the morning when the notice appeared, in order to see if by any possibility there were any of those they had employed who would be likely to give information in order to gain the reward. I thought that by keeping a watch upon the suspected parties we might see whether this notice had the effect of bringing them together, and if it did, that would have been a strong item against them.
1358. Did you put such a watch on them at that time? I believe I did.
1359. You say you "believe"—have you any doubt upon the subject? No, I am almost sure I did.
1360. Have you anything in your diary to shew that you did so? I do not know.
1361. Certain printed forms, shewing how each man of your force is disposed of upon every particular day, have been laid before the Committee by Captain M'Levie—if you employed your men in this way, would it be shewn amongst those returns? No, because in these matters the men are returned as being told off to special duty, without specifying the case; so that under the head "special duty" the men may have been told off either to this case or to some other.
1362. In the notice that was published was there any pardon, or hope of pardon, held out to an accomplice other than the actual conspirators, or to any of the conspirators giving information? I do not know whether there was in the first notice issued, but there was one that did so.
1363. Was this suggestion of yours to the Inspector General carried out—did the advertisement offering a reward appear? Yes, I believe so. I drew up an advertisement, which was approved of, and I then took it to Mr. Bentley. I stated my views to him, and explained how I hoped by this means to arrive at important facts. I gave him the advertisement, and he made some few alterations in it, and it appeared on the following day.
1364. On what day did it appear? I cannot give you the date.
1365. If you look at your diary on the 31st March, you will find an entry to the effect that you called on Mr. Bentley, and arranged with him about opening the ball against the enemy? Yes, there is such an entry.
1366. What was it that you then arranged? I cannot say precisely, but the steps I intended to take were then discussed, though I cannot remember the precise object I then had in my mind. I believe, however, that it was with regard to this advertisement. Mr. Boulanger was there at the time, I think, and entered into the discussion with us.
1367. Then the following day was the 1st April? Yes.
1368. And you cannot say whether you set any watch upon Messrs. Montagu and Cutolo? Yes, I say that I am almost sure I did.
1369. On the day the £100 reward appeared in the newspapers? Yes.
1370. On what day was that? That I do not know.
1371. Have you nothing here in the diary that will refresh your memory on that point? There is no entry here of the publication of the reward.
1372. Do you remember the 2nd April? Not particularly.
1373. Will you look at the entry in your diary, and see if anything particular occurred on that day? Yes, there is an entry here.
1374. Were you at Bentley's on that day? I was.
1375. Was there anything particular occurred on that day? Yes.
1376. Were you sent for by Mrs. Bentley, or did you go there on your own account? That I cannot say.
1377. Does not the entry begin, "Went to Bentley's?" Yes, but I may have gone in consequence of being sent for.
1378. Will you now read that entry? (*Witness reads extract. See ante, p. 49, q. 1285.*)
1379. Did you write that on the same day you are speaking of, and to which the entry refers? I did.
1380. You made that entry on the 2nd April, and the following one on the 3rd April? Yes.
1381. You made it on the day the transaction occurred? Yes, either on the day or during the night after I left. This may have been after midnight, and then, of course, it would have been entered on the following day, but they were always entered before I went to rest.
1382. Because I see this entry of the 2nd April is on the diary page of the 3rd? It is commenced on the page of the 2nd, but being a long entry has run over on to the page of the 3rd—that is the reason.
1383. Will you now read the entry of the 3rd April? (*Entry read by witness.*)
1384. Now let me ask you, are the contents of that and the former entry true? They are.
1385. Did you see a man upon the wall of Miss Flower's yard? No.
1386. Did you spread a report that Bentley's house had been robbed? I did.
1387. Were you aware that when you did so, you were saying that which was false? I was.
1388. Did you take any steps to find out whose footmarks these were that you saw? Yes, we talked the matter over.
1389. Did you take any steps to discover whose they were? I could not; they were in his garden, in which a number of persons were always moving about.
- 1390.

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1390. Could you not have been able to come to some conclusion in regard to the strange footmarks? No, they were not sufficiently distinct; the flowers were trampled and the borders trodden, but there were no distinct footprints. I know that we were under the impression that the party had not gone out by Miss Flower's.

1391. But with regard to the footsteps, were they not distinct enough for you to know whether they were made by a large or a small foot? No.

1392. Did you pay particular attention to them? I did.

1393. And yet could come to no satisfactory conclusion in regard to them? No.

1394. How was it then that you came to make the remark you did in your diary? Because I thought that now I had some chance of success; that by putting a man on the watch I might discover the party, who would become bolder upon finding that he could obtain such an easy entrance into the house; and that before long I should be enabled to take them in the fact.

1395. Was it on this occasion that the back door was forced open? Yes.

1396. Was it on this occasion that the entry took place which I mistook for the entry that you were describing some time back to Mr. Piddington? Yes. I did not examine the place then so carefully as I did afterwards. On this occasion that we are now speaking of, I only examined the door and its fastenings very casually, without making any attempt to open it, as I did afterwards. It was on the subsequent occasion that I went minutely into the examination of the lock and the mode of gaining admission.

1397. Did you not say in your diary that you explained how the door had been opened? Yes, I may no doubt have said that the door was opened from the outside. I may also very possibly have said that it had been opened with a screw-driver, from the marks on it.

1398. By a screw-driver or a jemmy? Yes.

1399. Or by some other strong lever? I do not know that I used the word lever.

1400. But if a screw-driver or jemmy, or a lever of that kind had been used in this way, must not the fastenings of the door have been forcibly wrenched off before the door could be opened? I do not think that a person from the outside would be able to get at the fastenings of the door with a screw-driver or a jemmy.

1401. Yet if the door had been forced open by either the one or the other, would not the fastenings have been forced off before it could have been opened in that way? I think that it might have forced off the lock, except that the lock was new, and was a very strong one; and if a screw-driver or jemmy had been used, I think the door would have broken before the lock would have given way.

1402. Did you satisfy yourself as to the way in which the fastenings had been forced, and the door opened? I believed then that the door had been forced open from the outside.

1403. You would not form such a belief without some grounds? No.

1404. Upon what grounds then did you form it? From the particulars which Mr. Bentley told me, and from his statement that the lock appeared to him to have been battered or wrenched. That was what he told me, but I did not make a minute examination myself.

1405. And do you, in the execution of your duty as a detective police officer, come to a place where a door has been broken open, and pretend to explain how it has been broken open without paying attention to the state of the fastenings? I did pay attention to it, and I say that there were marks on the door that led me to believe that it had been forced. But at that time I took Mr. Bentley's statements so much for granted that I was satisfied that the matter was quite clear, and that entrance had been obtained from the outside. I did examine closely into the state of the lock.

1406. Did it appear to you to have been wrenched? Yes, it appeared to be loose, as if it had been forced. I believed firmly at that time that the door had been opened from the outside.

1407. Do you believe so now? No, I do not. When I came to examine it more closely, and to find out the only way in which I could open the door from the outside, I was persuaded that it had not been opened in that way.

1408. Did you try to force it open with a screw-driver or a jemmy, to see what effect the application of such a lever would have? No; because if an attempt had been made to open it in that way, there would have been some marks of the instrument left behind, and they would have been very different marks from those I saw.

1409. How was it then, that on the 3rd you explained in your diary how the door had been opened? Because I saw marks upon the door, and I took Mr. Bentley's statement, without trying myself to see if the door could be opened in that way from pressure at the spot where the marks were made; and also because the lock presented an appearance of being battered or twisted. It was from these circumstances that I was led to make the remarks which appear in my diary.

1410. *By Mr. Johnson:* Is not this a pure invention of your own about the battered appearance of the lock? I did not say so.

1411. That is the evidence you have given. (*Preceding evidence read.*) Were there any marks upon the door on that occasion? I cannot say.

1412. Are you prepared to swear that there were marks which you saw as of a jemmy or a screw-driver on the door on that occasion? I do not recollect, at the present moment, whether there were or not; but if it is stated in the entry in my diary that there were, then the entry is correct and I saw them. The matter was fresh in my mind when I made the entry, and it must have been correct.

1413. Can you say whether there were any such marks on the 3rd April? I do not recollect the day.

1414. On the day when the music was found torn and scattered about the room? Yes.

1415. Did you then examine the door? I did.

1416.

1416. And you say that it was Mr. Bentley who told you that the lock of the door was battered or wrenched? Yes.
1417. Now is not all this a pure invention on your part? No, it is not. I have a perfect recollection of a conversation I had with him on the subject of the door, but whether he said the lock was battered and wrenched I am not prepared to assert positively; but he told me something to that effect—that the lock had been strained or tampered with in some way. I know we had a conversation upon the subject, and as I then relied upon all his statements, I was satisfied with the explanation he gave; I did not then doubt him, and at that time I had no doubt upon the subject.
1418. No doubt that the door had been opened from the outside? No.
1419. Then you admit that you may have been mistaken as to the precise words used, but as to the fact of such a representation having been made to you by Mr. Bentley, you cannot be mistaken? No, I believe not.
1420. Something of the kind must have occurred, though the exact words may not have been used? Yes, I think so.
1421. You think so—have you any doubt about it? I cannot recollect the words used, although I recollect the conversation. I cannot say positively, therefore, what particular words were used; I can only speak as to the general effect of the conversation.
1422. Can you say that any one word was spoken then with regard to violence having been used upon the lock on that occasion? I may have been mistaken. It is possible that such words may not have been made use of at that time. I may have been away from the house and then returned to it, and the conversation may have occurred then, but that such a conversation did occur I am certain.
1423. I mean in reference to the entry on the night when the music was torn and scattered about the floor? Yes.
1424. You are quite clear upon that point? Yes.
1425. That such a conversation did occur? Yes, I believe so.
1426. Are you quite certain? As certain as I well can be. I do not recollect the conversation at the present moment, but if it is entered in my diary it must have occurred.
1427. But are you certain that a conversation occurred in which Mr. Bentley stated that the door of the back room had been battered or wrenched, or forced in any way? Yes, I am sure that a conversation of the kind did take place.
1428. With reference to the entry made on the night when the music was torn and scattered? Yes.
1429. *By the Chairman:* You acknowledge to having upon that occasion spread a false report; by reporting, without any foundation, that Mr. Bentley's house had been robbed? Yes.
1430. And in order to authenticate that report, you invented a tale of having seen a man upon the wall dividing Bentley's yard from Miss Flower's? Yes; but I have some recollection of something having been said of a man having been seen on the wall.
1431. That you had seen him? No, but that Mr. Bentley or Mr. Boulanger—one or the other of them—had seen a man or the shadow of a man on the wall, and that some remark was made to me on the subject of the man having come over the garden wall, and what induced them to think so. I recollect telling Miss Flower these particulars, without, of course, informing her of the exact reason of my coming.
1432. Did you tell her that you had seen a man on the wall? No, but that a man had been seen on the wall.
1433. Will you refer to this passage in your diary? Yes. (*Witness read the passage "that a man had been seen on the wall."*)
1434. Was not that circumstance of a man having been seen on the wall a pure invention of your own? No, I have a distinct recollection of something of the kind taking place either with Mr. Boulanger or Mr. Bentley, though I do not recollect which of the two. There was something of the kind told me, either that a man had been seen on the wall, or the shadow of a man on the wall. When I went to Miss Flower's, it was for the purpose of ascertaining if Mr. Montagu was in the habit of visiting there, or whether either of the other suspected parties were. If they were, it would have been very possible for one or the other of them to have passed over the wall and so into Bentley's yard. Thus, if they had been there on the occasion of the forcing open the door, it would have been a very strong point of suspicion against them. But whether they had been or not, I thought that if I stated the real circumstances that had transpired, these parties would have been put on the alert, and for that reason I made up the accounts about the Bentleys' house having been robbed. There is no doubt but that I stated what was untrue, but if I did so, it was only because I thought I was justified in taking that course. I considered that the end I had in view justified the means.
1435. Do you remember upon one occasion having a conversation with Mr. Bentley in regard to Miss Flower's, to this effect,—that you would cause a person to be placed in her house as a lodger, in order to be a spy upon the goers and comers? Yes, I told him I thought I should do so.
1436. And do you consider that you have power to place your men, as spies, in the houses of respectable citizens? No, not without the authorization of the Inspector General. In this case I could have done so had I so wished. If I had sent a man it would have been to have watched the parties who went there, to see if any of them ever went over the wall.
1437. Would he have been a detective officer? Yes, but he would have been sent only with the sanction of the Inspector General. I suggested it to the Inspector General, but he desired me to delay this step for a time and try other plans before I adopted this.
1438. On the 4th April you went to Bentley's next? Yes.

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- Sub-Inspector 1439. About what time? About 7:30 p.m.  
 C. E. 1440. Will you read from your diary a statement of what then occurred? "April 3—  
 Harrison. "About 7:30 p.m. I went to Bentley's, and left about 9 o'clock. They went up-stairs  
 21 Nov., 1862. "immediately afterwards. Mrs. B. heard a footstep in the passage, and on Bentley going  
 "to look, he found a letter on the passage window-sill about half way up the stairs. The  
 "letter as usual contained threats, if she persisted in playing in public with Mr. Boulanger.  
 "Mr. B. informed me that they must have come through the kitchen and up the stairs, as  
 "the verandah door was not open. The letter was addressed to the house in Elizabeth-street,  
 "and had a 2d. stamp on, evidently intended to be posted in the first instance. I hope to  
 "God they may come to the house again, and I would give little for their chance of escape.  
 "Bentley and Boulanger are both timid, and fear murder, but I never saw such a courageous  
 "little woman as Mrs. B. She is perfectly fearless."  
 1441. You saw this letter? That I cannot say.  
 1442. Do you mean to say that you entered this occurrence, detailing the finding of a letter,  
 without having seen the letter? I believe I saw it; but at that time I placed such confi-  
 dence in Mr. Bentley, that if he had told me he had received a letter, I should have entered  
 it in my diary as being the case, the same as if I had seen it.  
 1443. But you do not state here that he had told you he had received a letter? No; that  
 he had got one.  
 1444. If he had told you, would you not have so said in your diary; that "Mr. Bentley  
 told me he had received a letter"? No, I should have stated the fact that he had received a  
 letter.  
 1445. In conducting your inquiries as a detective officer, do you make entries of matters  
 as facts without first satisfying yourself of the truth of the statements you receive? I could do  
 nothing else but believe him in the first instance, when he came to me of his own motion to  
 make inquiry into his case, and stated to me circumstances which he considered tended to  
 criminate Cutolo, Montagu, and San Just, whom at the time I regarded as the guilty  
 parties.  
 1446. But when a detective officer undertakes to conduct an inquiry into a case, does he not  
 do so without prejudice or without favour to all parties? Yes, certainly.  
 1447. Does he not look only to the truth, and regard every incident that he comes across  
 solely in the light of truth? Yes.  
 1448. Have there not been cases where parties have raised false reports about others, which  
 reports have, upon inquiry, been brought back to and fixed upon themselves—they being  
 the guilty party instead of those whom they had accused? No case of the kind has ever  
 come within my knowledge.  
 1449. Have you never had a case, for instance, of a man coming to the police, and stating  
 to them that he had been robbed, when it has been proved afterwards, most conclusively,  
 that he has never been robbed at all? Yes, there have been such cases.  
 1450. Is not that a similar case to what you believe the present to be? No; for in those  
 cases all the parties are entire strangers to the police; but in this case there are so many  
 small circumstances coming together, to make anything approaching to a fact, that it is alto-  
 gether different from a case where you have a distinct fact to start with. But, with regard  
 to the letter, I do not say that I did not see it, but only that I do not remember having done  
 so.  
 1451. Was not this an important letter? I looked upon all the letters received as being  
 important letters.  
 1452. Was not this a more than usually important letter? I think not.  
 1453. Was it not a threatening letter? I hardly remember.  
 1454. Is this the letter—(*Letter handed to witness*)? I believe it is.  
 1455. It contains threatening language against Mrs. Bentley? It does.  
 1456. The others were not all threatening letters? No.  
 1457. Then any letter that contained positively threatening language was of more import-  
 ance than one that did not, or that merely made allusion to some appointments? No; I  
 looked upon all the letters then as being of equal importance. I no doubt did see this letter,  
 but as to saying whether I had it in my hands and read it, or whether Mr. Bentley read it to  
 me, I cannot do so.  
 1458. Did you look at it? Yes, I think I began to read—I tried to read the first part—  
 and then the rest of it was read to me by Mr. Bentley, as I only got on very queerly with  
 it.  
 1459. Was Mrs. Bentley at all timid upon receiving this letter—I think you said that she  
 was of a nervous temperament? No, she was invariably very cool over these matters. I  
 asked her if she was at all frightened at the threats held out; and she said no, her only fear  
 was lest any evil should be done to the children.  
 1460. Was Mr. Boulanger frightened—he was a very timid man, I believe? I do not know  
 whether he was much frightened at it; but I do not give him credit for any great amount  
 of courage.  
 1461. Mr. Bentley was much afraid upon this occasion? I do not remember.  
 1462. Will you refer to your diary? Yes. Mr. Bentley often expressed himself as very  
 timid; and Mr. Boulanger said that he was very much afraid that his own house would be  
 entered some time, and that he would be murdered. He used to carry a revolver about with  
 him, and in fact so did Mr. Bentley.  
 1463. At whose suggestion was this? At his own.  
 1464. Not at yours? He borrowed my revolver: he lent his to Mr. Boulanger, and was  
 then obliged to borrow mine.  
 1465. Did you suggest to him the advisability of arming himself? I do not remember that  
 I did; I may have done so; I know I told him he had better keep arms in his house.

1466. Then this threatening letter—which had the effect of frightening two men—did not alarm Mrs. Bentley, but was received very coolly by her? No, I did not say that.
1467. That is the statement made in your diary? Yes, as regards Mr. Bentley and Mr. Boulanger, but not as regards Mrs. Bentley.
1468. Well then, when this letter had the effect of frightening two men, did you not think it your duty as a police officer to look into the matter and examine the letter for yourself? Perhaps it may have been.
1469. But was it or was it not your duty? No doubt it was; but at that time I did not think there was any doubt to be thrown on Mr. Bentley's statements.
1470. Will you read from your diary the entry of what occurred on April 5? "April 5—Was fully occupied all day, inquiring, arranging, and plotting how to circumvent those damned anonymous scoundrels;—their boldness is beyond everything I ever met with. They must be mad or desperate to run such risks, and for what object? It can only be, knowing that Mr. Bentley is a great sufferer and Mrs. B. is likewise in ill health, that they hope to drive them away from Sydney; and the evil reports circulated touching Mrs. Bentley's fame would, to a certain extent, be confirmed. Determined to conceal a detective in the house, and told Clark off for the duty. Called in at B.'s; watched down stairs, in hopes of some-one coming, till 11 o'clock. Detective Clark remains till 1 a.m."
1471. What did this plotting consist of? I do not remember now.
1472. One part of it, however, was to place a detective in the house? It was.
1473. Did you do so? I did.
1474. Did the detective you placed in the house discover any suspicious circumstances in regard to the Bentleys—did he report any such to you? I am not certain whether he did or not, but I think he did. I think it was he who reported to me that he had seen a party, whom he took for Mr. San Just, come up to the corner of the next house, then down a lane, and round past Bentley's front door.
1475. Did that in any way tend to implicate the Bentleys in this transaction? No.
1476. But what I asked you was, whether this officer ever reported to you any circumstance that would in any way tend to implicate the Bentleys in this conspiracy? No, I do not recollect that he did.
1477. If he had done so, you would no doubt have recollected it? No doubt.
1478. And would have considered it a matter of sufficient importance to be entered in your diary? Yes, I think so.
1479. Did any of your men, up to the time when the assault on the Newtown Road took place, ever report to you any circumstance inculcating the Bentleys? No.
1480. On the 6th April what steps did you take towards the elucidation of this matter? I cannot remember.
1481. Refresh your memory with the diary, and read the passage under that date? "I put on a disguise, and shepherded Bentley's house till 2 in the morning without success. Clark and Sanderson have been watching Montagu and Cutolo, and without it leading to any result."
1482. Did you discover anything upon that occasion? No.
1483. Did you watch Cutolo and Montagu on that day? They were watched, but I did not watch them.
1484. Was any report made to you by the detectives employed to watch Cutolo and Montagu, of a suspicious nature, as regarded those gentlemen? Yes, there were one or two facts mentioned to me that looked at the time as if they were of a suspicious character, but I really forget now what they were—they were some very trivial circumstances.
1485. Such circumstances being reported to you, although trivial in themselves, would have been regarded by you as of considerable importance? Yes.
1486. And as such would have had a place with the other facts in your diary? No, I did not enter all these minor circumstances in my diary—I have omitted to make entries for days together when nothing of importance occurred; it was never intended to form a complete history of the case, but was only meant for my own private purposes, and I jotted down material facts here and there for my future guidance.
1487. Admitting that it was for your own private purposes, and to refresh your memory upon important circumstances that occurred in this and other cases, how do you account for it that, when your officers reported to you what you admit to be suspicious circumstances against the gentlemen supposed to be implicated in this conspiracy, you made no entry of these circumstances in the diary? I think if the circumstances had been of any importance I should have entered them. Perhaps they were of importance, though I did not think them so. Surely no blame can be attached to me if, keeping the book for my own guidance, I entered only those facts that I wished to keep before me.
1488. You acknowledge, however, that the report by your officers of a suspicious act on the part of these gentlemen would have been a matter of importance? It would depend entirely upon what the suspicious act was. It may have been that these gentlemen met together in the street, and that they talked together.
1489. Would that have been a suspicious circumstance? Yes, it may have been one when coupled with something else. Sometimes the merest trifle is suspicious to an officer who is employed to hunt up a case, when it would be looked upon as nothing by anybody else.
1490. Will you read from your diary the account of what occurred on the 7th April? "During the afternoon I compared some of C., M., and Mrs. H.'s writing with the anonymous letters. A very strong resemblance between M.'s and them. There can be no moral doubt on the subject. Ordered Sanderson for duty inside the house till further orders."
1491. Who is meant by C.? Signor Cutolo.
1492. And M., I suppose, is Mr. Montagu? Yes.

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- Sub-Inspector 1493. And who is Mrs. H.? Mrs. Heath, widow of Mr. Heath the chemist.  
 C. E. 1494. What did you mean by saying that you had no moral doubt on the subject? I meant  
 Harrison. by that, the writing of some of the letters very much resembled the writing of Mr. Montagu,  
 and that I believed at the time that those letters were written by him.
- 21 Nov., 1862. 1495. *By Mr. Piddington:* Mrs. Heath is the lady who subsequently married Signor  
 Cutolo? She did I believe; at that time though I was not aware of it. I was induced to  
 compare Mrs. Heath's writing with some of the letters, on account of an observation made  
 by the Bentleys that they (meaning Cutolo and Mrs. Heath) were playing a deep game  
 together.
1496. Whose writing did you compare Signor Cutolo's writing with? Not with anyone's  
 writing, but with some of the anonymous letters.
1497. With which particular letter? That I cannot say.
1498. Can you not point out the letters with which the writing of the three persons you  
 mention—Mrs. Heath, Signor Cutolo, and Mr. Montagu—was compared—(*Various letters  
 produced, and laid before witness*)? No, I do not remember. The letters were in three  
 different styles of handwriting, and I compared the writing of these three persons with the  
 different writing of the letters.
1499. And did you consider the writing of the anonymous letters to be like the style of  
 writing of these persons? I thought that one of the three styles of writing was similar to a  
 specimen of Mr. Montagu's handwriting that I was furnished with.
1500. This letter, in what has been described to this Committee as in a "peculiar hand-  
 writing," is the one I believe that you compared and thought like Mr. Montagu's hand-  
 writing? Yes, I believe it is.
1501. Which of the styles did you compare the writing of Signor Cutolo with? I cannot  
 say. Mr. Bentley gave me a letter written in each of the different styles, and I compared  
 them with the handwriting of the parties named. After I had done so I returned the  
 letters to him.
1502. He gave you the original letters, in order to compare them with the handwriting you  
 had of these persons? Yes.
1503. Is this letter now produced similar in style of handwriting to the specimen of writing  
 you had of Signor Cutolo's? I cannot say for certain.
1504. Is this letter the one you compared with the specimen of Signor Cutolo's writing?  
 Yes, I believe it is.
1505. What did you compare it with? I compared it with specimens I had of the hand-  
 writing of Signor Cutolo, Mr. Montagu, and Mrs. Heath.
1506. And did you find it resemble the writing of Signor Cutolo? There was a faint  
 resemblance.
1507. Is this (*writing produced*) the specimen of Signor Cutolo's writing that you compared  
 with the anonymous letters? No, I had others; I do not think I ever had this writing in  
 my possession; I had several different specimens of the writing of Mr. Montagu and Mrs.  
 Heath, and I compared them with the different styles of writing. The only letter I could  
 find similar in character to these handwritings was the one produced, which was somewhat  
 in the style of Montagu's writing. In fact I considered it to be his handwriting.
1508. Did you rely entirely upon your own judgment, in making this comparison and  
 coming to this conclusion? No; I shewed the two to the Inspector General of Police, and  
 had his opinion on it.
1509. Did he notice the resemblance? Yes; he was of the same opinion as myself—that  
 there was a strong general resemblance of the styles of writing of the two letters.
1510. Did you shew the writing to anyone else? Yes, I shewed the letter and the sample  
 of writing to the Manager of one of the Sydney banks.
1511. Who was it? Mr. Young, Manager of the English, Scottish, and Australian Bank.
1512. Did you shew the writing to anyone else? I may have done so, but I do not  
 recollect just now whether I did or not.
1513. And what was the result of these comparisons? As far as I was myself concerned, I  
 believed that the letter I had of Montagu's was the same handwriting as the round writing  
 of the anonymous letters. I came to this conclusion on a comparison of this style of writing  
 with a letter I had of Montagu's, and which was said to be in his writing. I shewed this  
 letter of Montagu's, and the anonymous letter with which I compared it, to the Inspector  
 General, and pointed out to him what I considered to be points of resemblance, and he  
 concurred with me. I also shewed the two to Mr. Young, Manager of the English,  
 Scottish, and Australian Bank, and he was likewise of opinion that it was the same hand-  
 writing—that the same hand wrote the two.
1514. Did you shew Cutolo's writing and the letter with which you compared it, to the same  
 persons? I did.
1515. And did you shew Mrs. Heath's writing to the same persons? I do not know that I  
 did; I think not.
1516. You have made an entry in your diary to the effect that you did? Have I? In that  
 case I did so. (*Diary referred to by witness.*) No, I say here that I compared the three  
 handwritings, not that I took them to other parties to compare.
1517. Yes, but then I asked you if you had formed your conclusions on your own unaided  
 judgment, or whether it had been by the assistance of the opinions of others; and you then  
 mentioned the names of other persons to whom you had referred the handwriting, and who  
 had come to the same conclusion as yourself? Yes; but the fact of the case was this,  
 that in the first instance, I compared the handwriting of Montagu, Cutolo, and Mrs. Heath  
 with the different styles of anonymous letters. I could find no resemblance between these  
 letters and the writing of Cutolo and Mrs. Heath, and that being the case I do not know  
 if I shewed either of these to the Inspector General; but I did shew him Montagu's, because  
 there

there was a resemblance, and I asked him if he did not see it, and he said, "Yes," he did. I then shewed it to Mr. Young, but whether I took him Cutolo's and Mrs. Heath's writing to compare I do not now recollect.

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1518. In making this comparison, did you trust to your unaided eye, or did you submit them to a stronger test, by the application of a magnifying-glass? Yes, I did apply that test. I procured a large magnifying-glass. I took a sheet of clean paper, and laid it down over the writing, so as to examine it line by line, the letter with the specimen; and in this way I made a most minute comparison of the two.

1519. Did Mr. Young assist you in this examination? No, not with the magnifying-glass.

1520. Did he never use the magnifying-glass to make a comparison? That I do not recollect.

1521. Did the Inspector General do so? Yes, I myself shewed him the writing through the glass, and called his attention to what I considered to be the points of resemblance.

1522. So that you subjected the writing to a most searching investigation before you made the entry in your diary that there was no moral doubt in regard to the complicity of Montagu? I had no doubt then; I believed firmly that Montagu was the author of the letters.

1523. And that being your belief, you took every means in your power to prove its correctness? I did. Now I recollect, I think I have in my office the letter of Montagu's that these notes were compared with; I borrowed it for the purpose, and unless I returned it to the party who lent it me, I have it by me still.

1524. *By Mr. Johnson*: What became of the other subjects of comparison—I mean the supposed handwriting of Mrs. Heath and Signor Cutolo? I do not know; I may have some of them by me now in my office; I know I borrowed a good many specimens from different parties, and many of them I returned after I had done with them.

1525. Did you get any of these specimens from the Bentleys? That I do not know.

1526. *By Mr. Morris*: Is the letter of Mr. Montagu's, that the Inspector General handed in to this Committee, the one you used in making your comparison? It is not.

1527. *By Mr. Johnson*: None of these specimens came from the Bentleys? With regard to Montagu, I think not; but I think I got a specimen or two of Mrs. Heath's writing from Mrs. Bentley.

1528. *By Mr. Piddington*: Your suspicions respecting the Bentleys, are they founded upon a comparison of these letters with the handwriting of the Bentleys? No.

1529. Have you ever instituted that comparison? I have lately.

1530. And are your suspicions strengthened by that comparison? They are.

1531. *By the Chairman*: What occurred on the 8th April? "Had plenty of time to think over the Bentley case. I get more and more interested in it every day, and have not as yet got one tittle of legal evidence against the guilty parties. Watch, watch, watch, and all to no purpose. But patience! I will succeed eventually, or I shall consider myself unfit to be at the head of the detectives."

1532. Why was this not entered upon the extracts made from your journal? Solely because I did not think it was necessary to do so.

1533. Will you read from your diary what occurred on the 9th April? "Went to Bentley's in the evening; Boulanger was there, and we talked over the prospects of success. Boulanger was for publishing all the letters; we came to high words on the subject, and I threatened to have no more to do with the matter. It was then determined to have no more to do with the thought of making the affair public, and a concert was proposed in aid of the funds of St. Vincent's."

1534. Is it not somewhat remarkable that you should have been opposed to the publication of these letters? I think not; I can assign a reason for so doing. When I had the matter in hand before, my services were abruptly brought to a conclusion by some remarks made to me by Mr. Hanson. He met me in the street, and after some remark upon my conduct of the case, he concluded by saying, that if Bentley had sent me a cheque for £50 I would have taken more interest in the case. I felt very much annoyed and hurt that such a remark should have been made to me after all the trouble I had taken, and I at once withdrew from the case.

1535. Had he offered you a cheque for £50 would you have accepted it? No, I would not.

1536. Is there any similarity between the offer to you of a cheque for £50 and the publication of these letters? No, none; but having had my first engagement in the case brought to so abrupt a conclusion by the intermeddling of Mr. Bentley's friends, and having a second time undertaken it and brought it up to a point at which I hoped to be successful, I did feel annoyed that, by a second intermeddling, I should, by the publication of these letters, be deprived of the success I anticipated in unravelling the mystery. I thought it too bad that, after promising to leave the matter entirely in my hands—for it was only upon that condition that I undertook the case a second time—they should bring all hope of success to a conclusion by publishing the letters, and so putting parties on their guard. I said as much to Mr. Bentley, and he told me that it was not he, but Mr. Boulanger, who wished to have the letters published—that he was very hot tempered, and wanted to have the whole thing exposed to the public. I shewed him how it would upset all my plans, and threatened, if there was any further talk of publication, to at once throw the matter up.

1537. On the 10th you withdrew the man from Bentley's house, I think? Yes. "Withdrew the man out of B.'s house, and set him to watch outside in Elizabeth-street, Clark taking the rear in Castlereagh-street."

1538. So that, up to that time, you had a man watching in the house? Yes.

1539. Had he been in the house from the time you placed him there to the time when you say here that you withdrew him? I think he was there every night.

Sub-Inspector 1540. Do you know that he was from your own knowledge? No, I do not. I know that he  
C. E. was ordered to go there every night until further orders, and I believe he followed his  
Harrison. instructions.

21 Nov., 1862. 1541. What occurred on the 11th—will you read from your diary the account you have  
there given? “According to promise made to Mrs. Bentley, I sent Sanderson out to Newtown,  
“ to act as escort to her, remaining there in case any one should be lurking about, and return  
“ with her after she had finished her lessons, Mrs. Bentley having expressed a fear that some-  
“ thing might happen to her, the road being very lonely. Called on Mrs. B. at 3  
“ o’clock, and found that nothing had taken place at Newtown. Detective Sanderson had  
“ been round the place—nothing of moment. Ordered him to take up watching again to-  
“ night, *inside* Bentley’s house. To-morrow night I will withdraw the man from the inside  
“ again, and place him in the street. I am not too certain, in spite of all B. and Mrs.  
“ B. may say, that they are above suspicion—I mean the servants.”

1542. Then at this time you suspected the servants? I did not suspect them, but I was not altogether certain about them.

1543. Mr. Bentley stated that he had every confidence in them? He did, but he could assign no reason for this confidence.

1544. You had had conversations with him in regard to the servants previously to this? I had.

1545. Had you made the particular religion of the servants any part of the suspicion you entertained against them? No, I have no recollection of having done anything of the kind. I do not think that I was even aware of what religion they were.

1546. Did you ever ask Mr. Bentley if his servants were Roman Catholics? No, I think not.

1547. Nor made their being Roman Catholics a reason for suspecting them? No. I see no reason why, being Roman Catholics, they should be mixed up in this more than if they were Protestants. I simply asked him what kind of girls his servants were, and he said they were very good girls—that they went to mass regularly, and that he had every confidence in them.

1548. On the 12th Mrs. Bentley was again disturbed? Yes.

1549. Will you read the entry in your diary of that date? “Questioned Mrs. B. closely  
“ about the motives for the enemy’s conduct, and got from her all the particulars, from the  
“ sending of the first letter to Hanson. She said the agony she had endured was great, but  
“ that she did not feel the least dread of violence, in spite of the threats in the letters. Her  
“ torture was caused by the aspersions cast on her moral character. I do pity her very much,  
“ and I don’t wonder at the interest she creates in all circles; and I sometimes lose patience  
“ when I think of the want of success and failure of all my plans. About 9 o’clock I was  
“ interrupted in my conversation with Boulanger and Mrs. B. by Bentley, who called out  
“ from the dining-room down-stairs. On going to him I found he was examining the  
“ verandah door, which was partly open. He informed me he had fastened it on our going up-  
“ stairs, half an hour previous. I went round to Clark, who was stationed in Castlereagh-  
“ street, and found no person had got in by the back. We could find no letter. The scoun-  
“ drels have probably been disturbed by Mr. B. going down-stairs. The matter is now  
“ beyond a doubt; they could not gain admittance by the back or front, as both were closely  
“ watched by Sanderson and Clark; they therefore either came over Miss Marshall’s wall or  
“ from one of the adjoining houses. I requested Bentley to make a careful search about the  
“ premises in the morning.”

1550. *By Mr. Piddington*: Is that entry in your own handwriting? It is.

1551. *By the Chairman*: Could admission have been gained from the trap-door leading from the roof, then down-stairs and into the room the door of which was found open? Yes, it could. Anybody knowing the house might have come down that way.

1552. Were your suspicions ever directed to that quarter, as a means by which the person may have gained admission? No.

1553. Did you ever search the house to see if the persons had obtained admission in any other way than through the door? No.

1554. In what way did you come to the conclusion that the party came in by the verandah doorway? From the fact that it was the easiest way of gaining admission into the house. They could get into the yard over the wall of the adjoining houses from the street, whereas it would be impossible to get on to the roof from the street. There were four large houses in a block, and to get on the roof the parties must come from one of the other houses.

1555. Had you any watch upon the adjoining houses? Yes, there was a man stationed on the look-out upon the whole of them.

1556. So that you had the whole neighbourhood under surveillance? Not the whole neighbourhood, but the four houses were.

1557. The whole block, then? Yes, there was a strict watch upon that.

1558. This was the occasion, I believe, when you discovered the footmarks plainly marked in the loam? No, that was on the previous occasion, when the music was torn and scattered about. This was the occasion, I believe, when I saw the two footmarks in one; however, I do not recollect distinctly, but I think so.

1559. Refer to the diary, and refresh your memory? Yes, I am right. This was the occasion when the letter was found in the flower-stand, and when the large footmarks, or the two small footmarks, were seen on the verandah. The previous occasion was when the footmarks were on the flower-beds and over the wall of the garden.

1560. Will you tell the Committee how you went to work to discover the length and breadth of these footmarks? Directly Mr. Bentley pointed them out to me, I examined them very minutely and very closely.

1561. Was this at night, or on the following morning? In the morning.
1562. Did you, before you left at night, give instructions to Mr. Bentley to look into the matter himself in the morning? I did. I had a conversation with him on the subject, and I told him that my idea was, that the parties who had been there were on the alert somewhere at the back, and no doubt in view of the place; and I gave him as my reason for not going out to look about, that I wished the parties, if they were on the look-out, to believe that the letter had not been discovered, so as by making them fancy that their visit was undiscovered, to induce them to come back again, when there would be a chance of their discovery. I told him that if they did not do so, he had better examine the yard, for footprints, in the morning.
1563. You call yourself a detective officer, I believe? Yes.
1564. And I think you have said that it was raining that night? Yes.
1565. Now, if it were raining all night, what effect would the rain have upon the footprints before morning? I do not know that it rained all through the night.
1566. But supposing it did, what would the effect be—would it not be to obliterate the footmarks? No doubt it would.
1567. Did it rain all night on that occasion? I cannot say.
1568. How long did it rain? I know it rained for some time afterwards.
1569. Were they obliterated? I cannot say. I knew nothing of the footmarks until the following morning.
1570. That is the morning after the man had been there? I cannot say if the man was there.
1571. After the time, then, that he was said to have been there? Yes.
1572. What would be the effect of the night's rain, supposing he had been there? In the garden the effect would be to obliterate the footprints; but that would not be the case in the verandah. That was covered in, and of course the footprints coming in from the wet ground would be very clearly marked.
1573. How was the verandah covered in? With curtains hung down in front, so as to conceal the room from parties at the back of the other houses.
1574. Were those curtains drawn at the time? They were closed. The verandah was so closed in that parties at the back, in the other houses, could not see what was going on in the room.
1575. So that no rain could beat in on the verandah? Precisely.
1576. And the verandah was quite dry? I do not say that it was quite dry, but it was sufficiently so to retain any mark that was left on it.
1577. Did the rain beat in? I cannot say.
1578. When you looked out into the verandah to see if any letter had been left, did you see if the rain had beat in or not? I did not examine it for the purpose.
1579. Did you look about outside at all? No, I did not. I have explained before that I did not wish to go outside, because I desired to keep the matter so that, if the parties were on the look-out, we should not alarm them, and that they should return. I told him to look out for marks in the morning.
1580. And were you never to examine for yourself? The reason was, that if the parties were concealed in the neighbouring yards or houses, they would be sure to be watching from the windows, or from some place of concealment, to see if their coming to the house had been discovered, so that if we went looking about with a light for steps and other marks, they would take the alarm and would not return; whilst if we were quiet they might fancy they were not discovered and so would return, and we might get an opportunity of catching them.
1581. Did you say they had got away by the garden? Yes.
1582. Supposing they had done so, and that they were then concealed in the rear of the house, could they have seen you if you had gone out in the verandah, seeing that it was closed in? It would depend upon where they were. The front of the verandah was closed in, but the ends were open.
1583. Could any person in the garden see in at the ends of the verandah? No.
1584. Does the verandah extend the whole length of the house? No, not the whole length, but very nearly.
1585. How far does it extend? There is a verandah to each house in the row of four, with just a break of a short distance between them.
1586. Is there not a staircase leading to the garden? Yes.
1587. And the verandah comes down to the side of it? Yes, and goes part of the way to the end of the house. There is a verandah to each house, so close to each other, that anybody might get from the verandah of one house on to that of the next.
1588. So that a person could stand with one foot on each verandah? Yes.
1589. Did you measure the length and breadth of the footmarks, and compare them with the footprints of Mr. Bentley? No, I did not.
1590. Why? Because he told me they were the footsteps of the parties who had come there that night, and I had no reason to doubt him, especially as he pointed them out to me. He said that he had discovered them the first thing in the morning, and that he had ascertained that they had not been made by the servants or any person about the house. I took notice of the size, and he then made the remark that he thought they must be the marks of the big man with the monkey jacket and cabbage-tree hat, who had been seen talking with Mr. Montagu. I then looked closely into the foot-prints, and found that it was not one foot-mark, but two, one on top of the other, and I shewed Mr. Bentley the impression of the two heel-marks in the one track.
1591. Do you mean to say that there was not the impression of a larger foot below the place where these two foot-prints were? I could not say that. It would be impossible to say what was below.

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1592. You are aware that Mr. Bentley had been making an examination of the ground before you were there in the morning? I am.
1593. Might not he, in making his search, have trodden on the larger foot-print? I do not see how he would have left any mark behind, for unless he had been walking out upon the soft damp mould of the garden, the impression of his foot would not have remained at all.
1594. Were there no foot-steps in the garden? I saw none, except upon the first occasion, when the music was torn and scattered.
1595. Unless the dirt were dry, would not the two small foot-prints have obliterated the large one? No, I think not; they would not have gone so fairly on to it as to obliterate it; besides, if Mr. Bentley had obliterated the foot-mark in making his search, I think he would have told me that he had done so.
1596. Will you look now at your notes of April 12th, and say if you have not said there that the parties must have come in over the adjoining wall? Yes, I have said so.
1597. Why did you come to that conclusion? Because I had the back of the house carefully watched, and I meant by the adjoining wall, the one that separates the two houses—Bentley's from Miss Johnson's.
1598. You thought that the parties had come over there? Yes, I did then.
1599. Then this wall that you allude to is not the wall separating Bentley's from Miss Flower's? No; that wall is the one at the end of the garden.
1600. Then your suspicion at that time was that they must have come in from the next house? Not from the next house, but from the next garden.
1601. Was the next garden similar to that of the Bentleys—had it been recently dug up? I do not know about that, but there was a garden there.
1602. So that a person getting on to the wall would have had his boots dirty and covered with mould? Yes.
1603. And if he had got over the wall, his boots being covered with dirt in this way, would he not have left some marks of dirt upon the wall? He would if he had his boots on, but he might have pulled them off, so as to leave no such mark.
1604. In that case, would he have left an impression of his foot-mark on the verandah? Yes.
1605. Would he not have left much more unmistakable marks upon the verandah, without his boots, than he would have done with them. He would certainly.
1606. And if he had got over the wall with his boots on, he would have left some marks on the wall? Yes. If I recollect rightly, I examined the wall afterwards, and came to the conclusion that there was nothing of the kind—that there were no marks on the wall.
1607. Did you examine the wall for marks? Yes, and Mr. Bentley along with me.
1608. Did anything occur on the 13th April? Yes, Mr. Bentley shewed me a letter he had found in the flower-stand.
1609. Will you read the passage from your diary? "Called at Bentleys about 11 o'clock, a. m., and Mr. Bentley shewed me a letter he had found in a flower-stand in the verandah. It was similar in style to the rest, and spoke of the writer being aware of my being in the house. Last night being a very wet night, muddy footsteps were traced from the yard to the door of the dining-room. I again mentioned my suspicions regarding one of the servants being party to the affair, but both Bentley and his wife begged of me to get shut of such a suspicion at once, as they could *depend their lives on their honesty*. I shall have them watched for a time at any rate, for the enemy are certainly in possession of all our movements. I withdraw the officer out of the house for one night, and in they come. I never in my life had such a run of actual bad luck, not that I for a moment expect to be beaten in the long run. Placed two officers, one in the house and one in the garden, to remain on watch till 1 a. m."
1610. Will you explain to the Committee how it is that you have left out, from the extracts you have furnished to this Committee, about the half of what appears in your diary? I cannot explain further than I have done—that I did not consider it material.
1611. You had no particular reason for omitting it? No, I had not. I may perhaps be allowed to make a remark in reference to the mode in which these extracts were made. When I was informed that the extracts would be required, I was very busy at the time myself, and I gave the diary to Mrs. Harrison, asking her to make the extracts in relation to this case. She asked me if she should copy out the whole of it, and I said, "No, you can suppress such portions as contain merely private matters—give only those portions which touch more particularly upon the case." She shewed me some of the first part of the extracts she had made, and asked me if that would do. I looked it over, and said "Yes," that was just the thing. She then completed it, and when she had done, I had no reason to doubt that the extracts would be carefully made, and I did not, therefore, compare them with the diary.
1612. *By Mr. Piddington*: Nor did you mark the portions of the diary that were to be extracted? No; I gave her the diary to make extracts of such portions as she might conceive to be material to the case. If there is any portion missing that the Committee may consider to be material to the case, that is the way in which it happens. When I had got the extracts made, I handed them to the clerk in the Inspector General's Office.
1613. *By the Chairman*: You handed them to him to get them copied? Yes.
1614. And you then destroyed your original copy? I did.
1615. What necessity was there for destroying it? There was no necessity for doing so; but I did so simply because I did not want to keep a lot of extracts about that were of no use to me. I have papers enough as it is in my office.
1616. In speaking of the servants to Mr. Bentley, did you ask any question relative to their religion? I do not recollect ever having done so. I never recollect the religion of the servants being made the subject of conversation. He said his servants were good girls—that they

they went to mass regularly; but beyond that their religion was never mentioned. In fact, when this took place that you are now referring to, I did not know what religion the girls were.

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1617. Up to the 13th April, had you ever gone to Bentley's in disguise? I do not recollect.

1618. Did you ever go there in disguise? Yes, frequently.

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1619. Disguised in what way? In many different ways. I have gone there in the disguise of a woman.

1620. Was there any necessity for you to go to their house in disguise? Yes, I considered there was, because I found that whenever I withdrew my men from the house something was sure to transpire. That led me to fancy that, by some means, the parties became acquainted with all our movements; and being of opinion that there were a number of parties always on the watch, about the place, I took the precaution of sending in my men to the house in disguise, or going myself in disguise, so that if there were persons on the watch, they might not know that a detective was in the house.

1621. Had not the detective officer the entire run of the house, at the time he was placed there? No, not at that time. They were always very cautious as to concealing the men down-stairs, so that their presence should not be known. And then when the Bentleys went up-stairs to bed, the officer would be in the room below, watching the verandah, in the event of the parties again trying that mode of entry.

1622. Now, on the 12th, when the house was entered in this way, were you present when the door was opened? Yes, of course I was present, and went down-stairs to him directly he called out that somebody was there.

1623. And the door was forced upon that occasion? It was said to be forced, but I do not know whether it was or not.

1624. Did you take any steps to prove whether it had been forced or not upon that occasion? No, not that night; because, as I have already said, I did not wish to move about the premises more than I could help, for fear the parties should be on the alert at the back, and finding the house alarmed should not come back again.

1625. Did you, on the following morning, open the door from the outside with a dessert knife? Yes.

1626. Could you do so again under the same circumstances? I could.

1627. *By Mr. Morris:* Was not Mr. Bentley present when you opened the door in this way? Yes, and Mr. Boulanger also. When the door was properly fastened I could not open it from the outside, but when the lock was in a particular position I could do so.

1628. *By Mr. Piddington:* Have you the specimens of the Bentleys' handwriting that you compared these anonymous letters with? Yes, I have; I now produce them.

1629. *By Mr. Morris:* Did you ever receive a letter from Mrs. Bentley? Yes, I did.

1630. Have you got it? Yes, I now produce it. (*Vide List of Appendix.*)

1631. When did you receive that? I think it was on a Thursday evening. By a reference to my diary, I find it was on the 19th June, 1862.

1632. Where did you receive it? At Bentley's house. I had just returned from the country, and on my first going into the house she handed me the letter.

1633. Does it bear Mrs. Bentley's signature? No.

1634. How do you know that it is in her writing? Because she gave it me, and told me she had written it. She said, "Here is a letter I have written to you, which I intended to have forwarded to you to Bathurst."

1635. You did not go to Bathurst, I believe? No; the order was countermanded, and I did not go.

1636. Are you in possession of other specimens of their writing? Yes. I produce a memorandum in Mr. Bentley's writing, of certain dates that he wished me to obtain for him (*marked B 2*); and also a note I received from Mr. Bentley at some time or other (*marked B 3*); and also a memorandum in relation to Mrs. Heath's late husband (*marked B 4*).

1637. Had Mrs. Bentley, when you stated that you had been ordered to Bathurst, arranged with you that she should write you a letter to Bathurst? Yes.

1638. When she handed you the letter, did you read it in her presence? I did.

1639. Did you ever have any other correspondence with her? No. I also produce a bill for the tuition of one of Mrs. Bentley's pupils (*marked B 5*).

1640. *By Mr. Piddington:* Is it from a comparison of these documents with the anonymous letters, that you arrive at the conclusion that they resemble the writing of the Bentleys? Yes. Some of these lines bear as strong a resemblance to the writing of some of these letters as Montagu's writing does to others.

1641. Have you any other specimens of writing on which you have founded your opinion? No.

1642. Then it was upon these that the opinion has been founded? Yes; upon these and some others that I may have had—memoranda of different kinds in their writing.

1643. But these are the chief documents on which you have formed your judgment? Yes.

1644. *By Mr. Morris:* Are not these documents in the usual handwriting of the Bentleys? Yes.

1645. *By Mr. Johnson:* Was not all the handwriting of the Bentleys that you used to compare the anonymous letters with, of the same character as that of the documents now produced? I never used to compare them.

1646. But lately you have compared the anonymous letters with writing of the Bentleys? Yes.

1647. And there was no difference in the style of handwriting you compared and that you now produce? No.

1648. They were all in Mr. and Mrs. Bentley's usual style of handwriting? Yes.

1649. *By the Chairman:* With regard to these documents you have produced, which



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- purport to be in the handwriting of the Bentleys, have you compared them with the anonymous letters, in the same way and with the same assistance as you had when you compared the letters of Cutolo and Montagu? No, I examined these by myself alone.
1650. So that the opinion you now give is your own unaided opinion? Yes.
1651. Is it on that account so valuable as your former opinion? I think it more so. There are circumstances that make my opinion now very much stronger than it was before.
1652. Although before, you considered that there was no moral doubt about Montagu being the offender? Yes; but I place more confidence in my opinion now, owing to other circumstances which corroborate it.
1653. Do you place more confidence in it than you do in the opinion come to by yourself, the Inspector General, and Mr. Young? Yes; I believed then that Montagu was the writer of the letters; but I am almost certain now that they have been written by the Bentleys themselves.
1654. *By Mr. Johnson*: Was nobody present when Mrs. Bentley told you she had written this letter for the purpose of forwarding it to you to Bathurst? No.
1655. Nor when she gave you the letter? No, nobody.
1656. Have you any other letter in the handwriting of Mrs. Bentley, excepting the one you now produce? No.
1657. Do you know of the existence of any in your office? No.
1658. You have none? I have not.

TUESDAY, 25 NOVEMBER, 1862.

Present:—

MR. MORRIS,	MR. COWPER,
MR. PIDDINGTON,	MR. WILSON,
MR. HART,	MR. LUCAS,
MR. HOSKINS.	

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

Mr. Johnson appeared for the Petitioner, Mr. T. C. Bentley.

Mr. Charles Edward Harrison called in and further examined:—

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1659. *By the Chairman*: Do you now produce any letter? I do; a letter I received from a party in the city, who handed it to me as a letter he had received from Mr. Montagu— which he knew to be the handwriting of Mr. Montagu. (*Letter handed in.*)
1660. That is the letter with which you compared the anonymous letters which were placed in your hands for comparison? Yes.
1661. Will you look at your diary of the 23rd April; it was on that occasion that you examined the roof. On the 22nd the noise had been heard in the roof, and the letter had been received stating that the person concealed there had covered Mrs. Bentley with a pistol, and had observed other—? The noise was heard on the Monday—the 21st, I think.
1662. But it is entered on the 22nd in your diary? Yes.
1663. On the 23rd you examined the roof? Yes.
1664. In what way did you begin with this examination; can you describe to the Committee how you made the examination? I went up through the trap by the ladder leading from the landing into the roof, and I first examined the sky-light window. The sky-light window was as I have stated in the diary. The frame-work was rather a deep one, and there was a quantity of dust on the frame-work—on the window-ledge; it was sloping. On the window itself and the corner of the frame-work there were a number of cobwebs. I passed through the sky-light window on to the roof. The roof is a slate one, and you have to slip down from the window a short distance. There is a parapet wall in front of the house, and when standing down in the gutter of the house you can just barely reach the frame-work of the sky-light. At full stretch I could just reach it sufficiently to pull myself up again. I went on to the roof and examined the gutter, and I examined the slates to see whether there were any marks there, or if I could find any track at all of anybody having passed along the roof of the houses. I went over to the end house each way, and examined the gutters likewise, and found no traces of any one being there; and from the fact of the dust and cobwebs being on the window, I concluded that no one had passed through it but myself.
1665. Did any one go up to the roof with you? Detective Clark.
1666. Any one else? No one else.
1667. Not Mr. Bentley? No.
1668. Then your suspicions were first pointed to the window—that was the first object of your examination? Yes, to see whether they had come by way of the roof.
1669. Did it not strike you that the first point of examination would have been, before you yourself put your foot on this dusty floor, that you should have examined the floor to see whether there were any foot-marks, previous to your going on it? There was no floor, but there was a plank leading to the window.
1670. Did you examine the plank, before you went on it at all? I cannot say that I did.
1671. As you had examined the window, and found that, in accordance with your opinion, no one could have come in by the window, you then turned your attention to the floor? Yes.
1672. And although you and Clark had walked along this dusty plank, and, I presume, back again, you could still discover the traces of Mr. Bentley's footsteps? I did not know they were the traces of Mr. Bentley's footsteps till he told me the fact.

1673.

1673. You could discover footsteps not your own? Yes.
1674. And no other marks? I did not.
1675. You do not know whether you obliterated other marks by your own footsteps? I saw my own footsteps, and likewise those of Detective Clark; and some remarks were made about the fact of the only other footprint, which Mr. Bentley told me was his, as he had gone to examine the window.
1676. So that you, in the first instance, were not aware that there was no indication of any impression of footsteps being there prior to your going to the window with Clark? I do not know. I believe the window was the first place I went to examine, but I will not be positive.
1677. And at this time again you were fully convinced the servants must be in league with the enemy? Yes, for I did not at that time for a moment suspect Mr. and Mrs. Bentley, but I thought somebody in the house must be in league with the enemy.
1678. What kind of cover was on the trap on that occasion—the entrance to the roof? I cannot say.
1679. Was there a covering at all? I cannot say.
1680. Could not any one have obtained access to the roof, without the knowledge of the inmates of the house? By the sky-light.
1681. Without the sky-light—by the trap? Such a thing was possible. Anybody might have got into the house from the lower portion, and got into the roof.
1682. If it was possible, when you were in the house, to break open the door with a jemmy without your knowing it, it was possible to go up there and through this trap-door without coming through the skylight at all? Yes, it was quite possible.
1683. Do you not think that quite as probable a way of getting in as by the skylight? More probable. I never for a moment thought that they came in by the skylight.
1684. Then was it not more probable you would have looked for indications of their entrance from the trap than by the skylight? What indications would I have been likely to have found?
1685. You would have been likely to have looked for footsteps? Yes, had I been aware that they had entered from the lower part of the house, but I wished to satisfy myself how they had entered. I may remark that frequent conversations had taken place between Mr. Bentley and myself, with regard to the roof of one house communicating with the other, and with regard to the skylights on the different buildings forming that block.
1686. On the 25th of April Mrs. Bentley is mentioned in your diary as having been attacked on Mrs. Josephson's grounds? Yes.
1687. You had not any one on the watch then at all? No.
1688. Up to this time had you suspected the Bentleys at all? No.
1689. On the 24th you evidently suspected the servants? I do not know that I did the servants in particular, but some one on the premises.
1690. If not the servants in particular, would you have mentioned in your diary that you had suspicion of the servants in particular. If you will look at your own diary, you will see you say, on the 23rd, "*The servants must be in league with the enemy,*" underlined—Would you make that entry unless you were convinced—? I might not have been convinced of it, but I might have had a suspicion to that effect.
1691. If you had a suspicion, would you put it down in as positive terms as that, underlining every word? I might have done.
1692. Your suspicions assume very large dimensions when you put them down they "*must be*";—you had no suspicions of the Bentleys up to this time—up to the 25th April? I do not recollect having any suspicions of them then.
1693. What do you mean by this entry in your diary—"*That strange suspicion has again returned,*" underlined again—What suspicion do you allude to—suspicion of the servants? No, of some one in connection with the house—of the Bentleys themselves being parties to the affair.
1694. You do not allude here to the Bentleys in particular? No, I do not think so.
1695. On the 26th, which is only the day afterwards—and in fact it appears (and I would wish you to explain whether it is so or not) that it is the same night, as it goes on, on the 25th, to state this:—"12:30 a.m.—I have just sent Clark down to the house, to watch all night. 26th.—Had very little sleep all night, thinking of this infernal case, and the suspicion grows stronger and stronger, but what could be the motive? I must try back, and look closer at home." Will you explain to the Committee the meaning of that entry? I presume it alludes to the Bentleys themselves, or to one of them.
1696. *By Mr. Johnson:* Which one—one or both? I cannot say—I do not recollect my thoughts at the time.
1697. *By the Chairman:* Was that one entry, or is it two distinct entries—Is the entry on these two pages, under the head of the 25th and 26th—were they written at one and the same time? It must be with regard to the Bentleys, but I cannot say whether it was written at the same time or not. It appears as if it was.
1698. I think you stated before, that you had seen Mrs. Bentley faint on one or more occasions? Yes, but I do not know whether it was previous to that or not; I have seen Mrs. Bentley in a very nervous state.
1699. And you were perfectly convinced it was a real faint? I had no suspicion to the contrary.
1700. Did you ever see Mrs. Bentley smoke? I have.
1701. Was it a practice of Mrs. Bentley's? I do not know. I have seen Mrs. Bentley smoke two cigars one after the other.
1702. And drink brandy and water? Yes.
1703. In your company? Yes.

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- Sub-Inspector 1704. When Mr. Bentley was not present? Yes, and when Mr. Bentley was present, and when Mr. Aldis has been present.  
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1705. Did you consider that that was a matter of very great importance in connection with the Bentley case? Not in connection with the Bentley case, yet I did not exactly approve of it.
1706. Is that the reason why you made a memorandum of it in your diary? I probably made the memorandum because it was a rather unusual thing for ladies to do.
1707. Has Mrs. Bentley smoked cigars and drank brandy and water in your company since the date of this entry? She has on several occasions.
1708. On the 27th—but it appears to me almost on the same date—though there is a different date in the diary, it appears as if it were all written at one time. For instance, it goes on in this way:—“Bentley was very fidgety, and asked me to call in to-morrow. 27th.—Very late when I got home last night.” Then I find it goes on to state—“In the afternoon \* \* \* \* went to Elizabeth-street. Mrs. B. was very unwell, and fainted. “Bentley said it was palpitation of the heart.” Do you remember that occasion? I do not recollect that occasion in particular.
1709. The night after—I suppose it must be two nights after the attack at Mr. Josephson’s. It is in your diary of the 27th —? I do not recollect that occasion in particular.
1710. I wish you would read this part—the 27th? (*The witness read*)—“After which I went to Elizabeth-street; Mrs. B. was very unwell, and presently fainted; Bentley said “it was palpitation of the heart; I assisted him in keeping her hands open; she was not violent; *he soon became fatigued*, and left the bathing of her head to me; I suspected a part was being played, and in a few minutes satisfied myself of the fact; Bentley assured me it was all the result of the attack at Newtown, and called vengeance on the head of the enemy—and how I sympathized with him! A fresh paroxysm returned to Mrs. B., and I knelt beside her, with her head resting on my shoulder and one of her hands in mine, while each pressure of the fingers was returned by her; in about an hour I assisted her up-stairs and laid her on the bed, when she again became insensible, and I came away.”
1711. Is not that a very peculiar entry? —
1712. *By Mr. Morris*: You remember the circumstance? I do.
1713. *By the Chairman*: Is not that a very peculiar entry? No, I think not.
1714. Does it mean more than appears on the face of it? No, I think not.
1715. It does not mean that she was shamming the faint? Yes, I think that does appear on the face of it.
1716. That is what is intended to be conveyed—that she was shamming? I would not say she was shamming altogether—that she was not nervous and excited; I would not say that, because from her appearance I believe she was; but still, at the same time, I believe a part was being played, and I am satisfied of it now.
1717. Are you satisfied she did faint? Well, I cannot say. Mrs. Bentley appeared very nervous.
1718. *By Mr. Piddington*: Will you explain what you mean by “a part was being played”: I do not understand the meaning of the term? That at that time Mr. Bentley had some object in view with regard to this scene—in Mrs. Bentley fainting and myself being there, and afterwards in Mr. Bentley leaving Mrs. Bentley so constantly with me as he did—that he had an object in view in doing so.
1719. *By the Chairman*: Do you not observe that you have mixed two things together? I cannot exactly explain one without the other.
1720. You there have mixed up the time as it then was and what occurred long afterwards—you have stated that you came to that conclusion in consequence of Mr. Bentley leaving his wife with you so frequently when he was absent? Yes.
1721. But that had not occurred at that time? But still I could not give an answer to Mr. Piddington’s question without —
1722. Had that occurred? No; but I believed a part was being played and this was the commencement of it, from the fact of Mrs. Bentley’s conduct at the time.
1723. I understood Mr. Piddington’s question to be, that he wished you to explain what you meant by “a part being played” at that particular time? Well, I cannot give a fuller explanation of the matter than that I thought this fainting or nervousness of Mrs. Bentley’s was not genuine—that there was an object in it.
1724. *By Mr. Hart*: When you say “each pressure of the fingers was returned,” do you mean to infer —? That she was conscious.
1725. That Mrs. Bentley was willing that further familiarities should take place? No, I do not know about further familiarities being taken, but that she was conscious at the time that she returned the pressure of the hand, and that this that was going on was not the result of a nervous attack—the closing of the hands—but that Mrs. Bentley was conscious of what took place.
1726. *By Mr. Morris*: Do you not wish us to infer, on reading, that the pressure of Mrs. Bentley’s hand was confidential? Yes.
1727. *By Mr. Piddington*: And that circumstance, combined with others, produced an immediate impression, on your mind, of suspicion? Yes; that a part was being played, and that Mr. Bentley was cognizant of the fact.
1728. *By the Chairman*: Was not Mr. Bentley very sick at the time? No, I do not know that he was; he was constantly complaining of ill health.
1729. Did you think Mr. Bentley himself was playing a part at that time? I did.
1730. Was there anyone present that evening besides yourselves—besides the Bentleys and you? Only the servants.
1731. Were they present? Yes; I believe the servants were in and out of the room, and brought vinegar —

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1732. Assisting to recover Mrs. Bentley? Yes.
1733. Did you place Mrs. Bentley's head on your shoulder yourself? I do not know.
1734. Mrs. Bentley did not place her head on your shoulder? I cannot say; I was supporting Mrs. Bentley, and lifting her on the sofa.
1735. If a lady put her head on my shoulder I should have remembered it; I should think you would have remembered all the particulars of an interesting occasion like this —?
1736. *By Mr. Morris*: Do you mean that her head was on your shoulder when you were supporting her and removing her? Yes.
1737. *By the Chairman*: Mr. Bentley was weak, and gave over? So he said.
1738. It did take place? Yes. The servants were present.
1739. What do you mean by this last entry,—that you assisted her up-stairs and laid her on the bed, when she again became insensible, and you came away—Were these familiarities—this pressure of the fingers—again returned at that time. The whole of this entry appears to contain something far deeper than appears on the face of it? No, it contains only what there is stated; I have stated the facts as near as I can recollect them.
1740. What do you mean by these last six words, underlined every one of them, "*I am on the right scent now*"? Because I believe, as I said before, that Mrs. Bentley was playing a part, and that, to a certain extent, I was to be hoodwinked—that Mr. Bentley was playing off Mrs. Bentley against me for an object of his own.
1741. *By Mr. Piddington*: What was that object? To hoodwink me with regard to the author of the letters—with regard to the persecution originating with themselves.
1742. Assuming that your suspicions had, in your own mind, an apparent foundation—what effect would that circumstance have had on the supposed parties who wrote these letters—in what way would playing this part have affected you in the inquiry? I thought this at the time,—that Mr. Bentley had a suspicion that I was in doubt, and that, to some extent, I had changed my suspicions from Cutolo, and Montagu, and San Juste, against whom they had been directed, and was looking closer at home; and that Mr. Bentley wished to blind me to the fact, by the course he was pursuing with his wife, that is to say, Mr. Bentley intended —
1743. How would that produce the effect of blinding you—it could not create suspicions in particular? No, but it might make me scrutinize less closely the facts of matters that transpired.
1744. *By the Chairman*: I think you stated that the entries of the 25th and 26th, in your opinion, had been written at one time? I do not know.
1745. I thought you said you thought so? No, I do not say so; I cannot recollect whether they were or not.
1746. Will you look again, and say whether they were or not—can you give the Committee an opinion on the subject? I cannot; I do not know whether it was written at the same time or not.
1747. *By Mr. Morris*: Do I understand by this word of yours, "hoodwinked," that Mr. Bentley intended to hoodwink you—do you mean to let the Committee understand this, in plain terms,—that Mr. Bentley was desirous that you should carry on an intrigue with his wife, and therefore shut your eyes altogether, and, in fact, become an accomplice of themselves? I do. This was my suspicion at the time, and the course of conduct I pursued afterwards was to satisfy myself I had not been mistaken.
1748. *By the Chairman*: Will you look at the 27th and 28th dates of your diary, and tell the Committee whether these were written at once, twice, or three times? I cannot say.
1749. Has that portion which does not relate to the Bentley case been written in that book at a different time from the Bentley entry? There are two or three portions that do not relate to the Bentley case.
1750. I mean one particular portion on the 27th page—is that not apparently a very different ink and very different character of writing? No.
1751. Is it not your own handwriting? Yes.
1752. Is it not a different ink? It seems similar to a portion of that on the 28th. The first portion of the 28th appears in darker ink than the latter portion of it.
1753. And in darker ink than the 27th? In darker ink than some portion of the 27th.
1754. Would you be using two kinds of ink at the same time? I cannot say whether they were made at the same time. They might have been made the same day at two different times. All that I know is that the entries are correct.
1755. Do you ever prophesy, Mr. Harrison—are you a prophet—On the 28th April have you entered a prophecy in your diary? I do not know.
1756. You predicted that which would come to pass, word for word, with the manner in which it did come to pass, on the 28th April, in your diary? I see here that I say—"I shall have both doors of the concert-room closely watched. Mrs. Bentley will report having seen him; but owing to some cause or other, she will be unable to give the alarm until too late."
1757. It occurred in the same way? No, she did not give the alarm too late, but Mr. Bentley informed me that the man had passed out at the York-street door, and it was said afterwards that he had made a mistake as to the door.
1758. Look at your date of the 29th, with your entry of the occurrence, and read down. It there states—"All went off well till just as the concert was over. I was standing in the room at the York-street door, when Mr. Bentley came rushing out, and said that the man who had assaulted Mrs. B., at Newtown, had that moment passed out. The only three people who had passed out of the concert-room were Montagu, Simmons, and J. G. Waller. Bentley pretended to be very much excited, and accompanied me into York-street, to look for him."—Was not this alarm given too late in the way in which you had

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had predicted it? Yes, if you take it in that way; but it was not owing to the alarm being given too late that the man was not arrested; it was on account of Mr. Bentley having mistaken what Mrs. Bentley told him. The man smiled at her, and held up the letter in his hand to his mouth, so Mrs. Bentley said. I was at one door —

1759. *By Mr. Morris:* Do you believe any of that? I do not, because, under the circumstances, and after the assault—when the man was in the room, with no possibility of escape, for anybody could have laid hands on him—for the members of the Philharmonic Society were perfectly aware of the persecution that was going on, and the assault which was committed—I say, under these circumstances, Mrs. Bentley would only have had to give the alarm, and point out the man, and he would have been arrested immediately—he could not have got away; instead of which, Mrs. Bentley informs Mr. Bentley of the fact after the man was said to have passed out of the room. Mrs. Bentley had friends there, and the man could not have effected his escape if the least alarm had been given.

1760. *By the Chairman:* Previous to that, you had anticipated that such a thing would come to pass? I did anticipate that something of the kind would take place.

1761. Do you generally anticipate in such strong terms as these (*Extract again read*)—that is a very concise prediction? You may call these prophecies, but it was not difficult to anticipate some things, after what I knew. I had a suspicion that Mrs. Bentley was cognisant of all these facts, and I had laid out traps—if I may use the term—to confirm my own opinion in the matter, by making remarks and observations, and throwing out doubts. With regard to the concert-room, I said I did not believe the man would be there, after telling her he would be there; that he would never have courage enough, and that it was only a threat or bounce on his part. I made these remarks with the intention of producing a certain effect, and I felt convinced in my own mind that something would transpire to convince me I had been in the wrong. Frequently that occurred; in a number of cases, no doubt, which are not noted down in the diary. Not half the Bentley case is noted down there.

1762. Had you any detectives in the hall on that occasion? I had.

1763. Who were they? I am not positive, but I think they were Detectives Clark, Downham, and Camphin.

1764. *In the hall?* Yes, at the doors of the hall.

1765. I ask if you had anybody in the body of the hall? Yes, in the body of the hall; they were inside the hall, but at the doors.

1766. Not dispersed amongst the audience? No.

1767. Was Mr. Ponder there? Yes.

1768. Was he assisting you in detecting on that occasion? No, I cannot say he was.

1769. You stated that he did assist you in the Bentley case—In what way did he assist you in the Bentley case—did he write letters for you? He wrote the report which I furnished to the Colonial Secretary.

1770. I asked whether he wrote letters? No.

1771. He never wrote a letter for you in the Bentley case? I have no recollection of his writing a letter for me; he may have done so; I do not say he has not; he may have made some memoranda.

1772. Will you endeavour to remember, and say if he did not write a letter for you in relation to the Bentley case? No, he copied a letter for me—a letter I sent to Exeter with regard to the case.

1773. Is that the only one he had anything to do with in the Bentley case—he had to do with no other letter, no other memoranda? Yes, he had. In the first instance, when I wished to obtain a specimen of the handwriting of several of the musical profession here in Sydney, at the time my suspicions were against the professionals, I believe Mr. Ponder wrote one or two letters to professionals, asking their terms for giving lessons, so that I might obtain a specimen of their handwriting.

1774. Have you put these specimens of their handwriting before the Committee? I have not got them now.

1775. What did you do with them? I did not take any care of them after I found that the handwritings did not correspond with the anonymous letters. That one of Mr. Montagu's, which did correspond (*referring to letter handed in at the commencement of to-day's examination*) I kept, but those that did not I had no object in keeping.

1776. *By Mr. Johnson:* Is this in answer to a letter that Ponder wrote? No; Ponder did not write to Mr. Montagu. I had a specimen of his handwriting.

1777. *By the Chairman:* In what other way did Ponder assist you in detecting in the Bentley case? In no other way.

1778. After this concert, were your suspicions confirmed with regard to the Bentleys? They were strengthened. Still I pursued a certain course, to satisfy myself I was not in the wrong.

1779. On the 30th April you have made the following entry:—"The game is now in my own hands—the Bentley case is no longer a mystery—the author of the letters is no other than Bentley himself. At the present moment I cannot assign a reason, but the fact is certain." Have you made a copy of this in the extracts you have laid before the Committee? Yes.

1780. Will you explain that paragraph to the Committee? I cannot explain further than this,—that I presume, when I made that entry, I was satisfied in my own mind that Bentley was the author; and being satisfied of that fact, I would take such steps as to prove it. The game had not been in my own hands before that, while I was constantly in doubt; but when I was satisfied in my own mind that Mr. Bentley was the author, I did consider the game in my own hands.

1781. *By Mr. Piddington:* Do I understand you to state, that the interpretation of the words used in your entry—"the fact is certain"—rests merely on surmises in your own mind? That is all. 1782.

1782. Not on any other evidence;—did it rest on any specific evidence besides the surmises arising in your own mind? It did not.
1783. *By the Chairman*: On the same day you state:—"Now for my future course of action! What motive had Bentley for leaving his wife with me till 2 o'clock this morning? It was pre-arranged, I will swear; and, if I am not mistaken, it was to ascertain if I suspected aught. If so, she was foiled. They have indeed a Jesuit to play against "now." What is the meaning of that entry? I think the entry explains itself.
1784. Are you a Jesuit? No, I am not. I think the entry speaks for itself. I had a doubt on the night of the concert, when Mr. Bentley came out and said the man had just passed me. I told him such was not the case, and he insisted on it, and I spoke rather sharp on the subject, with regard to its not being so; and it struck me afterwards that Bentley might have obtained the idea that I began to suspect something being wrong.
1785. *By Mr. Piddington*: That is, that you suspected Mr. Bentley himself of insincerity? Yes; that he might have entertained the idea that I suspected him.
1786. *By Mr. Johnson*: That Mr. Bentley had begun to suspect that you suspected him? Yes, and on that account left Mrs. B. to see if she could ascertain whether I had any suspicions or not. That was the reason I assigned for Mr. Bentley's conduct in the matter.
1787. *By the Chairman*: You determined to give the whole of your attention to the Bentleys at this time? I did give as much as I could possibly spare from other duties, and very little sleep I had night after night on account of it.
1788. Did Mr. Bentley invite you home with him on the night of the concert? I cannot say; I believe he did.
1789. I should say this was a most important matter? Yes, but still I cannot recollect whether he invited me, or whether I told him I would come round. I cannot say for certain whether I went—yes, I was round at the house; but I cannot say whether Mr. Bentley asked me to come.
1790. Did you go round to the house with Mr. Bentley? Yes. I do not know whether I went all the way, but I believe I walked down to the house with Mr. Bentley, Mrs. Bentley, and Mr. Boulanger.
1791. Was Mrs. Bentley timid on that occasion? I cannot say.
1792. Did you proffer, in the execution of your duty, to stay at Bentley's on various occasions; and did you consider it necessary to be present at very late hours, in order that you might be present if any attack was made on the premises? I do not know.
1793. Was it on your own motion, or Mr. Bentley's motion, that you stopped till 2 in the morning? Well, that I cannot say.
1794. And yet your suspicions are wholly based on the fact that you were there till 2 o'clock in the morning? I had grounds for suspicion at the time, although I do not remember what the conversation was or what led to it.
1795. Was Mr. Bentley in ill health at this time? The same health he usually was in; I never saw much difference in him.
1796. Had Mr. Bentley any reason to suspect that a gentleman, an officer in the detective police, who had charge of an affair where the honour of himself and wife were at stake, had any right to be looked upon with suspicion in any way whatever—Had he not a perfect right to leave his wife in your company, with the firmest reliance that she would be as safe as with her own father? So he could if it would have assisted the case, but I cannot see how Mrs. Bentley being left with me till that hour assisted the case at all. I should not like to put my wife, under the same circumstances, in the same position. Even though Bentley might have believed he could have trusted me in the matter, there was nothing to be gained by it. But at this time I was under the belief that Mr. Bentley had not trusted me in the matter, but was pursuing a certain course he had laid down for himself, to attain a certain object. He pursued one course—I pursued another.
1797. You were no longer engaged in endeavouring to find out who were the authors of the letters, but in a course of conduct calculated to entrap Mr. and Mrs. Bentley into some particular actions? I do not know whether this was the time that I began to employ the men, who, as I considered, had wasted their time in the Bentley case, in other matters far more pressing, and took the matter more fully into my own hands, but it was somewhere about this time that I did so—that I employed the police in other matters, and took it entirely into my own hands, because I found their time could not be wasted over it any longer.
1798. On this date, the 30th April, I find this entry:—"No business of any consequence doing at the office, and I trust it will remain so for a short time, at any rate, as I must give all my attention to the B.'s." This does not seem as if the police were engaged in other important business? They are always engaged; if nothing particular transpires, they are always engaged in looking after vagabonds and thieves coming into the city and going out of it. Although there may not be much crime going on, still they are always looking after parties likely to commit it. There is plenty to do in that way, even when there is nothing else.
1799. *By Mr. Piddington*: In preventing crime? Yes.
1800. *By the Chairman*: On the 30th of April the same thing occurred, that Mr. Bentley again went to bed, leaving Mrs. Bentley and you together till 1 o'clock in the morning, and you have made an entry here that you sat together on the sofa? Possibly.
1801. Did you sit on the sofa the whole of the time? I cannot say.
1802. What is the meaning of the entry that you sat on the sofa—is it simply the detailing of a fact, or is it intended to convey some other impression? It is only intended to convey what you see there.
1803. You sat there simply because the sofa was the most comfortable seat, I presume? Probably so.
- 1804.

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- Sub-Inspector 1804. Did Mrs. Bentley ask you to sit next her on the sofa, or did you seat yourself there  
C. E. unasked? I cannot say.  
Harrison.
1805. You would remember if she had invited you to sit next her on the sofa? That I cannot say.
- 25 Nov., 1862. 1806. You remember that she pressed your fingers? Yes; and I remember a great deal more.
1807. Tell us what you do remember? Pardon me; there is a great deal I have no intention of telling. What I state is there written; if the Chairman turns it and wishes to know if it conveys anything more, I say no.
1808. *Mr. Wilson*: The witness has thrown out a very broad insinuation that he knows of other information and other facts which he declines to give the Committee. *The witness*: That is not what I mean. There are numbers of facts that have occurred that do not appear in that diary, and which I do not myself recollect at the present moment. What there appears is true, and the Chairman tries to insinuate that more is meant than what appears there. There is not more meant than appears there. You ask if there is not some covert meaning in this word or in that word—I say no, there is no covert meaning.
1809. *By Mr. Hart*: In the observation you made, did you mean to allude to anything prejudicial to Mrs. Bentley's character? No, no more than there appears.
1810. *By the Chairman*: I asked you if Mrs. Bentley had asked you to sit on the sofa beside her, or if you had gone to the sofa and taken your seat? I cannot say. When Mrs. Bentley and I were together, we were in the habit of sitting on the sofa together. In fact, Mr. Bentley himself would make room for me on the sofa—he would get up and take a chair, and insist on my taking a place on the sofa beside his wife.
1811. This was from the first, was it not? No.
1812. Have you not an entry that the attention of the Bentleys to you was almost irksome? Yes, but not to such an extent as this.
1813. You have stated that they were exceedingly attentive to you on all occasions? Yes, very much so.
1814. And you had never ceased, up to this time, to allow them to imagine that you were their sincere friend? I do not know about being their sincere friend, but I do not know that they had any cause to suspect that I had any doubt. They knew I took a great interest in the case. My thoughts and all particulars were known to Mr. Bentley, and he knew I felt very strongly against Cutolo, Montagu, and those parties whom I suspected at the time; and afterwards, when I had a suspicion of Bentley himself, I was certainly so guarded in my conduct, that I did not wish Bentley to know I had suspected him till I had fully satisfied myself in the matter.
1815. On the 1st of May, you informed Captain M'Leerie, the Superintendent of Police, who the author of the letters was? I do not know what date it was; I did inform him of the fact.
1816. Look at your memorandum? It appears there the 1st of May.
1817. You have also made a memorandum that Mr. Bentley appeared to be playing some deep game? Yes.
1818. Which you had not as yet fathomed? Yes.
1819. And here is the first time you make any mention of this. You say—"He may be laying a trap, baiting it with his wife, for the purpose of inveigling me, and using it against me the moment he finds I know the truth. It is a dangerous game to carry on an intrigue with her, but I must do it, or seem to do so, and we shall see who wins the odd trick"? Yes, I believed it to be a dangerous game to be carrying on.
1820. Why did you carry it on? Because it was the only course I could see open to me. I thought it the best course I could pursue, to arrive at the truth of the whole case. I had formed an opinion of Mrs. Bentley at this time, a strong one in her favour, and I had an idea that she was acting under Mr. Bentley's orders by compulsion—that it went against her inclination to do so, but that she was compelled to do so; and I believe, to a certain extent, that that is the case now. I have not altered my opinion in the matter.
1821. *By Mr. Wilson*: Will you explain what you mean by carrying on an intrigue with Mrs. Bentley? So far as it there appears. I thought Mr. Bentley was allowing his wife a certain—I do not know how to express it—latitude in the matter, for a particular object, and this I looked upon in the light of a trap to catch myself.
1822. *By Mr. Johnson*: Will you state what you mean to say Mr. Bentley was desiring his wife to do—was it this,—that he desired her to act as though she wished to commit adultery with you? Oh! no; I do not go so far as that in the matter.
1823. How far do you go? Well, short of that. I do not say that. That never entered into my head, that he ever had an idea of the matter going to such a length.
1824. Do you mean that she was so to act towards you, as to lead you to suppose she was desirous of acting in some improper manner with you, so as to become mistress of your secrets? I did not suppose it, because, from the facts that were taking place, I was satisfied her conduct in the matter was improper, and Mr. Bentley's likewise.
1825. Improper in what respect—do you mean that it was indecent? Not indecent.
1826. Will you explain what you do mean—I want first to know, whether your suspicion was that Mr. Bentley wanted to place his wife to you in such a position that you were to suppose she was ready to carry on a *liaison* with you? Yes.
1827. That she was to appear to you as a woman of abandoned character? No.
1828. Can you draw a distinction between the two—Are not all these insinuations of yours, entered in your journal, and repeated in your evidence, so entered and stated by you, for the purpose of conveying the impression that Mrs. Bentley was acting a part towards you, to lead you to suppose she was desirous of carrying on some improper intercourse with you? I cannot say how they may read. I had no intention at the time that they should convey such

such a meaning, because I had no idea that that book would fall into other hands. It was simply for my own information. With regard to the entries, taking them all in all, from beginning to end, they may assume such an appearance.

1829. Are they not intended in your own mind to convey that impression—are they or are they not? I cannot say what impression they convey to my own mind.

1830. What is the meaning of an entry here—that you must mention the course of conduct you were about to enter upon to your wife? Because I did not wish to conceal the fact from her. Besides, I knew women generally are very shrewd, and can form a better opinion of the conduct of women than men can. That was the reason I mentioned it, and I took her advice on many occasions.

1831. Was it not this: that you thought that you were entering on a course of conduct with Mrs. Bentley of such a character, that if you did not tell your wife beforehand, and she heard of it afterwards, it might excite her jealousy? No, I cannot say—I do not think that had anything to do with it.

1832. What do you mean by the entry, "I must tell Alice"? Because I did not wish to conceal anything from her. She had constant access to my diary.

1833. That is true, is it, that she had constant access to your diary? She had constant access to my diary at all times, and has seen most of the entries—a great many of the entries—there made.

1834. *By Mr. Piddington*: You have stated before, that the diary was kept under lock and key—now you make one exception? One exception.

1835. *By Mr. Johnson*: Did you make that exception before? Yes; I believe Mr. Piddington made the remark, "excepting your wife."

1836. Will you declare now that you did not say, not even your wife? I did not say so. I said my diary was constantly under lock and key; but from her I did not keep it, because she had access to my keys likewise. The entries were generally made at home.

1837. What was the course of conduct you supposed that Mrs. Bentley was to pursue, in being the bait with which her husband set the trap for you? I cannot say.

1838. You cannot say!—What do you mean by her being the bait? What I have been stating here—if such was the case, that Mr. Bentley left Mrs. Bentley with me for a particular object, that he was using her as a bait —

1839. A bait for you to swallow? To entrap me for some purpose, either into shutting my eyes to what was going on, or for some other purpose of his own. That is what I mean by a bait.

1840. What do you mean by noting down so minutely in your journal, and I think also stating in your evidence, the circumstance which you state as to Mrs. Bentley smoking cigars and drinking brandy and water—do you enter that as a circumstance which happened to Mrs. Bentley as being derogatory to the habits of a prudent lady? I cannot say derogatory, but certainly as being —

1841. Why was it entered in the journal? It struck me as a thing I am not in the habit of witnessing here in the Colony. I do not know that I have ever seen an instance of it in society before, since I have been here.

1842. *By Mr. Wilson*: Have you ever seen ladies smoking in other countries? Yes.

1843. You know it is not considered derogatory to their position in some countries? Oh! no.

1844. Have you ever seen English ladies smoking in foreign countries? I do not recollect that I have.

1845. But it is customary for ladies to smoke in other countries? I believe it is.

1846. *By Mr. Johnson*: What sort of cigars do you allude to? Queen's.

1847. I must ask you to explain? Queen's are very small sized cigars.

1848. Did not Mrs. Bentley herself state, or did you not become aware of the fact, that she used cigars medicinally, for the toothache and tic-doloureux? She told me that when troubled with the toothache she smoked a cigar. When she lit a cigar I thought that was the case, but when I have seen her smoke a second —

1849. Is there an entry in your journal of that explanation of her smoking cigars? There is, on the 26th April. "Last night she lit one while Aldis was there, saying it was the only cure for toothache."

1850. Do you not mean to impute, by the entries in this journal and by your evidence, that the conduct of Mrs. Bentley, while acting as a bait for the trap set by her husband, was highly indecorous and improper? I do.

1851. And calculated to promote the advances of any man who was disposed to do so? Yes.

1852. Will you explain to the Committee how that conduct could be calculated to make you an accomplice with them—Would not such conduct have a directly contrary effect? It might with some, but not with all, providing the party was interested in Mrs. Bentley at the time. Even if he entertained suspicions of their being the parties, he might not make those suspicions public, if he had an interest in Mrs. Bentley.

1853. *By the Chairman*: Had you such an interest in Mrs. Bentley? No; but I had an interest in Mrs. Bentley, for the reason I have stated.

1854. *By Mr. Johnson*: And you think this conduct was pursued with the view of letting you know they were themselves the authors of the whole transaction, and so interesting you that you would decline to divulge it? No, I do not think they intended to do anything of the sort; but this conduct was pursued in case I entertained the suspicion—that if at any time a *contretemps* did come with regard to them —

1855. Your affections would be so engaged to Mrs. Bentley that you would stifle the promptings of your duty? Something to that effect.

1856. And that the husband of this lady was the prime mover in such a contrivance? I do believe so.

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- Sub-Inspector 1857. And his wife the reluctant tool? Yes, I believe she was reluctant.  
 C. E. 1858. *By Mr. Wilson*: Had you ever given Mr. Bentley reason to suppose you were a very  
 Harrison. immoral man yourself? No.
- 25 Nov., 1862. 1859. Had you ever given him reason to suppose that you were in any way, directly or indirectly, such a person as would be likely to enter into an intrigue with any woman while in the execution of your duty? No, nor at any other time.
1860. After you had made up your mind that an intrigue, or something approaching an intrigue, was going on between you and Mrs. Bentley, do you not think it was your duty, as a public officer, at once to take steps to put an end to it? So I should have done, if I had not looked on the matter in the light here explained, and wished to see to what length it would go, for the purpose of unravelling a case so many persons were interested in. That might have been a wrong line of conduct to pursue, but that was my intention.
1861. Do you not think that upholding the public morals is your highest duty? Yes; but I could not see that the public morals could suffer, or that mine could suffer, or that Mr. Bentley's or Mrs. Bentley's could suffer under the circumstances. I looked upon it in the light that we were each playing a part.
1862. Do you think that Mrs. Bentley is an immoral person? No.
1863. Then you must have been doing everything in your power to try and shake her moral principle? Oh! no.
1864. *By Mr. Morris*: She was trying to shake your moral principle, you say? No, I think that would be going too far; they wished me to think so.
1865. *By Mr. Wilson*: Do you think any lady of very high moral principle would wish you to think so? No.
1866. Mr. Harrison, you have led me at least to suppose that you considered it a part of your duty to carry on a sort of intrigue with Mrs. Bentley, with or without the knowledge of her husband, whatever the case may be, with the view of trying to ferret out this particular secret? Yes; but fully believing at the time that Bentley was cognisant of all the facts. Had I thought differently of the matter—if it had been simply Mrs. Bentley, I should not have taken any such steps at all; but it was through the belief that Mr. Bentley was cognisant of the fact, that I pursued that line of conduct.
1867. Looking at yourself in your official capacity, would your principles enable you to go to the length of seduction to attain those ends? No; nor any other ends.
1868. *By Mr. Piddington*: Have you formed any opinion of the object Mr. Bentley had in view, in playing a part in writing these defamatory letters about his wife? That has caused me a great amount of thought; and the conclusion I came to was this,—that when Mr. and Mrs. Bentley arrived here, they had a certain circle of acquaintance, and that one or two of these letters were sent among their personal friends, or those acquainted with them, simply for the purpose of causing an amount of interest in their favour—
1869. By themselves? By themselves—without any intention of the matter going to any great length; but after this they found the interest did increase in their favour, and they got a larger circle of acquaintance,—that some of the gentlemen with whom they were acquainted took the matter up very warmly, and in fact took the matter in hand to find out who this persecutor of Mrs. Bentley was; that they were then obliged to carry it on further than they intended in the first instance,—that these gentlemen then put the matter into the hands of the police, and it then began to assume a more serious aspect, and they were compelled to carry the matter on beyond the limits they had ever intended it should go.
1870. Do you see any even moral compulsion—could they not have ceased to write these letters, supposing they did write them, on your theory? Unless they were afraid that by the fact of the letters ceasing, suspicion should be turned against themselves.
1871. Would not that suspicion be more likely to arise from the continuance of the letters, than from the cessation of them—do you not think that very course was more likely to terminate in a discovery? Yes.
1872. You cannot altogether account then, on your own theory, for the continuance of these letters? No; only in the way I say.
1873. You have no other explanation to give? No.
1874. *By Mr. Wilson*: Do you not think it natural that a nervous woman, under the peculiar circumstances in which Mrs. Bentley was placed, would look to you as a natural protector, as it were, against the public? Yes.
1875. Well, do you not think that, under these circumstances, being in the habit of seeing you so frequently, she would become more intimate and familiar with you than she would under other circumstances? Yes; if it had gradually increased from the first, but it began too suddenly—it was so sudden that it surprised me, and I was then suspicious that a part was being played, and that there was an object in it. If it had been simply from day to day, I should have thought it was merely a feeling of friendship increasing, but the fact of its commencing so suddenly after that concert more fully excited my suspicions.
1876. I suppose before that, and during that time, you must have been gradually becoming intimately acquainted with many secrets connected with the Bentley family? No; with the exception of matters connected with Mrs. Bentley's childhood, and the priests, and the persecution at Exeter, of which Mr. Bentley gave me a version, and Mrs. Bentley likewise gave me a version.
1877. What was the first familiarity you allude to that astonished you? The night of the concert.
1878. Has it been already stated to the Committee? Yes.
1879. Then I will not ask you to state it again. Before that time do you wish us to infer that Mrs. Bentley was distant with you, or otherwise? No, not distant, but free in conversation.
1880. Did you ever sit with her on the sofa before that? No; I have no recollection of it.
- 1881.

1881. Had you sat with her in the drawing-room before that—or in any of the rooms? I may have been alone with her before that for a few minutes, when Mr. Bentley was absent from the room, or when I had gone in before he had returned from the Club.

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1882. *By the Chairman*: Would not your being present with Mrs. Bentley when you were dressed in female attire, tend to cause Mrs. Bentley to take more familiarities with you—to forget your sex, in fact? I do not see that.

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1883. How often were you there in female attire? Only once, and that was not for the purpose of remaining in the house, in female attire. My motive was, that I should not be known in case of the house being watched at the time. Directly I got into the house I took the female attire off.

1884. You did not sit in it? No.

1885. On the 28th March there is an entry in your diary to this effect—"I called at 'Bentleys' in the evening. Their attention exceeds all bounds—it is almost irksome; and as for flattery, Bentley told me that Mrs. B. had got quite cheerful since I had consented to take the discovery of this matter in hand."—That shews they were very familiar with you, I think, and on terms different from what they would be with an ordinary police officer in the execution of his duty, at that early date; is it not so? Yes.

1886. What was the date of the concert? The 29th April.

1887. You say you never sat on the sofa with Mrs. Bentley previous to that? No.

1888. You have stated that Mr. Bentley was in the habit of placing you between himself and Mrs. Bentley previous to that? No.

1889. On the 4th May you made the following entry in your diary:—"I cannot make 'this woman out. That she is a party to this deception is certain; but is she willingly so? and on what footing is she with Bentley? She told me to-night that she was very unhappy, and, laying her head on my shoulder, burst into tears, genuine ones to a certainty." Have you any explanation to give of that entry? It shewed that her bursting into tears was not a part—that it was real. I thought so, too, from her manner. Not only then, but frequently afterwards, I have seen her in the greatest distress; she has gone down on her knees, and buried her head in the cushions of the sofa.

1890. *By Mr. Piddington*: That appeared to you to be natural? It was natural. I believe this to be natural. And at the same time she has said how wretched and how unhappy she was; and on one occasion she said, "Oh! I wish I could tell you all; but I am bound by a terrible oath in the matter," and other words to that effect. I was then more confirmed in the opinion I had previously formed that Mrs. Bentley was an unwilling party to this.

1891. *By Mr. Wilson*: Did you ever see a woman in hysterics? Yes.

1892. Often? No, not frequently—a number of times.

1893. You are not very conversant with hysterical affections and their developments? No.

1894. You could not say whether Mrs. Bentley was hysterical on the occasion to which you allude? I think she was not, because she was conversing reasonably on the matter, not in an excited way; and afterwards again the matter would be the subject of conversation, and she would turn the conversation to something else.

1895. Are you aware that hysterics often develop themselves by fits of crying, which last a certain time, and then the parties are as they were before? Yes.

1896. On these occasions, when you say Mrs. Bentley was crying so bitterly, are you of opinion that she was hysterical? No, I did not think so at the time, nor do I think so now.

1897. For what reason? From her manner.

1898. At the same time you say you have not paid much attention to it, and are not a very good judge of such a subject? No.

1899. *By the Chairman*: Again you go on:—"I must indeed be cautious. Is she playing 'a part assigned her by Bentley? I can think nothing else. And yet am I justified, even 'if this is the case, in pursuing the course I have laid down for myself—will the end 'justify the means I am employing?"—Can you explain this? Because I objected to the course I was employing in the matter, and lending myself to it.

1900. To what? Having the belief that the Bentleys were the parties, and believing they were using me in the matter as I have before explained, I was annoyed with myself for being compelled, through a wish to unravel this case, to lend myself to the matter in the way I was doing, not only at this time but at others.

1901. You believed Bentley was using you to seduce his wife? No.

1902. You do not say quite so much as that? No, nor anything that way I have not said yet.

1903. "Another week will tell me more. I will follow the same course, though something tells me I am running on unknown danger."—What was the danger? I did not know. It was an idea that passed through my mind.

1904. On the 6th May you again prophesy—you predict that which is about to come to pass. You there state:—"About 9 o'clock in the evening I went to the house. She said 'nothing had occurred, but she thought she saw a man watching her. He walked very 'quick, as if to intercept her, but if that was his intention he failed, as she walked too fast 'for him." And you then go on to state, "I am sure that before many days I shall hear 'that something desperate has been attempted, and I think in connection with the roof." This is a most peculiar prediction, and every word underlined? ———

*Mr. Johnson*: Will you read the whole of it?

*The Chairman*: "As Bentley told me, he had had the top of his bed covered with wood and lined with tin."

1905. Was Mr. Bentley's bed covered with wood and lined with tin at this time? I do not know whether I had ever examined it, but Mr. Bentley had on numerous occasions mentioned the fact to me, and I asked him why he had the top of his bed so lined.

1906. Will you look at this entry, and say if you made it on the 6th of May or on the 7th of May? I cannot say whether it was on the 6th or 7th.

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1907. Will you say whether it was written before this affair came to pass—was the prophecy written after the fulfilment? Certainly not. Although I may not be certain with regard to the dates on which the entries have been made, yet I can positively assert that no entry has been made with regard to any suspicion after the occurrence has taken place.

1908. On the 10th May there is a very peculiar entry —? Allow me to explain, in connection with the roof. Mr. Bentley had frequently remarked to me the fact of his having the top of his bed lined with wood and tin or zinc, whatever it may have been. It seemed extraordinary. I thought it strange, and asked for what purpose could it be done; and Mr. Bentley stated, that at one time a piece of the ceiling had fallen down, and he had had the bed lined, so that if it re-occurred they might not be injured. Still as the ceiling appeared to be sound, I did not place much confidence in what Mr. Bentley told me.

1909. Had the ceiling been mended at that time? Yes; I do not think there was any of it down then.

1910. Was it quite evident the ceiling of that room had been repaired? That I cannot say. I do not know whether I looked, or whether I was up-stairs at the time Mr. Bentley made the remark, or where I was.

1911. It is quite evident this has been intended for a prediction, such as it appears? Yes.

1912. Then we will go to the 9th May—you there state that you “called at Elizabeth-street, in expectation of hearing that something had occurred at Newtown. Bentley went to bed, as usual now, at 10 o'clock, leaving Mrs. B. and myself alone. He never comes down to disturb us after he once goes up-stairs. He constantly carries my revolver, which I lent him, and never stirs about the house without it. Once or twice I have felt assured I heard him at the door of the drawing-room where we sat; in fact, I *felt* that he was there. “And for what purpose? Patience!” What do you mean by that? I cannot give any explanation of the circumstance; I can only say that I thought he was there; I had an idea he was there.

1913. Are you in the habit of *feeling* when people are present, when you do not know they are there? —

1914. *By Mr. Wilson*: Are you what is called a “sensitive”? —

1915. *By Mr. Piddington*: Through which of your senses did you arrive at the conviction that you felt some one was outside the door? I cannot say.

1916. *By Mr. Wilson*: Did you ever hear of a person feeling convinced another person was in a dark room with him, without being able to see him or feel him by the sense of touch? No, I never heard that.

1917. *Mr. Johnson*: It seems to me the word “felt” means “convinced.”

1918. *By the Chairman*: It is used twice—In the first instance it says, “I felt assured I had heard him,” and then again it says, “In fact I *felt* he was there?” I do not know; I believe on more than one occasion I thought the same thing.

1919. *By Mr. Johnson*: Do you mean that you had some evidence of your senses, or that you strongly suspected he was there? I cannot say I recollect what it was.

1920. *By the Chairman*: Owing to what circumstance was it that Mr. Bentley carried your revolver—was it at your suggestion or his? It was not at my suggestion he carried my revolver.

1921. Carried a revolver? It was not at my suggestion. I may have advised him to keep arms in the house, but it was not at my suggestion that he constantly went about with the revolver in his dress.

1922. On the 10th May you went to Mr. Bentley's, with a fixed determination “to see to what length you could go with Mrs. Bentley”? Yes.

1923. What do you mean by that—did you mean to go to seduction that time? No, you put a wrong view on the matter altogether. I believe I had formed an opinion before this, that Mrs. Bentley was in such an unhappy state with regard to this matter, that it would take very little to make her acknowledge the whole of it; and I went, as the entry is there made, with the intention of trying whether Mrs. Bentley would not make an acknowledgment of it.

1924. And you led the conversation to the anonymous letters? Yes, frequently I did so, and these are the times I allude to when she was in such distress.

1925. What do you mean by this: “She looked at me with her dreamy eyes, and asked me if I could deceive her. She then asked me if *I was sure* I had *heard* nothing, as I looked “dull.” What is the meaning of this particular entry, in connection with the former one? With regard to the case, I leading the conversation to the anonymous letters.

1926. What did you call her when you spoke to her—did you say “Mrs. Bentley”? I cannot say.

1927. Were you in the habit of calling Mrs. Bentley by her Christian name? Sometimes.

1928. Your entry is this: “I, this evening, went down to Bentley's earlier than usual, determined to push matters with Mrs. B., and satisfy myself to what extent I could go with her. Bentley left us about 9-30, saying he was going to have a warm bath. After he had retired \* \* \* \* Lily, for I have long called her by her Christian name —?” I had some time previous to that, in conversation, called her by her Christian name.

1929. Wait a moment—“Lily and I sat down on the sofa, and with my arm round her waist, we talked over the whole case of the anonymous letters. She looked at me with her dreamy eyes, and asked me if I could deceive her. She then asked me if I was sure I had heard nothing, as I looked dull.” Do you say you were only trying to get some verbal acknowledgment from Mrs. Bentley about something;—what were you doing with your arm round her waist—what part of your duty did that come under? I have said I believed Mrs. Bentley would acknowledge this matter, and I was under that belief for a long time.

1930. And your arm round her waist—what has that to do with it? Well, I could not say. Sub-Inspector  
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1931. And her looking into your eyes with her large dreamy ones—what has that to do with it;—does this entry mean nothing more than appears on the face of it? No.
1932. It does not mean that you were trying what length you could go in a different way? It does not. 25 Nov., 1862.
1933. Then a man in your position could be sitting with his arm round the waist of a lady, with her dreamy eyes looking into his, without your having any other feeling than simply that you were engaged in endeavouring to discover and trace this case? My intentions were as I have already stated—no others.
1934. What were your sentiments? I do not recollect.
1935. You cannot recollect what were your sentiments when you were sitting with your arm round her waist, and you do not know what prompted you to take that course? I have stated what prompted me to take the course I adopted—that I believed that Mrs. Bentley would acknowledge it.
1936. Just let us see if this is what occurred: "Again I thought I heard a footstep at the door, and I felt Lily tremble all over ——" ? Yes.
1937. "While there was a half wild look in her eyes, and a restlessness which half convinced me I was not mistaken. I left the house, deep in thought, and strolled about the city till 1 o'clock."
1938. When you thought you heard this footstep, did you take any means to convince yourself whether anyone was there or not? No.
1939. You were there endeavouring to unravel this case? I believed it to be Mr. Bentley.
1940. You were there in the execution of your duty, or was it on a visit merely? In the execution of my duty.
1941. And whilst there you heard a footstep? Yes, which I believed to be Mr. Bentley's.
1942. You took no steps to convince yourself, but remained with your arm round the lady's waist? No, I do not say I remained with my arm round her waist.
1943. Do you wish to qualify what you have said? No, I have given an explanation of what I have said there; I can give no other.
1944. You must have had your arm more than round her waist to feel this tremor all over Mrs. Bentley, must you not? It is there stated what took place, and I have given an explanation as far as I can. It related to this fact—that I believed Mrs. Bentley would acknowledge it.
1945. *By Mr. Morris*: You can read French? Yes.
1946. Do you read French novels? I do not think I have read a French novel these ten years—I do not think I have read a novel at all for years perhaps.
1947. *By Mr. Piddington*: Not one of Bulwer's? No, I do not think I have read one of Bulwer's for years back.
1948. *By Mr. Morris*: Why did you purchase a volume of Bulwer when you bought the diary? It was Bulwer's plays, not Bulwer's novels. There is evidence I can lay before the Committee as to the purchase of the diary.
1949. *By Mr. Piddington*: When did you first see Mrs. Bentley? On the night of my going to the house with Mr. Boulanger.
1950. Do you recollect the date? I do not. It was after my return from up the Hunter—after Mr. Boulanger and Mr. Bentley had been to the Inspector General.
1951. Do you recollect the month? About March, I think.
1952. March last? Yes.
1953. Are you sure you had not seen Mrs. Bentley till March last? I may have seen her —
1954. But you never spoke to her before that? No. The first time I ever spoke to Mrs. Bentley was on the occasion of my going to the house.
1955. And within six weeks of that time you addressed her as Lily, and you state in your diary that you had long been in the habit of calling her so—you became friendly very rapidly? Ten days or a fortnight may be long under some circumstances.
1956. You only saw Mrs. Bentley in March, and on the 10th of May you state that you have long been in the habit of calling her by her Christian name—is not that becoming familiar rather speedily, considering that you were employed as an officer of police? Yes, but I have assigned my reasons for the course that I pursued.
1957. Did Mrs. Bentley ever address you by your Christian name? I cannot say.
1958. *By Mr. Morris*: Is your name Charles? Yes.
1959. *By Mr. Piddington*: Do you not think that the entry in your own diary shows that you assumed a familiarity with Mrs. Bentley in a most speedy manner, after being introduced to her on the 22nd March? No, after the time I speak of with regard to this concert.
1960. That must have taken place at some time intermediate between the 22nd of March, when you first saw her, and the 10th of May, when you first state that you had called her by her Christian name? Yes.
1961. Is not that a very short time to account for the extraordinary familiarity you there assume? The familiarity did go on at a very rapid pace from the time I speak of with regard to the concert. Previous to that there was nothing of the kind.
1962. *By the Chairman*: Will you read this entry of the 11th of May in your diary? (*Witness read*): "On going to the Detective Office at 1 o'clock this morning, M<sup>r</sup> Martin handed me a letter. It was addressed to Inspector Harrison, Central Police Office, Sydney. I at the same time got some information that induced me to accompany him into Clarence-street. While waiting for him I opened the letter, not having done so before, as the address on the same was printed hand, and I thought it some piece of nonsense. The letter contained these words, likewise in a printed hand: 'Mrs. Bentley's life is in danger; search

Sub-Inspector " search everywhere for yourself.' I could scarcely forbear laughing when I read it, and I  
 C. E. " should certainly have left it till next day, had I not by so doing been liable to excite  
 Harrison. " suspicions. So taking Detective Carnes with me, I went down to the house, and woke  
 25 Nov., 1862. " them up. Bentley looked very surprised, &c., when I shewed him the letter, and was  
 " most anxious to know when I received it. I told him when, but he said, 'You ought to  
 " have received it yesterday; do you not see it bears the P.O. stamp of the 9th?' He then  
 " said he feared I had received it a day too late, but it was evident that some one of the  
 " enemy had been deputed to take Mrs. B.'s life, and that his heart had failed him, and he  
 " had consequently given information to me on the subject. I went up-stairs and searched  
 " the roof. I found the skylight window propped open with half a brick, and a number of  
 " bricks were lying on the floor. The mortar between the joists had been disturbed, and on  
 " the ground I found half a sheet of note paper crumpled. I talked the matter over with  
 " them; and by way of experiment, said it was strange they had left nothing behind, but  
 " that I should return later in the day and make a more careful search, as I could not do so  
 " by candle-light. I then took leave, promising to return at 12 o'clock. I sent Detective  
 " Carnes home, and went to bed myself at 4.30 a.m."

1963. You had no knowledge of that letter that was received, until such time as it was placed in your hands—you never saw it before? I did not.

1964. Did it come to you by post? Yes.

1965. Did any one suggest to you to go on to the roof, when you went to the house that night? I don't know; I think not.

1966. There was no suggestion from Mr. or Mrs. Bentley to go on to the roof? I think not; I cannot say; there may have been.

1967. It was merely to fulfil your own prophecy that something desperate was going to take place on the roof that you went up? No, something had taken place before that—a day or so before that.

1968. Some three or four days previously, you made a prediction that something desperate would take place on the roof? It was from some cause that I made that prediction.

1969. *By Mr. Johnson:* You told us the cause was that you had learnt the bed was protected? And the nature of the roof having previously been in question, whether a man had been in concealment there.

1970. *By the Chairman:* Did you go into any other part of the house that night? Yes, all over the house, and into the garden.

1971. Are there any coal-cellars in the house? Yes.

1972. Were you there? Yes, everywhere.

1973. You were in the coal-cellars—Is there a wine-cellar? Yes, I was in the cellars. If I recollect right, I nearly dropped the candle, frightened by a cat that jumped out of the grating.

1974. You were nervous then? No, I was not nervous; it came suddenly on me.

1975. Is there a grating in front of the cellar? On the pavement in front of the house, I believe there is.

1976. Did you go into the back offices? Yes.

1977. And you discovered nothing in any part of the building that night? No.

1978. Did you go with a candle? Yes.

1979. You paid particular attention to the roof, and you found the ceiling had been disturbed—pulled up for effect, I think you say? I could not say for what purpose it was pulled up. The mortar was pulled up from between the joists.

1980. Was this all over the room? No, in front of the skylight and on each side of the plank that ran to the window.

1981. Did you examine it particularly? I did.

1982. And in your journal, and in your report to the Chief Secretary, you wrote advisedly that it had been pulled up for effect? I thought so at the time, because the mortar between the joists was very rough, and in fact sticking up in pieces like walnuts, and these were pulled up and thrown about, but in no place were the laths laid bare. If the object had been to break through the ceiling, there would have been no object in taking a space half the size of this table and breaking up the mortar all over it.

1983. Then it was on a space about half the size of this table—a space about four feet in diameter? Yes, perhaps not so large.

1984. Could you say that was not in consequence of the repairs that had been effected? I think not, because the dust had accumulated everywhere over this plaster, between the joists, and where the mortar was pulled up it looked quite fresh where the pieces had been pulled up; they looked like white chalk scattered about, shewing that it had been recently done.

1985. You examined the place to see where the bricks had come from? No, not that night—with Mr. Bentley, the following day.

1986. There was a brick propping up the —? Half a brick propping up the window. There were a number of half-bricks lying about.

1987. How many? Well, five or six pieces—whole bricks and half-bricks.

1988. This is the first time, I think, that you had come over, in your investigation, what may be termed material facts—something that could be positively laid hold of; now, what steps did you take with regard to this matter, or what notes did you make with regard to it—did you make any particular notes of the subject, as to how many bricks there were, or as to where they had come from? No; because the following morning, when I went to examine the place more closely with Mr. Bentley, I tried to find out where the bricks had come from. Mr. Bentley remarked that they might have come from the chimney; we looked to the chimney and the bricks were not similar, and there was no place from which

bricks

- bricks had been removed; and then Mr. Bentley remarked that they had probably been taken from the chimney outside, or somewhere about on the roof.
1989. What was the difference? The bricks of the chimney were red bricks, and did not present the appearance of having been exposed to the weather, while these did—in fact they presented the appearance of bricks that had been exposed to the weather a long time.
1990. What appearance? They were discoloured. The bricks inside the chimney appeared new, but these presented the appearance that bricks that had been kicking or lying about a yard or old wall would do.
1991. What kind of discolourization do you mean? You can tell a new from an old brick, at least, I think I can.
1992. *By Mr. Piddington*: Did they appear as if they had been subject to the action of damp? Yes, and wet. You could see the mortar adhering; in fact, they presented the appearance that bricks taken out of a yard, or flower-bed, or lying about, would do.
1993. *By the Chairman*: Was the house watched by detectives at this time? No.
1994. Were there no detectives there at all? Not to my knowledge.
1995. How was it you did not make a note of this important fact, that the bricks were discoloured—in fact, to bear out your own supposition that they might have come from a wall? Because when I went to search the place with Mr. Bentley, I wanted to find out where the bricks had come from. Mr. Bentley suggested the chimney. I looked out at the other side, and there was no place on the roof where the bricks could have come from, and I was then satisfied the bricks had been brought up from the lower part of the house. I did not believe they had come from any part of the brick-work about the roof. Afterwards I found there was an old wall at the back of the house, with bricks of a similar description, loose, and several bricks gone.
1996. Had the wall not been recently taken down where these bricks were missing? I cannot say, because it was in the middle of the night when I was at the corner of the wall where these bricks were loose—I had not noticed that corner of the wall till the middle of the night. I know it was in the night—it was in the dark that I was there in the garden. Getting up on the corner of the wall I dislodged some of these bricks, and then I looked at them and found them similar to those up-stairs; and then I believed they had been removed from this wall.
1997. You said you did not examine the bricks the same night that you first went into the roof, but the next day—that day? Yes.
1998. Did you examine the wall, to see whether there was any place where these bricks could have been taken from? I cannot say.
1999. If you had made up your mind that they had come from the wall, was it not very natural that you should have examined it to see whether that was the fact? I had made up my mind that they were not bricks from the roof.
2000. You suspected them to come from the wall? No, I did not at that time.
2001. You put it in your report to the Colonial Secretary that you did? I do not think I said I suspected the bricks had come from the wall at the time I searched the house.
2002. You say you can swear there were no holes in the ceiling the night you examined the roof? Yes; after having been up and examined the roof —
2003. *By Mr. Johnson*: The night you got the letter? Yes. After examining the roof, I came down into Mrs. Bentley's bedroom with Mr. Bentley, and examined the room; and from the fact of this pulling up of the mortar and that over-head, I know I looked to the ceiling on the underneath part—I am satisfied I did so, and I saw no hole in the ceiling. Had the hole been there at the time it could not have escaped my notice. I have no recollection of seeing the hole in the ceiling on the night in question, and I believe now that if the hole had been there then I must have seen it, from the fact of my attention being drawn to the ceiling, from the plaster and that being pulled up.
2004. *By Mr. Hart*: What was the size of the hole? Between the joists, in the plaster overhead, you could not see it at all, but on the underneath part a piece of the plaster was off about the size of half-a-crown, as if a skewer or something had been thrust from the upper side and had pushed a larger piece out on the underneath side.
2005. *By Mr. Morris*: Had you a candle when you were up in the roof? That night I had.
2006. Having a light, how was it possible for you to see through—the light being above? I did not see through.
2007. Even supposing the hole were there, it is very obvious that if you had a light above, it would be impossible to see light coming through from where there was no light? I am not speaking about seeing the hole in the ceiling when I was up in the roof.
2008. *By the Chairman*: Did you turn your attention particularly to the ceiling that night, when you were there the first night—when you were in Mr. Bentley's bedroom did you closely examine the ceiling? I cannot say I did, because I believe —
2009. If you cannot say you did, how do you say you will swear the holes were not there? That was my belief at the time, from the fact of the mortar being pulled up over-head. I know that when I went up into Mr. Bentley's room, probably the first thing I did was to look at the ceiling to see if it was broken through, and if the hole had been there I should have seen it.
2010. Did you not tell us just now, that your attention was not particularly directed to the roof at all? This was after I had been in the roof that I went into the bed-room.
2011. Did you pay particular attention to the surface of the ceiling? I cannot recollect whether I did pay particular attention to it; but from the fact of this being pulled up over-head, in my own mind I am satisfied that would be the first thing I would look at, to see whether any portion underneath had been broken through. I am satisfied in my own mind that was the first thing I did when I went into the room, but I cannot recollect whether such was the fact.

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2012. Was anyone with you? Detective Carnes.
2013. Did Detective Carnes or you first discover this evident disturbance of the lime between the joists? I did. I do not think Carnes went into the roof; I think he held the light through the trap.
2014. What was it first directed your suspicion to the fact that this mortar had been disturbed? There is the whole of the flooring, with all this rough mortar between the joists—the whole of it discoloured, with thick dust upon it; and there is a patch about half the size of this table with the mortar pulled up. You can see where the dust is and where it is not; the fact was evident of itself that the mortar had been pulled up.
2015. Next day you went to the roof in day-light? In day-light.
2016. Did you find the hole then at once? No, Mr. Bentley told me of it down-stairs.
2017. And you went into the roof, for the express purpose of finding the hole? Yes.
2018. Did you succeed? Yes, after some time.
2019. By what means? Mrs. Bentley was down-stairs in the room—Mr. Bentley first informed me that his little girl, Edith, was the first to inform him there was a hole —
2020. Will you say by what means you discovered this hole in the ceiling—I ask you how you became aware of the existence of the hole, when you went up for the express purpose of discovering it? Mr. Bentley informed me of it.
2021. In what way did you discover the hole? We could not discover the hole from the the upper side till Mrs. Bentley took a wire and passed it up from below. If I recollect right, I put my knife where I thought the hole was; I said to Mr. Bentley “I think this is it,” or “Here it is,” and I passed my knife downwards, and Mrs. Bentley called out that I had made another hole in the ceiling; Mr. Bentley said “Whereabouts?” and, if I recollect right, she said, “The hole is about a foot to the left, but wait a bit,” and directly after, a wire was pushed through the hole.
2022. Did Mrs. Bentley say “about a foot”? I believe that was the remark she made.
2023. It is a curious expression for a lady, to talk about the number of feet or inches —? I only tell you what I believe to be the truth.
2024. You made another hole, in endeavouring to find out where the first was? Yes.
2025. About the bricks being discoloured—Did you see anything in the public prints about the discolouration of the bricks since that? I do not know.
2026. Did you visit the *Herald* and *Empire* offices, in order to convince them that the statements made by Mr. Hart, Mr. Morris, and Mr. Dalgleish, were false? I did not.
2027. Then, if you have made a statement to the effect that it is false —? I did go to the *Empire* office, but it was some other matter of business took me there at the time. I saw Mr. Hanson, and Mr. Hanson asked me some particulars, and I gave him the particulars of the report that I had furnished to the Colonial Secretary.
2028. *By Mr. Morris*: How is it that you did not describe to Mr. M'Lerie your reasons for supposing the bricks came from the wall outside, and not from any other place inside? I do not think that the subject of the bricks was ever in conversation between Mr. M'Lerie and myself; they may have been, and the principal facts of the case, but I do not know that they were in particular.
2029. *By the Chairman*: On the 24th October, you make the following statement in your diary:—“Called on Hanson and Bennett, and took my report, to shew them that Messrs. “Morris, Dalgleish, and Hart's, statement in the House, the other night, as to the measurements, was false”? Yes.
2030. “They were perfectly satisfied, and we had a long conversation on police matters”? Yes.
2031. The *Empire* had a strong leading article on the police and the Bentley case;—was that the same day, or the following day, this leading article appeared? I do not know. With regard to shewing the report to Hanson and Bennett, I did so because it appeared that a wrong idea had got abroad that no one could gain admission by the trap, and that I had measured the same, and stated wrong measurements. I had not. I gave the estimate of the size of the window and the trap, simply to describe by what means admission is gained—I did not see in what way two or three inches could tell one way or the other. It was evident that I had passed myself through both apertures. The report was hastily drawn up, and I gave the dimensions, perhaps, without giving it a thought whether an estimate of them was necessary at all.
2032. Is not the description of the roof a very important part of the case? It may be, but I do not see that two or three inches in the size of these apertures is very important.
2033. Is the position of the beam an important matter? I do not see that it is.
2034. Is not the position of the beam, mentioned in your report, such as would prevent a person standing there or seeing what passed below under certain circumstances? No, not that the beam would prevent it.
2035. What is the reason you mentioned it then? Simply to shew that it was over the trap—not that I thought the beam had anything to do with —
2036. Is it over the trap? Not directly, but it is over one side of it.
2037. Did you not walk up the steps of the ladder without being incommoded by the beam? Yes, and pass through the trap without being incommoded by the beam.
2038. And without changing your position in consequence of the beam? No, I do not think without changing my position.
2039. Is that beam over the trap then? I call it over the trap; but when I made that report, I did not consider the beam had anything to do with it.
2040. You describe the roof as being in such a position that a person must lie flat—that no one could possibly see what was going on down-stairs and in the rooms, without lying flat on the ground, and putting his head through the trap? Yes.
2041. Is that true? Yes. Mr. Bentley—
- 2042.

2042. A single moment—do you state now, that in order to see anyone entering into Mr. Bentley's bedroom, anyone entering into Mr. Bentley's nursery, or the room you have described as the children's room, or anyone sitting on the flight of stairs leading to the bedroom—that, in order to see this from the trap, a person would have to lie flat on the ground and put his head partly through the trap? So I stated.
2043. Do you say that is true? Yes.
2044. If it is not true —? I must have written from the impression I derived from the letter, as read to me by Mr. Bentley. If that was correct, I am correct in the opinion I have described with regard to it.
2045. *By Mr. Morris*: What was the impression? That the party there concealed was said to have had Mrs. Bentley covered with his revolver the whole time, from the time she left the room, while she was sitting in the drawing-room, going up stairs, and going into the nursery to quiet her child—that he had her covered with the revolver the whole time, and that if she had given the least alarm to the detective in the house he should have shot her. Now I was satisfied, though I did not place myself in the position to look whether such could actually be the case, that no person could have had Mrs. Bentley covered with his revolver the whole of this time, unless he laid down on the ground and put his head partly through the trap.
2046. *By the Chairman*: Could he keep her covered with his revolver while she was in the drawing-room, even under the circumstances you mention? No.
2047. Could he keep her under his revolver in the interior of the drawing-room at all? I think he might, if he lay on the ground.
2048. Could he see into the children's room under the circumstances? No.
2049. Did you convince yourself of the fact? No, not by laying myself on the ground to see.
2050. It is a complete surmise on your part? Yes, and I believe the surmise is a correct one now.
2051. Have you looked to see whether he could have covered Mrs. Bentley with his revolver while she sat on the steps of the staircase and nursed her child as described? Yes, the trap being over the staircase; but the letter said the man had her covered with his revolver during the whole of the time.
2052. *By Mr. Johnson*: Where does he say "the whole of the time"? I am stating what Mr. Bentley said to me. If I made a mistake, and the words "the whole of the time" were not used, I made the remarks under that impression—that a man could not have had Mrs. Bentley covered the whole of the time without laying down.
2053. Was not that particular letter you allude to, published in the newspapers before you made your report? It may have been, but I cannot say. I had nothing to do with what was published in the newspapers.
2054. Did you ask Mr. Bentley to shew you the letter he had received? I do not know; I may have seen it.
2055. Did you see it? I cannot say. I may have had it in my hands.
2056. Is it at all likely you would allow such an important letter to pass without your seeing it? No; I may have seen it and read it.
2057. So that you knew the facts otherwise than by Mr. Bentley's reading? I do not wish to impute that Mr. Bentley read otherwise than what was stated. I say that either from my own reading—and, as I said before, I did not use to read these letters, Mr. Bentley could read them a deal quicker—and from Mr. Bentley's reading of the letter, the impression on my mind was, that the letter stated that he had had Mrs. Bentley covered with his revolver the whole of the time, and from that belief I stated that such could not be the case, unless the person lay on the ground.
2058. If he did put his head through the trap could he have covered her the whole of the time? I do not think he could.
2059. How much more of the staircase, as a matter of fact, can you command by putting your head through than by standing upright? I think, by putting your head partly through, you can see into the bedrooms themselves.
2060. Do you think if you could see into the bedrooms themselves—that is, the bedroom opposite this trapdoor—without putting your head through? That is the nursery. Yes, I believe you can.
2061. Could you not see into the other room also? Yes.
2062. *By Mr. Piddington*: You say you have not made a personal examination of the spot? I never put myself into this position. At the time that this alleged concealment took place there, I was satisfied in my own mind such was not the case. Had I thought at the time that it was really genuine, and that some one had been concealed there, I would have made a more minute examination, but I was so satisfied in my own mind, that I did not make that minute examination.
2063. You did not think it necessary? I did not think it necessary.
2064. *By Mr. Johnson*: Was not your representation in the report, as to the command that a person could have from the roof of the places where the letter said he had seen Mrs. Bentley, given for the purpose of demonstrating that she could not have been so seen unless the person had lain with his whole body on the roof, and disturbed all this dust? No, that if any person had sat down.
2065. You say lie down? Then there would have been a greater disturbance of the dust.
2066. Was not that what you put it forward for, as shewing that nobody had been there? Shewing that nobody had been there.
2067. *By the Chairman*: Did you examine the place to see if the dust was removed? Yes, I examined the place, and found the dust was not disturbed.

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2068. As it would have been by any person lying down there? Then it would have been entirely removed, I presume.
2069. You have made a statement that you believe this hole was made with a gimlet? Yes.
2070. Had you any suspicion as to where that gimlet came from? No; I do not know that, at the time I got the gimlet there, it struck me at the moment; but I know Mr. Bentley had a chest of new tools in a back room in the lower part of the house, and there were similar gimlets in it.
2071. *By Mr. Johnson*: There were similar gimlets in his chest? Yes; I never compared the gimlets, but from memory I believe there were similar gimlets there.
2072. *By the Chairman*: Had you a latch-key to Mr. Bentley's house? I had not.
2073. At no time—you had no means of getting in and out of Mr. Bentley's house, except in the usual way? No.
2074. About this gimlet—you are in possession of it? Yes.
2075. What have you done with it? It is at the office.
2076. Did you ever compare this gimlet with gimlets of a similar nature that were in the chest? I did not.
2077. The tool chest was always open to you? I think so.
2078. If you had suspicions, was it not the most natural way of settling those suspicions that you should compare them? Yes, but something occurred that I had not an opportunity of doing so. I thought about the matter afterwards.
2079. Does the detective, that accompanied you, smoke? That I do not know. Some of them do, some do not; I do not know whether he did.
2080. Did you ever suspect these holes were made in the roof from below, or that they were made from the top? From the top.
2081. On the 7th of June, you have made an entry in your diary, and I would like to ask you if it is true. You state: "Went to the office at 10 o'clock. Received a message from Mr. Cowper to attend him at once, Mr. Holt having asked the Premier, if the Government intended offering any reward to discover the perpetrators of the Bentley outrage. I found Mr. Fosbery had informed Mr. Cowper that I could throw some light on the subject. I had an interview with the Premier and Mr. Robertson, the Minister for Lands. Mr. Cowper questioned me on the subject, and, thinking it better to give him all the particulars, I did so, and promised an extract from my diary on Monday. Both Robertson and Mr. Cowper expressed themselves satisfied with my account of the case." Is that so? Yes.
2082. It occurred exactly as you have related it here in your diary? Yes, I believe so.
2083. And the report you gave to Mr. Cowper was a well considered report, founded on your diary? No, I cannot say it was a well considered report, because I had other matters at the time that occupied much of my time, though I forget now what they were, and I recollect the report was hastily written.
2084. But it was taken from your diary? Yes, some of the main facts that I considered to throw a light on the subject, not all the facts, but all the principal ones. I dare say there is some point in the report, that does not appear in the diary, the matter being fresh in my memory at the time. I do not look upon what I furnished Mr. Cowper with as a police report in the matter at all.
2085. But Mr. Robertson expressed his entire satisfaction with your explanation? If not in words he did in manner.
2086. *By Mr. Cowper*: You drew the inference? Yes; I do not know that Mr. Robertson made any remarks on the subject.
2087. *By the Chairman*: Is that the way you made notes in your diary, from inferences you drew and put them down as facts? There are the entries —
2088. Perhaps it did not occur at all, in fact you might "feel" perhaps that he was convinced? I have no doubt some remarks must have been made, or I should not have come to the conclusion. I cannot tell what they were.
2089. Just look at the entry—"expressed themselves satisfied"; you do not say here that you took it for granted, but from expressions used by them? I cannot say what the expressions were that were used.
2090. But they did express themselves satisfied? They appeared satisfied. I really cannot tell you what words were used on the occasion.
2091. The words here are, they "expressed themselves satisfied," not "appeared satisfied." Did you give them all the particulars of the case at that interview? All particulars as far as I thought at the time they would throw any light upon the matter. I was not long with Mr. Cowper at that time—a very short time—and I gave him all the particulars as far as I had time to do so.
2092. Had you heard of the Exeter case at this time? Only that version Mrs. Bentley herself had given me.
2093. On the 16th of May, according to an entry in your diary, you went to Mr. Bentley's about 10 o'clock, and Mr. Bentley went to bed shortly after. You then state that Mrs. Bentley told you she had never loved Mr. Bentley? Yes, I recollect the conversation well.
2094. That "she was engaged to him at fourteen years of age, and married to him at seventeen; that Mr. B. had, two days previous to their engagement, made an offer to her "sister, of whom he was very fond"? Yes, I recollect the conversation.
2095. You went to Mr. Bentley's to tea after this? I do not know.
2096. You made no difference in your appearance of intimacy or friendship with the Bentleys' at this time? I do not know that I did.
2097. If it is in your journal that you did go to tea after this, I suppose it is correct? Yes.
2098. You remarked to Mrs. B. that Mr. B. could not be very jealous, to leave you with his wife? Yes, I recollect making the observation on more than one occasion.

2099. And she stated that it was so—that she was only of value to him as being necessary to his wants? Yes. Sub-Inspector  
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2100. And, to quote from your own words,—“After some moments in deep thought, she said, ‘Oh God! Charlie, would I could tell you all, and you would think differently of me, and then I should not care what became of me. Oh! do promise me that, whatever may occur, you will not think of me with contempt.’” Did this occur? It did. 25 Nov., 1862.

2101. Was Mrs. Bentley in the habit of calling you “Charlie”? No, I do not recollect Mrs. Bentley calling me “Charlie” on this occasion. If it is there she did do so.

2102. But you do not remember it? I do not recollect it. From my own memory I cannot speak with regard to the words used.

2103. Are you in the habit of writing down your reflections in your diary as well as what actually occurred? No, not generally; but in this case I was so interested, as can be seen, since and prior to that, that I made notes of nearly everything.

2104. Here is a soliloquy that took place with yourself—as it usually does on such occasions—in the street:—“After leaving Bentley’s last night I wandered about the town, not feeling inclined to go home, and deep in thought as to the motives of Lily’s conduct. Is what she tells me true? Am I to believe her? Or am I deceived, and is she false as hell? If she is playing a part she does indeed play it to perfection. In spite of a better judgment I do feel an interest in her. I have coolly weighed over all that has passed between us, and can come to no other conclusion than the following:—If she has thus sacrificed herself voluntarily to play out this farce, she is a wretch unfit to receive the least commiseration at my hands. But if, on the contrary, she has been compelled into this course of action by her husband, I must continue to save her from a public exposure.” Now, had you been saving her from a public exposure before this time—had you had the means of exposing Mrs. Bentley before this? No, I cannot say so.

2105. You state here you “must continue to save her from a public exposure”? Is the word “continue” there? The word may be misapplied in the matter. I cannot say more than is there written. With regard to Mrs. Bentley, I had a doubt then. The doubt would often rise in my mind, whether she was the principal mover in the matter, or whether there was something better in the woman, and she was acting under Mr. Bentley’s instructions? That is the only account I can give of the remarks there put down.

2106. You continue stating—“I called in the evening, and remained till late. I watched her closely, and know not what to think. But of this I have no doubt—the game I am playing is a dangerous one, and if she is deceiving me she can at any moment place my life in danger, and I should have no means of clearing myself to the world.”—What is the meaning of that? Something to this effect—that if she was playing a part for the purpose of inveigling me there, so that Bentley, whom I often thought I heard at the door, could turn upon me, alleging some charge against myself in the matter, in connection with his wife, which I should never be able to disprove, he would then have declined to have the assistance of the police any further in the matter, and then the whole weight would fall on myself. That was why I watched her closely, and why I entertained doubts with regard to Mrs. Bentley. At times I thought she was a tool of Mr. Bentley’s, and that what she was doing she was doing unwillingly, and at other times that she was the principal mover in the matter. These thoughts did cross my mind frequently, and it was my wavering between the two that brought forth those remarks.

2107. *By Mr. Wilson*: One would imagine your conscience would have been checking you with regard to your conduct towards Mrs. Bentley? I stated before that I objected to the conduct I was pursuing, but that I wished to unravel this case, and had no other course. I had not chosen that course myself, but it went against my inclination; and more than that I was very strongly inclined to throw it up.

2108. *By Mr. Piddington*: You make use of a strong phrase, that your life would be placed in danger. In what way would your life be placed in danger? I presume from the fact of myself and Mrs. Bentley being together at that hour. I did not know Bentley sufficiently well but what he might have opened the door and sent a revolver bullet through me.

2109. *By Mr. Morris*: Seeing your arm round his wife’s waist? Yes, that was what I meant.

2110. *By the Chairman*: It is quite evident you did not think Mr. Bentley at all interested in your having your arm round his wife’s waist? I did not know what Bentley’s motives were. Had I known him truly I might have pursued another course, but I wished to arrive at the facts.

2111. On the 20th May, Mrs. Bentley was again with you. She was “in better spirits” and talked of her past life and her love of Italy. She gave me an account of her marriage, and that the clergyman who married them objected on account of Mr. B’s ill health. She likewise told me that directly the ceremony was completed they started for Paris, and she never lay down to rest till their arrival there on the third day. Mr. B. again left her on the following day and was absent for four days.” You state that this conversation occurred between Mrs. Bentley and yourself? Yes.

2112. For what purpose have you entered that conversation thus minutely? For no other purpose than the other conversations and remarks I have entered.

2113. Is it not to shew that Mrs. Bentley was extremely confidential with you? No, in fact I can assign no object for the entries in the diary.

2114. *By Mr. Piddington*: It tended to confirm the suspicion you had begun to entertain? Just so, and that was why I continued the entries as I went on in the matter.

2115. That was your object, viewing them as prominent topics —? I do not call it an object.—

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2116. *By Mr. Morris*: Was it not rather to shew the very familiar terms you and Mrs. Bentley were on? No, it was not.
2117. *By Mr. Hart*: Was it not rather to record, as in a looking glass, what took place? If I recollect right, with regard to many of my motives in connection with this case, Mrs. Bentley had, on several occasions, made contradictory statements with regard to occurrences of which Mr. Bentley had given me particulars. Mr. Bentley had given me particulars and Mrs. Bentley had given me particulars quite different with regard to the same occurrences, and it is for that reason I have noted many of these things down.
2118. *By Mr. Johnson*: Can you point to anything of that kind in your journal? I cannot refer to any particular part of it, but I know that was frequently the fact in the conversations that took place. I have no doubt that had something to do with my noting down private matters, or matters that did not bear on the case.
2119. *By the Chairman*: You still continued to treat Mr. Bentley in the same manner as before—you shewed no difference to Mr. or Mrs. Bentley? No, I do not know that I did.
2120. You accepted invitations to tea? I do not know that I ever received more than one or two invitations.
2121. There is an entry on the 20th May:—"I met Bentley in the morning, and he was most pressing that I should see him early this evening, to play a rubber at whist." About this time had you any other cases of anonymous letters in hand, excepting those in which the Bentleys' were engaged? No, not thoroughly in hand. I had the matter of D'Apice's, in which I took some steps; but Mr. D'Apice informed me directly afterwards that he had discovered the authors. He gave me the particulars and then I had no more to do with it.
2122. You did not succeed in tracing it to a successful issue? In tracing it home to the parties?
2123. Yes? No, he dropped the case. He knew the parties, and said the matter would cease, or something of the sort.
2124. *By Mr. Wilson*: Was it Mr. D'Apice or the detective police that discovered the author? It is only a suspicion now. Mr. D'Apice informed me he was satisfied as to the author, and did not care about any further steps being taken.
2125. Did the detective police suggest the author to him? No, the only steps taken in the matter were some that Mr. D'Apice assisted in with regard to himself.
2126. *By the Chairman*: Were you in communication at this time with Mr. Cutolo or Mr. Montagu? I was not. From the very first I avoided Mr. Cutolo on all occasions, and did so even after I had changed my opinion with regard to him, until lately.
2127. *By Mr. Piddington*: Did you, with regard to Mr. Montagu? Mr. Montagu I never spoke to in my life until about a month ago at the theatre.
2128. *By the Chairman*: You state here that Mr. Cutolo left his card at the office, and called upon you, and wished to explain away any suspicions —? That was in D'Apice's case.
2129. You were in communication with him at that time? I was not. Mr. Cutolo and Mr. D'Apice both met in the office at the same time; and after Mr. Cutolo was gone, Mr. D'Apice assured me that though they were sworn enemies, Mr. Cutolo was incapable of anything of the kind.
2130. Had you not previously to that promised Mr. Cutolo all the assistance in your power to clear him of the imputations against him? I do not know whether it was previous to leaving his card that Mr. Cutolo met me at the corner of the street and spoke with regard to the suspicion of his connection with the Bentley case, and I told him I would give him all the assistance in my power to clear him.
2131. *By Mr. Morris*: Was that after Mr. D'Apice assured you he believed him to be innocent? I cannot say.
2132. *By the Chairman*: When Mr. Cutolo called with regard to the D'Apice case, the Bentley case was not touched upon? No. Mr. Cutolo brought me an anonymous letter he had received with regard to Mr. D'Apice's order of the Holy Ghost, or whatever it was.
2133. Mr. Cutolo received one of these anonymous letters himself? Yes, with a note purporting to come from Mr. Turville. The note stated that Signor D'Apice had applied to the Governor for permission to wear his order of the Holy Ghost (if it was the Holy Ghost), and knowing that Mr. Cutolo ought to be acquainted with him, and that there were some matters in connection with D'Apice's antecedents, the particulars of which he thought Signor Cutolo could give, he (Mr. Turville) begged of him to furnish him with the particulars.
2134. *By Mr. Morris*: Was there any similarity between the letters in D'Apice's case and these? None.
2135. *By the Chairman*: On the 30th May, according to your diary, Mrs. Bentley expressed her conviction that she was in the hands of the Jesuits—was this before or after you had heard of the Exeter case? I cannot tell. I did not hear of the Exeter case, except from Mr. Bentley and Mrs. Bentley, until such time as I received the information which is stated there.
2136. You say she stated she "wished she could give you all the particulars, but she dare not do so." And you go on to say, "I listened to her patiently without making any comments. What the devil is in the wind now?" Yes; I thought it strange, after all the suspicions that they had directed against Mr. Cutolo and Mr. Montagu, I could not understand it being shifted from them to the Jesuits.
2137. On the 31st May you state:—"Called at Bentley's in the evening. Mr. Wrench was "there. Bentley shewed me the letter of apology he had received from the Philharmonic Committee, likewise from Mr. Merewether, which he does not intend answering, as he "thinks it is couched in terms aggravating the insult." Then you go on to soliloquize:—  
"I

- "I wonder how the Bentley swindle will end. I do not like my position in the matter at all. When the facts are published, the *Empire* is sure to make it a handle to attack the police, and then an *exposé* must take place. And yet I would not like to expose her to public odium, though I fear much she is undeserving of pity." What do you mean by that? I mean what is there stated. I can give no explanation of it. The party referred to as "her" is Mrs. Bentley, because I believed there was some good in Mrs. Bentley.
2138. But no good in Mr. Bentley? I did not believe there was, nor do I.
2139. You were invited to Mr. Bentley's to dinner, were you not? Possibly.
2140. "According to invitation I went to Elizabeth-street to dinner"? Yes, I believe Mr. Bentley told me he would shew me —. We had some conversation about the letters and making the matter public—I forget what it was now. He was going to make a rough draft of the leading facts of the case, or something to that effect—and that was the reason why I was to go down on that occasion.
2141. Did you see them on that day? I have no recollection of seeing them at all.
2142. What occurred? I cannot say.
2143. Did Mrs. Bentley tell you she was an Italian? I recollect Mrs. Bentley telling me on one occasion she was an Italian; I cannot say whether it was on that occasion.
2144. Is this entry true:—"She told me it was true she was an Italian, and she was persuaded that the object of these attacks emanated from Home. She dare not give me the particulars, but this she could tell me, that her own father had wounded her in the side with a knife, and had stood over her with a loaded pistol, and compelled her to sign papers of which she did not know the contents"? She did tell me so, word for word, as there stated.
2145. And then when Mr. Bentley came back, you "led the conversation back to the old gentleman, and Mr. Bentley spoke in such enraptured terms of him, and so contradictory of what Mrs. B. had previously said, that I again had to turn the conversation to prevent her seeing that I noticed her confusion." Do you blame Mr. Bentley or Mrs. Bentley in this matter. If Mrs. Bentley invented these matters in regard to her own father, do you think Mr. Bentley should have all the blame for it? Mrs. Bentley's statement might be true.
2146. And Mr. Bentley still speaks in high terms of ———? One or other might be true; both could not have been.
2147. Which do you think was true? I do not know—perhaps neither of them.
2148. Which did you allow to have an impression on your mind as true? I did not believe Mrs. Bentley at the time.
2149. Do you believe it now? No, I do not, nor a great deal more. My belief has been a great deal more shaken lately.
2150. After dinner what was the conversation about—was it not with regard to publishing these letters? Yes.
2151. And you did not wish the police to be mentioned? I did not. I recollect mentioning that to Mrs. Bentley.
2152. What was your reason? I cannot say what the reason was—nothing much in itself—but I believe it was that I wished to avoid bringing an attack on the Detective Police from the *Empire*.
2153. You make another prediction here—you state that "Wednesday will be the turning point"? That was the day I believed the publication was to take place.
2154. Was that the turning point? Well, I do not know. I thought it was at the time—that when the whole of the facts were laid before the public, the case would be so glaring that there could be no two opinions; that is, independent of any report from the police, but from the facts themselves.
2155. On the 3rd June you were again at Mrs. Bentley's to take tea? And took tea I think.
2156. Having promised to take tea with Mrs. Bentley—I suppose this still shews that you were keeping up your former appearance and treating them in the same way? Yes.
2157. "I thought Mrs. Bentley half inclined to confess the swindle. She was speaking about her friends, and I could not help saying, 'You will indeed have need of them before long.' She started, and asked me what I meant? I answered, nothing, but that I had a presentiment of evil. She was very much agitated. The tears were trickling down her cheeks, and she begged of me to remember my promise, and to give her a hearing, whatever might occur, and, no matter how appearances might be against her, suspend my judgment for a time at least." What is the meaning of that? What is there stated. I cannot tell you any more, than that the conversation took place, and those are the facts.
2158. Do you not think it is calculated to convey rather more than that to those who would read this entry? No one was ever supposed to read that entry. It was not made for other people to read, but for my own information.
2159. Would it convey a different meaning? I do not know what it may convey to you, Mr. Chairman; to me it conveys what is there set down. I did frequently think, and I think now, that Mrs. Bentley was on the point of acknowledging the affair on several occasions.
2160. On June 4th, I see, you state that "opinion is divided between Cutolo, Mrs. Boulanger, and a fiction." Who is the fiction? That the whole affair was concocted, and the persecution an imaginary one.
2161. *By Mr. Hart:* In any of your confidential communications with Mrs. Bentley, did you ever press her to disclose the truth? No; I was afraid of going so far, for fear it might be brought against myself; but I have led the conversation in that direction, and I know Mrs. Bentley frequently thought and was satisfied at the time that I suspected them; I was sure of it.

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- Sub-Inspector 2162. *By Mr. Piddington*: When Mrs. Bentley told you she was an Italian, did she state in what part of Italy she was born? She did not—simply the fact.
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Harrison. 2163. Perhaps you never inquired? No; it was a remark made in conversation.
2164. Did she say, "I was born in Italy"? No, she said "I am an Italian."
- 25 Nov., 1862. 2165. When Mrs. Bentley stated that her father had wounded her in the side with a knife, did you feel any doubt whether Mrs. Bentley was in a sane state of mind at the time? No, I cannot say I did.
2166. Have you had any doubts with regard to the sanity of Mrs. Bentley at any time? I have had doubts with regard to the sanity of both of them.
2167. When Mrs. Bentley stated that her father had wounded her in the side with a knife, and had stood over her with a loaded pistol, did she seem to be different in her manner from what was usual with her? No, not different from usual when conversation was going on.
2168. *By the Chairman*: On the 4th of June, after you state that the opinion of the public is divided between Cutolo, Mrs. Boulanger, and a fiction, you have given what I suppose is a soliloquy of your own:—"Bentley! Bentley! If I am not very much mistaken, you have had twelve months anxiety and trouble for nothing. Your fine edifice, reared at such a cost of falsehood, is about to topple down and overwhelm you."—Is that your entry? It is.
2169. And this is a soliloquy of your own? Yes.
2170. On the 23rd June you have here made an entry—"On going to the office this morning Captain M'Lerie informed me of his intention of submitting my report to Messrs. Hanson and Fairfax, for their opinion, and to make use of as they thought best, "as Wrench was still importuning the Government to offer a reward."—Is that a fact? It is a fact.
2171. Exactly as there detailed? To the best of my belief it is, having been written at the time. My memory does not carry me back to what the conversation was between the Inspector General and myself; but as I have already stated with regard to that diary, every word is a fact. There may be an error of date, or something of that kind.
2172. If Mr. M'Lerie has stated that this report was shewn to Mr. Hanson in confidence he has stated what was not true? I cannot speak as to that; I can only speak of what took place between the Inspector General and myself.
2173. That is correct? That is correct; as true as the rest.
2174. That Mr. M'Lerie stated his intention of submitting your report—bye-the-bye, just state what that report is? I did not look upon it at that time as a report, but it was a paper I had furnished to the Chief Secretary with respect to the case. I never considered that I was called on to give a report. Had I been called upon for a report I should have given a full and particular one. I simply gave that to Mr. Cowper to save time.
2175. "In the afternoon (June 23) I called upon Mrs. B. She was alone and seemed "anxious, and distressed. She said she hoped no further steps would be taken to make a stir with the public, and that she would give anything to recall the publication of the letters. She cried bitterly, and from my heart I felt grieved for her when she told me how she suffered. She begged of me to call in the evening and see Mr. B., and I promised to do so. I then left her."—All this is exactly as it occurred too, I suppose? Yes.
2176. And you told Mrs. Bentley on that occasion that you had long known the author? Yes.
2177. Did you tell Mr. Bentley on that occasion? No. "I told her (Mrs. Bentley) that "I had long known the author, and that now the matter had become so public I could only see "ruin and disgrace in the matter. I said this and much more"—? You asked me whether I told Mr. Bentley then. If that refers to the last time I was at the house, I did tell him then, and I told the Inspector General before I went that I was tired of the part I was playing, and that I was going down to tell Mr. Bentley that I believed he himself was the author of the whole affair, and I did go down and did inform him to that effect, that the whole evidence pointed to him as the author and to no one else. Mrs. Bentley followed me down into the parlour, and a conversation did take place between us, which conversation I believe is stated there, and which is not the same as Mr. Bentley has stated in his deposition. "Her distress "was very great, indeed it amounted to actual agony, and she begged, if disgrace did come, "that it might be to her and not to him." Those were the last words she used. She made use of very strong language, and she was in very great distress. That took place in the dining-room down stairs. It was in the drawing-room that I told Mr. Bentley that the whole evidence pointed at him and no one else.
2178. You had conversations with other people after this? Yes.
2179. And disseminated your own suspicions on the subject to them? I do not think I did. I always avoided turning suspicion against the Bentleys.
2180. When did that conversation take place with Hanson and Bennett, prior to the article appearing in the *Empire*; did you not then relate to Mr. Hanson your suspicions in the matter; did you not go through the whole case with them prior to the appearance of that article? I cannot recollect.
2181. You can recollect whether you waited on Mr. Hanson? I did, and shewed him my report; that was once. I do not recollect waiting on Mr. Hanson before that.
2182. Did you not see Mr. Hanson before he published the particulars of that report of yours that you submitted to the Colonial Secretary? I do not think I did.
2183. You had no conversation with Mr. Hanson previously to that? I have had only two or three conversations with Mr. Hanson since the affair took place, because Mr. Hanson and I have not been on terms; and I do not think any conversation took place between us latterly until I went down to shew that the estimate of the dimensions of these apertures was not given positively.
2184. I think you have already stated that you have read through the whole of the depo-  
sitions

sitions in the Bentley case? I hurriedly went through them; I cannot say I have read Sub-Inspector them all.

2185. I think you said you found no fault with them? There was this fault, that I noticed in certain parts, that though what was stated was true, other facts which would have given a different colour to the case were suppressed. With the exception of what took place between Mr. Bentley and myself on the last night I was at his house, which is not correctly stated, and the statement that I searched the house with an aboriginal tracker, there is nothing that I can state to be incorrect from my own knowledge.

2186. Did you call at the *Herald* Office, and have any conversation with the Editor in relation to this case? No. I called on Mr. Fairfax one time to get a copy of Margaret Dodd's writing in the D'Apice case, but whether anything was said about the Bentley case I cannot recollect. It was solely with regard to the D'Apice case that I called upon him.

2187. *By Mr. Morris*: I wish to recall your memory to the 2nd May, when Mrs. Bentley said she had been interrupted by some person within Mr. Josephson's gate, after the assault—you stated in your examination by Mr. Johnson, that two detectives had gone out on that occasion, one accompanying Mrs. Bentley, and the other to lie in concealment—would you be kind enough to mention the names of those two detectives? The one who lay in concealment was Sanderson.

2188. Who went with Mrs. Bentley? I do not recollect.

2189. If anyone went with Mrs. Bentley, or went on any duty at all that day, there will be a record of it in the book I hold in my hand? Yes, there out to be. I will explain with regard to this book. This is a book kept by the men themselves to enter the duties they are employed upon for their own information.

2190. There is a book called the detective duty book, in which the men make entries? The men keep that book themselves to enter the duties they perform, or any remark they wish to enter. Then there is a daily and weekly record, which is filed. This book I very seldom look into. I have the weekly record, which is in slips.

2191. Do you not think that if two men accompanied Mrs. Bentley on that occasion it would appear here? It may appear there as special duty, without the explanation.

2192. If it does not appear, and if there is no reference in this book to two detectives—? Then I must have been out there myself on that occasion. I have been out with Mrs. Bentley at times.

2193. *By Mr. Piddington*: Does this book profess to keep a detailed account of the duties of the men? No, it does not. It is a book kept by themselves. I have acted as Mrs. Bentley's escort, and when I have done so it would not be entered in that book; I do not know whether such was the case on that occasion. I know Sanderson was the man I told off to lie concealed in order to watch her.

2194. *By Mr. Morris*: Does this book not purport to be a record kept by the men of their various duties? It does.

2195. It is meant for the men to enter their various duties in? Yes.

2196. Entries were made on the 2nd May by Sanderson? I have not referred to it.

2197. As a matter of fact, Sanderson says this—"Came on duty at 9; on special duty at Newtown till 4"—But there is no other entry of special duty on that day? Sanderson will be able to give the name of the other who was there, I presume. The second was on a Friday. After this again, on the following Tuesday, I sent a detective with Mrs. Bentley and Sanderson, to lay perdu, and Camphin to the corner of the Newtown and Cook's River Road, so that if Mrs. Bentley took a 'bus and went to Cook's River he might follow her.

2198. *By the Chairman*: What made you think Mrs. Bentley would go to Cook's River? From the fact of her telling me a man had stopped her at the gate when she was last at Newtown, and had told her I was waiting for her at Cook's River.

2199. Then she told you this before this occurrence? She told me this had happened the time after the alleged assault there, and then it was that, anticipating that it was possible that Mrs. Bentley might go to Cook's River, I sent a detective, on the next occasion of her going to Newtown, to see whether she did; but she did not.

2200. *By Mr. Morris*: The time Camphin went to Newtown—when you expected she might go to Cook's River—was that the day she alleged she had been spoken to at Mr. Josephson's gate by a man who said you were waiting for her at Cook's River? No; it was the week afterwards that I sent Camphin, thinking after what she had said that she might go to Cook's River. I sent him because of Mrs. Bentley's remark about her having been spoken to at the gate.

2201. *By the Chairman*: Had this conversation at the gate any reference to Cook's River? Mrs. Bentley stated that a man stopped her there, and told her I was waiting for her at Cook's River; but she said she had a doubt about the truth of what he said and did not go.

2202. That was the reason why you told this man if she went to Cook's River? That was why I sent the third man out the next time she went—a man she did not know; she knew Sanderson.

2203. *By Mr. Hart*: What date was that? It was on one of the days that Mrs. Bentley went out to give her lessons.

2204. On the 2nd of May detectives Clark, Camphin, Downham, Elliott, and Carnes were on duty in Sydney—were there any other detectives on duty at that time besides those I have named, and Sanderson? No.

2205. Then upon reference to this book you will observe that the whole of them record the duty upon which they were engaged, and none of them state that they were in company with Sanderson—how is that reconcilable with the statement you make, that two of them went with Mrs. Bentley? I can only explain it one way, if that be the case, that I must have gone with Mrs. Bentley that day myself. But, for the satisfaction of the Committee, the matter can be set at rest at once, by calling in Sanderson, who will be at the Detective Office now.

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2206. *By the Chairman*: Would that reconcile it with this entry in your diary:—"Sent Sanderson to Newtown with orders to conceal himself in the bush, near Josephson's gate, and closely watch Mrs. B. I then sent another officer part of the way out and met her myself, to act as escort from the 'bus to the gate'? Then I was there myself. The man I sent part of the way may have been one of the officers here mentioned.

2207. What about this explanation about going to Cook's River? I have told you why I took these steps.

2208. If Mrs. Bentley did not make that remark until after she returned—if this occurred on the same day, how could you take precautions before you knew she was likely to go to Cook's River? It was from the remark made by Mrs. Bentley that I sent Camphin to follow her to Cook's River, or wherever she might go. Sanderson was the outlying party in the bush. When I began to suspect Mrs. Bentley I sent an officer with her whom she knew, and another whom she did not know. It was from the fact of Mrs. Bentley having reported that a man had stopped her at the gate, and wanted her to go to Cook's River, that I sent Camphin to watch her the next time. With respect to that statement of hers, I had questioned Sanderson, and he had told me that no one had stopped Mrs. Bentley at the gate leading to Mr. Josephson's house; that she stopped a moment at the gate to fasten her glove, but there was no one near her, and he saw her go right away down to the turning into the Newtown Road, without being molested by anyone. I then, the following time, when Mrs. Bentley went out, sent Camphin to wait in case she went to Cook's River.

2209. *By Mr. Morris*: Had you not on one occasion one of your policemen concealed in this loft over Mrs. Bentley's bedroom, and which of them? I have no recollection of it. I never ordered a man to conceal himself there, nor do I think any man ever was concealed there. If it was so it was during my absence from the house. No man ever received instructions from me to do so.

2210. *By the Chairman*: On the occasion of the 2nd of May, if you met Mrs. Bentley and went with her as her escort from the 'bus to the gate, you ought to have some more intimate knowledge of what took place, than from the report of a third person? I did not remain at the gate till Mrs. Bentley came back. I could not wait two hours till Mrs. Bentley returned, as it was unnecessary, especially as I had an officer lying close at hand.

2211. *By Mr. Piddington*: You think you walked with Mrs. Bentley? I think I was out at Newtown before Mrs. Bentley, and walked with her, when she got out of the 'bus, to Mr. Josephson's gate.

2212. And at the same time you had another man also watching Mrs. Bentley? Yes, that she knew nothing about.

2213. Had you not two men that she knew nothing about? Not that day.

2214. How do you reconcile that with this statement:—"I sent Sanderson out to Newtown with orders to conceal himself in the bush, near Josephson's gate, and closely watch Mrs. B. I then sent another officer part of the way out, and went and met her myself to act as escort from the 'bus to the gate'? The matter explains itself. I probably told this other officer to watch Mrs. Bentley through the town until she took the omnibus, which he did; and that would not appear there because it is not a matter he would note down in that book; and then when Mrs. Bentley got out of the 'bus I acted as her escort to the gate and returned to Sydney.

WEDNESDAY, 26 NOVEMBER, 1862.

Present:—

MR. COWPER,  
MR. HART,  
MR. WILSON,

MR. PIDDINGTON,  
MR. DALGLEISH,  
MR. W. FORSTER.

AUGUSTUS MORRIS, ESQ., IN THE CHAIR.

Mr. Johnson, Solicitor for Petitioner, in attendance.

Mr. Charles Edward Harrison called in and further examined:—

Sub-Inspector C. E. Harrison.  
26 Nov., 1862.

2215. *By the Chairman*: In reference to this letter which you informed the Committee Mrs. Bentley gave into your hands, did you pre-arrange with her to write you this letter? Mrs. Bentley promised to write to me, as I was proceeding to Bathurst, giving me the particulars of the case known here in Sydney, as the Bentley case.

2216. Was her husband aware that she intended to write to you? I do not know.

2217. Do you think he was? I cannot say.

2218. You say Mrs. Bentley gave you this letter herself? She did.

2219. Well, on the 19th of June, you say, you called twice at the Bentleys' house—once in the morning when Mr. Bentley was away, and again in the evening when Mr. Bentley was at home—at which time was the letter given to you? In the evening, after Mr. Bentley had gone to bed. Mrs. Bentley came down stairs to the hall door, and there gave it to me.

2220. *By Mr. Piddington*: It was at that time the letter was handed to you? Yes, that evening, when Mr. Bentley had gone to bed.

2221. Did she state that she had written it herself? She said—"I wrote you the letter before the time" (I think those were the words she used) "as I might not have an opportunity of posting it to-morrow when I go out to give lessons."

2222.

2222. *By the Chairman*: At what time did Mr. Bentley go to bed? I do not know. I am Sub-Inspector not positive whether he had gone to bed, or only up-stairs.
2223. *By Mr. Piddington*: It was described as a letter written by herself, intended to be sent by post, but which she gave to you personally? Yes. She said she intended to have sent it by post the next day.
2224. Was the letter in an envelope? Yes, in a plain envelope, with no address upon it.
2225. Have you got the envelope? Yes; if it is not here, I have it.
2226. *By the Chairman*: You will observe that the letter states that, "As for Mrs. Bentley's annoyance, that, I believe, for the present, rests quietly"? Yes.
2227. So that a person unacquainted with the circumstances would presume that this letter was written by some other person? Yes.
2228. *By Mr. Piddington*: Neither the letter nor the envelope was addressed to you? No.
2229. *By the Chairman*: Still, the references in the letter are sufficient to shew that it was for you? Yes.
2230. *By Mr. Piddington*: In what way? I refer to the fact of my having to proceed into the country on account of the mail robberies, and after the parties who robbed the escort. I started away from Sydney with the intention of going up to Bathurst, but the order was countermanded.
2231. Can you point out, from the contents of the letter, any part of it which necessarily connects it with yourself? No; only this fact: that I started for the country for those purposes referred to in the letter.
2232. Does that necessarily identify the letter with you? No, there is nothing in it to that effect.
2233. *By Mr. Johnson*: At what time did you first call on Mrs. Bentley when you returned from Bathurst? I did not go to Bathurst, having returned shortly after starting. It was in the afternoon.
2234. At what time? I cannot recollect.
2235. Take your diary and see? At 4 o'clock it would appear.
2236. Did you call on Mrs. Bentley three times that day then? I do not recollect. I think only twice.
2237. Try to recollect? I cannot.
2238. Did you call at 7 o'clock? Yes.
2239. Was Mrs. Bentley occupied at that time, and did you state that you would come in again? Yes.
2240. Did you see Mrs. Bentley afterwards, that day? I cannot say.
2241. If you had would it appear in your diary? No, if I did not see her on calling I do not think I should have taken a note of such a trifling circumstance.
2242. Did you call at my house at 7 o'clock? I do not recollect; I might have done so.
2243. Did you request the servant that your name was not to be mentioned if Mrs. Bentley was engaged? I do not recollect such a request.
2244. Did Mrs. Bentley come down and say she was engaged? I do not recollect.
2245. Did you say that, under these circumstances, you would come back in the course of an hour? I might have done so.
2246. And did you come back after that time and see me? I saw you that evening. I saw Mrs. Bentley in the afternoon, but I do not recollect seeing you when I saw Mrs. Bentley.
2247. Will you swear that upon that evening I gave you the letters connected with Mr. Cape? Yes, if there is an entry to that effect. I do not know that you gave me all, but I know you gave me some letters.
2248. You can recollect so distinctly that you came twice, but you cannot recollect the fact that Mrs. Bentley came down to you and said she was engaged, and of your having to come a third time? No. I do not say that what you state is incorrect—it may be as you state; but I do not recollect the fact, whether it was so or not.
2249. Will you say you made these entries within two days of the time? I have already stated that the entries were made as regularly as I could possibly make them. I cannot say whether the entry was made that night or the following day.
2250. Are you quite sure you even called at 4 o'clock in the afternoon of that day? Yes; it there states that I did.
2251. *By Mr. Wilson*: Have you no recollection of the circumstance irrespective of the entry in the diary? I have a recollection of going there the first time after I returned, and also of going there in the afternoon and seeing Mrs. Bentley—it was in the latter part of the afternoon; but whether I called at 7 o'clock in the evening, and Mrs. Bentley being then engaged, I called again, I do not recollect.
2252. *By the Chairman*: I wish to call back your attention to the diary—you did not in your previous evidence appear to know very certainly when you purchased this diary? Oh, yes.
2253. Now, probably, your memory is refreshed—will you state the circumstances connected with the purchase of the book? I can state, as before, that having formed the intention of keeping a diary (not having kept one before), either at the end of last year or, it might have been, in the early part of the month of January, I asked Mr. Harris, who is employed with Messrs. Sands and Kenny, to get me one. I was speaking to him about a diary, and asked if he would recollect to bring one home with him, as I intended to have bought one, but had forgotten it during the day. He told me he would, and he did do so; and that is the diary he brought me—the only diary of the kind I ever kept.
2254. Did you pay him, or was it put down to your account? I think he paid for it, and I paid him.
2255. Then it would appear in his account with Sands and Kenny? Not if he paid cash for it.

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- Sub-Inspector 2256. But if he had an account with Sands and Kenny it would appear there? Oh, yes.  
C. E. 2257. Have you seen Mr. Harris since the occasion of your examination? Yes, several  
Harrison. times.
2258. Has he confirmed your impression? In the particulars; he recollects procuring the diary for me about the beginning of the year. I have not seen Mr. Harris to-day. Yesterday I saw him twice—the first time in Pitt-street, about 4 o'clock, and he informed me then that some party from the Committee had been down there to make inquiries about the purchase of the diary. I stated to him that I had said I purchased the diary, and he said he recollected the purchase; adding, that he did not see the object of sending a person down to inquire about the matter; and he thought he did not give them a satisfactory answer.
2259. *By Mr. Piddington*: He does recollect the circumstance? Yes.
2260. And he confirms the account you gave? Yes.
2261. *By Mr. Hart*: What was the amount you paid for it? 6s., I think.
2262. *By the Chairman*: Do you not recollect having stated, that when you got the diary you also got a volume of Bulwer's novels? Yes; but I am not certain whether I got it with the diary, or about the same time.
2263. As a matter of fact, did you not get that volume of Bulwer's novels more than two years ago? I think it was a volume of Bulwer's novels I got about the time that I obtained the diary; but, if not, it was a volume of some other work.
2264. Do you not think you bought the diary on the 20th February, when you paid a two years' account at Sands and Kenny's? I do not. I think I must have obtained it as I have stated.
2265. Did Mr. Harris tell you that he could not remember whether he brought you this diary or not? He did not tell me so; but there were those present when he brought me the diary. The party who keeps the house was aware of the fact that Mr. Harris brought me the diary.
2266. You will positively assert that this diary was commenced some time in the month of January, and kept regularly, and not written up some few months ago? Having never kept one before the time I obtained it, I got it for the purposes I have stated, and it is entered up as I have stated; and it was obtained from Mr. Harris as I have stated.
2267. *By Mr. Dalgleish*: Did you not state that you got another book at the same time? I believe I did; if not at the time I got another book about that time.
2268. You stated that you had other books? One, I think.
2269. You are quite sure of that? Yes; that I had, I think, it was Bulwer's novels.
2270. *By the Chairman*: In reference to an entry in this diary of the 13th February, and another on the 15th, these must convince you that you did not keep your diary regularly—I refer to the account of the cricket match? I have stated that in the early part I was not so particular as when the Bentley case became interesting. There may be some mistake before then, but afterwards I became more careful with regard to the entries. Ever since that time I have not made entries as the facts occurred, but have made memoranda, and entered them up afterwards.
2271. *By Mr. Hart*: Was the Bentley case, or the occurrences in connection with it coming under your notice, entered *de die in diem*? No; some were entered on the following day, and, in some instances, it was two days subsequently that an entry was made.
2272. Does it not occur to you that the chief value of a diary depends upon the entries being made at the time? I did not set any value upon the diary. I have not always an opportunity of making the entries at the time. The diary may be at my house, and I may be away for days together, never thinking of the diary.
2273. *By Mr. Piddington*: Do you take a rough note or memorandum of anything striking in the cases coming under your observation, previous to copying it into the diary? In matters relating to the Bentley case, when I have returned from his house late in the night, Mrs. Harrison has made a memorandum of the facts that occurred during the evening and day, so that there might be no mistake, and from these memoranda I have made entries in the diary the following day.
2274. You dictated to her what took place? I stated to her what took place in the evening, in the middle of the night.
2275. *By the Chairman*: It is true, I suppose, as stated in the diary, that Captain M'Lerie shewed you a letter from Mr. Fairfax, of the *Herald*, stating that he was satisfied with your report on the Bentley case? He read me a letter. The entry is true.
2276. I think you have before stated that Mrs. Harrison made none of the entries in this diary? None of them.
2277. But that she had opportunities at all times of seeing the diary? At any time.
2278. *By Mr. Wilson*: With regard to the statement that you made before Captain M'Lerie in reference to this case, are you aware whether that statement was shewn to any individuals not connected with the police? Do you mean the first particulars of the case, or which statement?
2279. The statement called the report? I am not aware of my own knowledge that the Inspector General shewed it to anyone.
2280. Are you aware whether he shewed it to anyone or not? I do not know only from what took place between him and myself with regard to the report being shewn to Mr. Hanson.
2281. Did he mention that it had been shewn to any other party besides Mr. Hanson? I have no recollection that he did.
2282. It is stated in your diary of June 23rd:—"On going to the office this morning, Captain M'Lerie informed me of his intention to submit my report to Messrs. Hanson and Fairfax for their opinion, and to make use of as they thought best, as Wrench was still importuning  
" the

"the Government to offer a reward." Do you recollect the circumstance of his mentioning Sub-Inspector C. E. Harrison that he had shewn the report to Mr. Fairfax? I do not recollect that he told me he had done so, but I think he told me of his intention to do so.

2283. Are you quite clear as to the object that Captain M'Lerie stated he had in view in shewing this report to Mr. Hanson and Mr. Fairfax? I really cannot tell what his object was. 26 Nov., 1862.

2284. You see his object is there stated? For their opinion, and to make use of it as they might think best.

2285. Are you quite clear that that conversation took place, and that Captain M'Lerie made that statement to you? Yes.

2286. You state here under date the 26th of June:—"Captain M'Lerie shewed me a letter this morning he had received from Mr. Fairfax, the editor of the *Herald*, expressing his "satisfaction of the report I had made of the Bentley case, and that it was conclusive." Do you recollect the circumstance of seeing that letter from Mr. Fairfax to Captain M'Lerie? Yes, I recollect the circumstance. I do not know that I read the letter, but Captain M'Lerie read the letter in my presence, and it appeared to be to that effect.

2287. You state that he shewed you a letter from Mr. Fairfax? Yes.

2288. You have no doubt it was from Mr. Fairfax? I have no doubt of it; the Inspector General told me so.

2289. And consequently you infer that he had shewn the report to Mr. Fairfax as well as to Mr. Hanson? Yes.

2290. Did you understand that he shewed it to Mr. Fairfax, as a friend of Mr. Bentley, or as proprietor of the *Sydney Morning Herald*? I cannot say.

2291. You state that Mrs. Bentley informed you that she had been addressed by a party on the road, when coming from Newtown, at the time when she was watched by a detective—will you tell the Committee the name of that detective officer? Sanderson.

2292. Did he make a written report to you on the subject? He did not.

2293. Might there not have been a mistake on the part of Sanderson? I think not.

2294. Is it impossible that a mistake could have been made—supposing there was truth in the statement that you say was made to you by Bentley—might there not have been a confusion of dates between Mrs. Bentley and Sanderson? I think not, because I questioned Sanderson about it particularly. Mrs. Bentley only going to Newtown twice in a week, I questioned him directly after (one or two days after) it was said to have taken place.

2295. Where did Sanderson say he was? Close to the gate, in the bush.

2296. And from his position there had he an opportunity of seeing Mrs. Bentley from the time she left the gate till she got to the omnibus? I do not know. I do not know the exact spot where he located himself. He told me that he had watched Mrs. Bentley from the house, and along the road, but how far I cannot say.

2297. Did Sanderson himself address Mrs. Bentley on that occasion? He did not; he was not instructed to that effect.

2298. Does he know her well? Yes, from having been at the house.

2299. The detectives examined one of the Post Office letter-boxes to see what letters were posted there on a certain occasion? Yes.

2300. Who examined them? The detective Clark.

2301. Who authorized him to do so? I did. When the boy took the letters out of the pillar, he was informed by Clark that he had come to see whether there were any letters corresponding with the envelopes I had of the Bentleys, and also to compare handwriting.

2302. Have they authority to pay more attention to a detective than to other persons? I believe not; but I believe Mr. Hunt, of the Post Office, was aware of this fact; I sent down to him about it, and he took a great interest in the matter.

2303. But did he authorize the boy to allow the detectives to examine the letters? I do not know. There was no examination of letters. The detective had instructions to see whether there were any letters corresponding with the handwriting, when the boy took the letters out of the pillar.

2304. He must have looked at the letters in the box? Yes.

2305. *By Mr. Piddington*: Had he any directions to open the letters? No, only to see whether the writing on the outside corresponded with that of the anonymous letters.

2306. *By Mr. Wilson*: Did you get authority from Mr. Hunt to do this? No.

2307. You did it entirely on your own motion, no one instructing you or authorizing you to proceed in that way? No.

2308. You have stated that you had made arrangements to take steps with regard to any letters posted by Cutolo or Montagu—can you tell what steps you had made arrangements to take. You have said in a previous part of your examination that you had made arrangements to take steps if any letters were posted by Cutolo or Montagu—what steps had you made arrangements to take? I do not recollect.

2309. Supposing Mr. Clark had found letters which he supposed to have been posted by Cutolo or Montagu, addressed to these parties, what then would he have done—did he intend to take possession of them? No, he would not have dared to do so. He would have gone to the Post Office, and have seen Mr. Hunt or Major Christie about them. I do not know what steps would have been taken afterwards.

2310. Then you made no arrangements for the steps to be taken? I was constantly taking steps and making arrangements at the time, and I cannot recollect all that I took.

2311. You are aware that neither detectives nor other individuals have a right to examine matters connected with the Post Office? I am; and it is seldom that we can obtain assistance from the Post Office, even in criminal matters of magnitude.

2312. Do you recollect the date of the assault that was said to have been made upon Mrs. Bentley? It was on Friday, the 25th of April.

2313.

- Sub-Inspector C. E. Harrison. 2313. Do you recollect the date of a letter appearing in the newspaper stating it to have been made a month and eleven days afterwards? I do not recollect.
2314. You recollect that it was a considerable time after the assault, that the letter appeared? I do not know what letter you allude to.
- 26 Nov., 1862. 2315. The letter of Mrs. Bentley on the 4th of June—that was a month and eleven days after the assault—now I wish to know who was under the surveillance of the police in this matter between the 25th of April and the 4th of June, or whether any parties were under their surveillance? I do not think anyone was under their surveillance at that time; the previous surveillance upon certain parties I had discontinued.
2316. When? I cannot recollect the date. I discontinued watching them at the time my opinion changed as to who were the authors.
2317. Then the police were watching no one during this month and eleven days? They were engaged at Mr. Bentley's house. There was no one watched.
2318. Did any circumstance transpire during this month and eleven days—any letters received or written in connection with this case? I believe there were, but I cannot say how many.
2319. During that time you say it was your impression and conviction that the Bentleys' were the authors of the whole affair? Yes; but that impression grew stronger as that month passed away. It was not so strong at the beginning as at the end of the month. I had to satisfy myself whether I was mistaken or not, and as the time passed those impressions and convictions increased in strength.
2320. Does it not appear a very unsatisfactory circumstance that you did not place the Bentleys under surveillance when your suspicions were aroused, which you say was as early as the 25th of April, and when these circumstances were still transpiring? One thing is to be taken into consideration, that is, the number of men I had at my command to do this work, as well as the general work of the City with regard to criminal matters.
2321. *By Mr. Johnson*: You were then relieved from the employment of your men in watching other suspected parties? Yes.
2322. Why could you not have put these men who had been watching Cutolo and Montagu to watch the Bentleys? They were there day and night.
2323. *By Mr. Cowper*: And you were watching them yourself? Yes.
2324. *By Mr. Johnson*: Why did you not adopt the same course with regard to Cutolo and Montagu? Because I thought it best to adopt another course.
2325. But did it not occur to you, as a matter of common sense, that they might have posted their letters by their servants or agents? I do not know whether any other party might not have been at work.
2326. And the same with regard to Montagu and Cutolo? Yes.
2327. Then why not have adopted the same course with regard to the Bentleys? I thought the course I was pursuing the better one.
2328. What was that course—to obtain a confession from Mrs. Bentley? No; to trust to time, and the means I was using to unravel the mystery.
2329. You left it to time to unravel the mystery? Not exactly; but time was required for facts to develop themselves and plans to be worked out.
2330. *By Mr. Wilson*: Do you know how many detectives there were, on an average, engaged under you from the 25th of April to the 4th of June—there appears never to have been less than four and sometimes five? I had four or five at that time; but it was a small number for the work of the City, where there were scores of thieves to be watched.
2331. Can you say on what special duty they were employed at this time? Watching thieves was their general duty, and they had to be at the Police Office; there were many other matters to employ them upon, unconnected with the Bentley case.
2332. Would it not be more conducive to the efficiency of the public service if a complete diary were kept of the proceedings of the detective police? So there will be. I can say that the men receive instructions from me every morning when I am in town, and they report themselves to me during the day or night.
2333. You have not answered my question—I ask you if you do not think it would be more conducive to the efficiency of the public service if a more complete diary were kept of the duties they perform? I cannot say.
2334. The reports on that book appear to be stereotyped, one appears to copy the others entry in some cases, word for word;—did you ever offer to place detectives in any boarding-house in Sydney for watching parties living there as private individuals? Never, that I recollect. There was no object in doing so.
2335. Do you think you would be justified under any circumstances in doing so? Certainly not, and I would not do so unless I had an order from the Inspector General, and I never got an order to that effect. I do not see what object is to be gained.
2336. Did you ever state to any person that you would make the City too hot for them? I do not recollect any particular instance; but I do use those words sometimes to known thieves.
2337. Did you ever do so with regard to a man who was not a known thief? No, I certainly never did.
2338. Are the detectives in the habit of compounding felonies or hushing up cases? No.
2339. Did you know a man in Mr. Poehlman's employ, when he had premises as a *café* in George-street, who robbed him to a considerable amount? So Mr. Poehlman informed me.
2340. Has nothing been done with regard to that man? He went away to Queensland.
2341. Do you recollect what date it was? In June, I think. If my memory serves me, I think I was in town at the time. But Mr. Poehlman had an interview with the Inspector General with regard to one of his waiters, who he said had come to him without money, and who he said had been found to have an account at the bank, adding that he was satisfied that

that he could not have got the money without robbing him, and that systematically. Sub-Inspector I think he was questioned by the Inspector General as to what proof he had of the robbery, and Mr. Poehlman came to me one morning and gave me the particulars of the case, of this man having systematically robbed him for a length of time, and that he had got this money in the bank. He said he had no proof of the man having done it. Mr. Poehlman was in difficulties at the time, and I believe compromised with his creditors. He said the way he had been robbed was the cause; and he asked what steps he should take. He could give no evidence of the man having robbed him, but could only adduce the fact of the man having the money. I told him he could do nothing unless he had proof of the man having robbed him. If I recollect rightly I advised him to tax the man with the robbery—to tell the man that he had robbed him, and said it was possible that if the man thought he had evidence against him to convict him, he would hand over the money. I also recollect remarking, "If he does do so, however, he is a bigger fool than I take him to be." Mr. Poehlman afterwards informed me that he had spoken to the man about the matter. He said, "I told him of his having robbed me, and that I had evidence to that effect, and I said I would not prosecute him if he would hand over the money to me. He said he had robbed me, and that the money was in a certain bank." Poehlman asked me to go down to the bank, saying, "If he sees you there it will confirm him in his intention of giving up the money, and I have no doubt I shall get it." The man did come to the bank, got the money, and handed it to Poehlman. There was no proof against him only his own confession.

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2342. You are quite sure it was not you, but Poehlman, who made that arrangement? I am quite certain that I did not. The only conversation that took place with regard to the matter, was between the Inspector General and myself and Poehlman. I do not think I should know the man, or that I have ever spoken to him, unless it was at some time when I went into the *café*. Had there been any evidence against him I should not have given the advice I did; but as there was no evidence against him I thought it the best advice I could give.

2343. Do you know anything of the character of the man, irrespective of this case? I do not.

2344. Do you not know of his having been convicted of some crime previously? I was informed so. With regard to this robbery there was no evidence against him.

2345. My reason for asking the question is, that I heard that you arranged to compromise the matter? I did not exchange a word with the man.

2346. *By Mr. Dalgleish*: When were you informed that the man had been previously convicted? I think Mr. Poehlman told me the next morning. I think he said the man had been in Parramatta Gaol.

2347. Were you not waiting in the bank until this man came? No, I went up the street so that the man might see me, and thus be confirmed in his intention to hand over the money. I walked as far as the Union Bank, when the man came, obtained the money, and gave it up. These are the facts as near as I can recollect.

2348. *By Mr. Wilson*: I think you stated that there are no private individuals unconnected with the detective police who are in the habit of giving information to the detectives? No, there are not.

2349. I have no intention of making the name public, but is not that gentleman (*name written and exhibited to witness*) in the habit of giving information to the detectives? I have known him a long time, but I know that neither myself nor any other man in the detective police have received information from him. There are no parties in the detective police, or employed by them, whose names have not appeared on the return, or whose names do not appear in that book. They are the only officers employed, but I do get information from parties in the City, sometimes from notorious thieves. On some occasions I have paid for it. With regard to crimes about to be committed, I am obliged to do so, or I could not keep a check on the crime in the City.

2350. With regard to that gimlet by which the hole was bored in the roof of Mr. Bentley's house—do you remember it? Yes.

2351. I think you say it was taken out of a tool-chest belonging to Bentley? No, I said it was similar to those in Mr. Bentley's tool-chest.

2352. But there is a great similarity between gimlets, generally, is there not? Oh, certainly; I dare say I could get a thousand gimlets of the same description.

2353. *By Mr. Dalgleish*: Did you not say it was an old gimlet? No. I said an old knife was found there.

2354. *By Mr. Forster*: Supposing Mr. and Mrs. Bentley were the authors of this affair, what motive could they have had? As I have said before, I could assign no motive on their part, assuming them to be the authors; but that my belief was that the proceedings having commenced at a little, gone to more, and had gradually grown into importance.

2355. Has it occurred to you, in the course of your professional experience, that similar things have been done, or does this strike you as an extreme case? It strikes me as an extreme case. But I have known many cases of writing anonymous letters; and circumstances have come to my knowledge, shewing that with some persons there was a perfect *furor* for writing them.

2356. Did you ever consider the question whether they could be connected with this matter? They related to nothing of this kind; they were letters written anonymously for a piece of mischief or small scandal.

2357. You say these things go from little to more—could not those in whom you say there was a perfect *furor* for writing anonymous letters, have had something to do with this case? Oh, certainly not.

2358.

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2358. Do you judge from circumstances? Yes. I have an intimate knowledge of the circumstances.
2359. You look upon this *furor* for writing anonymous letters as a kind of mania? Yes.
2360. And you think Mr. and Mrs. Bentley were both smitten with this mania? I do not know.
2361. Can you state what circumstance it was that first conveyed to your mind this impression, that the Bentleys were engaged in this matter? The circumstance of there being conflicting statements, and alleged facts contradicting themselves at the house.
2362. Do you mean both of them, or only one? Yes, both.
2363. Both made contradictory statements? The stated facts contradicted themselves, and involved matters extremely improbable; and my impression was strengthened by remarks purposely made by me, bringing forth a certain result, which, to some extent, I had anticipated.
2364. You state two grounds for your impression—the one, the contradictory statements—the other, the alleged occurrence of improbable things? The two combined satisfied myself on the matter.
2365. Did you find this propensity to make contradictory and improbable statements equally strong in both the Bentleys? I do not recollect any instance of receiving a contradictory statement from him, but from Mrs. Bentley I have received them.
2366. You have alluded to the case of Mrs. Bentley having been watched by a policeman at Mr. Josephson's—that is, I suppose, one of the circumstances to which you allude? Yes.
2367. Was that the first? No. The first was the fact of my advising to take a certain course the next time she had reason to believe she might meet anyone connected with this matter in disguise. I told her to take particular notice of some article of jewellery he wore.
2368. That was in consequence of your advice? Yes; I told her this, to take notice of a particular article of jewellery, if he wore any, observing that such persons might change their clothes, and she not be able to give a correct description of them, but that when parties, who had been in disguise, changed their clothes, they were not in the habit of changing their jewellery. I said by that means we might try to find out the parties, on the supposition that we had been unable to find anything against the parties previously suspected. When this assault took place I laid particular stress upon the man wearing a ring, and I made the remark that parties generally wear rings when they do not wear other articles of jewellery, and I told her therefore to take particular notice of the ring he wore. Mrs. Bentley was stopped at Newtown, and she says that when the man laid hold of her, she recollected what I had told her about the jewellery, and he, seeing her taking notice of it, said to her, "You can tell Harrison that I wear a gold ring with a cornelian heart."
2369. This statement of that occurrence was the first circumstance that made you suspect her? Yes. I could not suspect Cutolo, Montagu, or St. Just, as I could get no evidence against them.
2370. When your suspicions were thus awakened, did you mention them to anyone? To the Inspector General shortly afterwards, but not at this time, because I thought I might be mistaken, and wished to take steps to test the possibility of my being deceived.
2371. And the other circumstances confirmed your suspicion? They did.
2372. Your suspicion was more particularly against Mrs. Bentley? It was strong against both, as I did not think Mrs. Bentley could carry it out without his knowledge, or he without her knowledge.
2373. Your impression was that they were the writers of these letters? It was.
2374. Did you think they wrote them themselves? Well, I do not know whether at this time I had made up my mind, or whether I thought there might be a third party.
2375. On further examination what was your conclusion—that they were the writers? Yes, one or the other.
2376. That some were written by Mr. Bentley, and some by Mrs. Bentley? Yes, that was my impression, but I would not like to give an opinion now, as to whether they were written by one person or by more.
2377. What is your impression now—that Mr. or Mrs. Bentley wrote the letters? Yes.
2378. And had no accomplices? Yes, had no accomplices.
2379. Is your impression based upon circumstances, or a knowledge of their handwriting? On circumstances.
2380. Did you not think of corroborating your impression by an examination of their handwriting? I have examined it, but was not more satisfied than I had previously been with regard to Montagu's, which bore a strong resemblance to the writing of the anonymous letters.
2381. The handwriting of the anonymous letters bore a strong resemblance to Montagu's? Yes. There was a stronger resemblance in the handwriting of Montagu than I ever found in the handwriting of Mr. Bentley; but I have still a strong impression that Montagu had nothing to do with the matter.
2382. You think that two persons only were concerned in the writing? I think so.
2383. *By the Chairman:* Did it not strike your own mind that one of your own officers was in league with the Bentleys? It never crossed my mind; they are with me at all hours, and under all circumstances, and I do not think such a thing could be possible.
2384. You say that one time Montagu's writing appeared to you to resemble the handwriting of the anonymous letters? Yes.
2385. Did you think Mr. Bentley's resembled it? Yes, the E's in particular.
2386. And Mrs. Bentley's—is it like hers? I had not an opportunity of comparing it with hers, though I think I have compared, but I do not recollect under what circumstances.
2387. Have you not compared it recently—have you not had a letter from the Bentleys? Yes, but I have not had all the anonymous letters in my hands. 2388.

2388. Which handwriting do you think most resembles that of the anonymous letters—Sub-Inspector Montagu's, Mr. Bentley's, or Mrs. Bentley's? Mr. Bentley's.
2389. More so than Montagu's? The letter of Montagu's that I produced resembles it more than Bentley's handwriting. C. E.  
Harrison.
2390. But you do not think there is any resemblance in Mrs. Bentley's handwriting, or do you think a lady could have written those letters? I cannot say. 26 Nov., 1862.
2391. Do you consider yourself a good judge of handwriting? No; I consider myself an ordinary judge.
2392. You say you produced a letter from Mrs. Bentley—is that in her handwriting—it is not signed by her? I cannot say she wrote it.
2393. Have you not seen her handwriting before? Yes, I have seen her handwriting before, but there are a number of these anonymous letters written in a different handwriting, and I would not be positive that the letter I received was written by her.
2394. You say she gave it to you? Yes. She gave it to me, stating that it would be better to do so, as she might not have an opportunity of posting it the next day.
2395. What was her object in giving it to you? To shew that she wished to keep her promise.
2396. Was that the only letter you received from her? Yes.
2397. Did it not strike you as an extraordinary letter? It did.
2398. Did her conduct to you, or your knowledge of her, lead you to expect such a letter? She said she would write a letter to me, and therefore I expected she would, though I did not expect one of that character exactly.
2399. Suppose you had seen that letter written by the wife of one man to another man, would you have thought well of her character? I cannot say that I should.
2400. Was there anything in her previous conduct which led you to expect that she would write you such a letter as that? I did not know anything as to what kind of letter she would write when she promised to write me one.
2401. You admit that the letter is one of an extraordinary character, and one that would not convey a good impression of the lady who would write it—was her previous conduct sufficient to justify an expectation that she would write it? I gave full particulars of that yesterday.
2402. You are a married man? I am.
2403. Did you communicate this letter to anyone else? Yes, to my wife at the time, and indeed all the particulars in connection with the Bentleys. I was only married at the end of last year.
2404. You say you are not in the habit of placing detectives in private boarding-houses or in domestic service? Not to my knowledge.
2405. Either with or without orders? Never.
2406. Have you heard a rumour that detectives were placed in clubs? I think I heard it from one of the Members of the House.
2407. Is there any truth in it? None. Nothing of the kind has taken place since I have been in the police. I cannot tell what object there could be in putting detectives there.
2408. You do not place detectives in the newspaper offices? No.
2409. What kind of connection have the newspapers with the detective police, that these communications can have taken place with regard to you and Mr. Hanson and Mr. Fairfax? No communications have taken place.
2410. Were not reports placed in their hands to do what they liked with them? Not by me.
2411. By Captain M'Lerie? Yes.
2412. What interest had Mr. Hanson and Mr. Fairfax in the case? Mr. Hanson took an interest in it.
2413. As a friend of Mr. Bentley? Yes.
2414. Did he shew himself a friend to Mr. Bentley in the matter? From the first, and after my suspicions were aroused against the Bentleys.
2415. Are you aware whether Mr. Hanson has been employed as a detective? I do not know.
2416. Do you think his object in taking this extraordinary interest in the matter was to get food for his paper or news? I cannot say.
2417. You have said that on some occasions you have thought it your duty to utter falsehoods in order to obtain certain information? I did on a certain occasion in connection with this case.
2418. Is that a common practice with the detective force or with yourself? It is not a common practice with either, I believe.
2419. To what extent do you carry it—not into private life? I would not call it falsehood.
2420. What you stated was not the truth? I was asked whether I made a certain statement to Miss Flower, and I stated what was not true in part.
2421. In other words it was a falsehood? It was.
2422. Although justifiable? I thought so. It is a matter that never occurs voluntarily with myself.
2423. What do you mean by voluntarily—not without sufficient reason? Only in extreme cases.
2424. Does it not occur in your private as well as public matters? I have no private matters.
2425. If you make statements that are untrue at one time, why not at another—what limit is there to that kind of thing? Well, I do not know how I can answer the question.
2426. Is it part of the police regulations to tell falsehoods at particular times? No.
- 2427,

- Sub-Inspector 2427. Is it left to the discretion of a detective? He has no instructions on the matter.  
 C. F. 2428. Do you allow the same latitude to all officers under you? I do not know that we  
 Harrison. have a case in point.  
 26 Nov., 1862. 2429. What would be right in you on public grounds would be right for them? I have no  
 doubt they have done the same thing on some occasions; every man in the police force, and  
 others not in the police force, might have done the same thing.  
 2430. You would not consider it your duty to avail yourself of that rule in giving evidence  
 before this Committee? I would not. If I stated a falsehood, I stated my object in doing  
 so.  
 2431. You would not state a falsehood here? No. There can be no object to be gained.  
 2432. Did you feel any regret after stating this untruth? To Miss Flower?  
 2433. Yes? No, I cannot say that I did; I did not give it a second thought.  
 2434. You took it as a matter of course—you did not feel uncomfortable? I cannot say  
 that I did.  
 2435. I should like to know how often, in round numbers, in the course of your duty you  
 have been obliged to resort to this disagreeable practice? I cannot recollect, but I have no  
 doubt it does at times occur.  
 2436. If you found one of your subordinate officers telling a falsehood to yourself, I suppose  
 you would not overlook it? No, I should report him to the Inspector General.  
 2437. Would you not make some allowance in distinguishing whether it was for a public or  
 a private object? No, I should report him to the Inspector General.  
 2438. *By Mr. Dalgleish*: Have you never had to deal with foreign anonymous letters; Yes,  
 in D'Apice's case.  
 2439. Who were the forgers in that instance? Well D'Apice states that he suspected the  
 party, and gave the name.  
 2440. Were the police employed in the matter? No.  
 2441. Not in the D'Apice's case? I lent assistance; but the matter was not put into the  
 hands of the police. D'Apice was satisfied as to who was the party, and did not then proceed  
 further as his wife was connected with the suspected person.  
 2442. Was not Mr. Turville one of the parties who had reason to complain? Yes.  
 2443. Was not his name forged? I informed the Inspector General of the conversation  
 about the matter, and found that Mr. Turville was acquainted with the inmates. But I had  
 no instructions from the Inspector General to proceed in the matter; and as D'Apice did not  
 wish the matter to be gone into or made public, I did not take any steps in it.  
 2444. Did you take any steps to convince yourself that the forger in the one case was not  
 the forger in the other? The handwriting does not bear the slightest resemblance. The  
 letters were in the same handwriting as the letter signed "Margaret Dodd" to the *Herald*;  
 there was no disguise. I believe they are all in the same handwriting as the letters of  
 Margaret Dodd.  
 2445. If a person had a mania for writing anonymous letters, and forging names, would he  
 not be likely to do it in one case as well as another? I do not know. There was an instance  
 with regard to these parties. But D'Apice was so far satisfied that he did not wish to proceed  
 further. There is no attempt to make it appear that it was Mr. Turville's handwriting.  
 2446. It was a simple forgery? It merely purported to be from Mr. Turville, commencing  
 by presenting Mr. Turville's compliments.  
 2447. It was not signed by Mr. Turville? No.  
 2448. Are there letters in this case which purport to be written by Mrs. Bentley? Yes.  
 2449. Is it probable she would spell her own Christian name in different ways? I cannot  
 say.  
 2450. Do you think it at all probable? I cannot say.  
 2451. If she signed her name, would she disguise it? If she had an object I cannot say to  
 what extent she might disguise her handwriting or mis-spell her name.  
 2452. *By Mr. Johnson*: Did you, when investigating this case, ascertain the fact that there  
 was a discrepancy in the mode of spelling her Christian name? I cannot recollect whether  
 that was one of the facts I noticed.  
 2453. Can you recollect whether such a circumstance was discovered by yourself when  
 investigating the matter? I cannot recollect.  
 2454. *By Mr. Dalgleish*: Could there be any motive in mis-spelling her Christian name?  
 I cannot tell whether such was the case; I have no recollection of it, nor can I give an  
 opinion as to what her motive could be, or the motive of other parties, if she did not write it.  
 2455. *By the Chairman*: You observe four dots on the letter of Mrs. Bentley—what did they  
 stand for? Lily. When I received that letter I saw that some of the anonymous letters  
 were marked in the same way, with dots.  
 2456. *By Mr. Dalgleish*: How would you spell Lily? I would spell it L-i-l-y.  
 2457. *By Mr. Johnson*: When do you say you first communicated to Captain M'Lerie your  
 convictions of the Bentleys being the authors of these letters? I do not recollect the date.  
 2458. Can you tell by looking at the diary? I do not know that there is an entry upon  
 that point. (*Looking at diary.*) Yes, I told him who I thought the author was, on the  
 1st of May.  
 2459. Was that the first time you stated a conviction or suspicion, with regard to the  
 Bentleys being the authors, to Captain M'Lerie? I think not by this. I told him here that  
 I believed Mr. Bentley to be the author.  
 2460. Can you tell me when you first communicated your suspicions or convictions about  
 the Bentleys to Captain M'Lerie? I cannot say.  
 2461. Was it before the 25th of April, or before the assault? No, not before the assault;  
 it must have been after that.

2462. The entry you speak of is on the 1st of May? Yes.
2463. Did you not communicate your convictions or suspicions to Captain M'Lerie before the 1st of May, as there were only six days between that and the date of the assault? Yes.
2464. Suspicions or convictions? I cannot say which. I have a distinct recollection of having a conversation with Captain M'Lerie about the Bentley case at the time that I suspected Mr. Bentley to be the author, but I do not think I gave him the names of the parties I suspected; but I recollect telling him it was neither Cutolo or Montagu. I afterwards told him that Mr. Bentley was the party I suspected, or was satisfied about, in fact.
2465. You mean that you told him so on the 1st of May? From my recollection I cannot say whether it was on the 1st of May, but it appears in the diary that it was on the 1st of May. It might have been weeks afterwards, as far as my memory serves me.
2466. With the assistance of the journal, you can say whether it was the 1st of May? Yes, I see it was the 1st of May.
2467. It could not have been some other day? No, I do not think it could.
2468. Is it possible? I do not think it is; the entry is to the effect that I told the Inspector General on the 1st of May.
2469. Having that before you, will you undertake to say you did make the communication on the 1st of May? I did.
2470. I want to know whether you will stake your veracity upon its having taken place on the 1st of May? I will, and upon every entry in that book, from first to last.
2471. You say then you had communicated to Captain M'Lerie your suspicions or convictions against the Bentleys prior to that time? I do not say so. I said prior to that time I had a conversation with him about the case, and that I distinctly recollected telling him that Cutolo and Montagu were not the parties, but that I believed I knew who the parties were; but when that conversation took place I did not speak of my suspicions about the Bentleys.
2472. Had you any conversation with Captain M'Lerie on the subject, before the 2nd of May, except the two you have now referred to? I cannot say; we often had conversations about the case.
2473. It is a limited period, from the time of the assault to the time when you made that entry on the 1st of May? I cannot recollect.
2474. Did you, before the 1st of May, communicate your suspicions or convictions against the Bentleys to Captain M'Lerie? I do not know.
2475. Can you not speak positively? No, I do not think I did.
2476. When did you state to him that those previously suspected were not the guilty parties? I cannot recollect the date.
2477. Was it on a Sunday? I cannot say; I had such a conversation with him, but I cannot say when.
2478. I want to fix the time of it? I cannot fix the time from memory. If it appears there (in the diary) I could fix the time by that, but from memory I cannot fix the time of particular occurrences of this kind.
2479. Can you fix it by events—was it after the day of the assault? No; I cannot recollect when the conversation took place, but the full particulars of the conversation I can recollect.
2480. Can you not fix it, I again ask you, by circumstances—as to whether it was before or after certain circumstances happened in connection with the Bentley case? No, the circumstances will not assist me in that matter.
2481. Is your memory so uncertain that you cannot say whether you had that conversation with Captain M'Lerie before or after the assault? I cannot say; my memory is a good one, but it is impossible to remember all these small facts, and fix their dates at sometime back.
2482. Do you not say yourself that the suspicions did not exist in your mind against the Bentleys until the time of the assault? That they did not exist in my mind with regard to Mr. and Mrs. Bentley being the authors of the letters up to the time of the assault, but that I had suspicions of some one in the house being in league or in connection with the affair—or in connection with the Bentleys' themselves, up to the time of the assault at Newtown.
2483. It seems extraordinary that you cannot tell the Committee whether you had this conversation with Captain M'Lerie upon the removal of your suspicions, from those previously suspected, until after the time of the assault or not? I cannot tell you more than I have; that I had a conversation with him to that effect, with regard to the removal of my suspicions from other parties, and with regard to my suspecting parties not before under suspicion, but upon that occasion the name of Mr. Bentley was not mentioned. But I cannot fix the date of that conversation.
2484. When you had come to the conclusion that neither Cutolo nor Montagu were the guilty parties, and had removed all surveillance from them, who did you believe to be the guilty parties? Mr. and Mrs. Bentley.
2485. These two circumstances were contemporaneous, were they not, according to your own statement? I cannot say from my recollection whether or not the surveillance upon Cutolo, Montagu, and St. Juste ceased before I suspected the Bentleys; the watching of them might have ceased before that time.
2486. But did it? I do not know; the returns will shew. I cannot recollect from memory whether such was the case or not.
2487. Can you recollect this as a fact, that when you gave up all efforts to detect Cutolo or Montagu, you had then formed an opinion as to who were the guilty parties? No, I cannot recollect the time.
2488. Whenever it was? I had given instructions to the men to watch Cutolo, Montagu, and

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Sub-Inspector and St. Juste, but I do not recollect when I countermanded the orders with regard to those parties, probably never countermanded the order that they should be under surveillance.

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2489. In your report you make this statement, after detailing Mrs. Bentley's account of the assault:—"I left the house, satisfied that Bentley and no other was the author of the anonymous letters, and the whole affair a fabrication." Now had you at that time come to that clear conviction? Yes, I was then satisfied.

2490. What do you mean by being satisfied? I was then satisfied, and afterwards took steps to put the matter in my mind beyond a doubt, wishing to make myself doubly assured.

2491. Then you say you made some indirect remarks as to the motives for the assault, in order that you might get a letter from Bentley (which you knew he would write next day) confirming the assault, and thus strengthening your suspicions—was that so? Yes, but I cannot recollect what the remarks were; but I probably thought that if his heart did not fail him, I should by this means obtain corroborative evidence, in a letter being written, stating what were the motives for the assault, as she stated that he seized her by the throat.

2492. I ask you, as to the fact, whether you made the remarks referred to? I made some remarks as to the motives for the assault.

2493. *By Mr. Dalgleish*: Did you say he seized her by the throat? In Mrs. Bentley's statement to me, she said the man seized her by the shoulder and pushed her violently, and when she put her hand upon her heart, thrust his hand inside her dress, and said, "Oh! You have got one too, have you?"

2494. You have just said he seized her by the throat? I should have said shoulder.

2495. *By Mr. Johnson*: Whatever remarks you made, were they made for the purpose of inviting a letter confirming the assault? I do not know what was my object in making the remarks; but the idea might have struck me afterwards that, from the conversation that took place, confirmatory evidence might arise. I may have made the remarks on purpose to obtain corroborative evidence, but this was the first thing that gave me a suspicion in the matter. I cannot say from memory whether I thought that corroborative evidence would result from these remarks, or that that was the object of them.

2496. Can you recollect the substance of your report to the Colonial Secretary? Yes, I remember the principal facts in it.

2497. You say—"I left the house satisfied that Bentley and no other was the author of the "anonymous letter, and the whole affair a fabrication. On the strength of this belief, I "again saw Bentley on the same evening, and made some indirect remarks as to the motives "of the assault. I did this for the purpose of confirming my suspicions, and, if correct, I "knew that Bentley would write a letter next day probably detailing the particulars of the "assault, for the purpose of confirming Mrs. Bentley's statement?" I could not know that it would be the case, but I believed that such would be the case.

2498. I want to know whether, according to your statement, you made these remarks under the conviction or with the intention of getting another false letter to confirm Mrs. Bentley's statements? I cannot recollect now what my intentions were. The diary shews the fact at the time pretty clearly; and I have stated how it was copied, and who by.

2499. *By Mr. Dalgleish*: Did you not say that you had not seen the report sent to the Colonial Secretary since you made it? I said I had not read it.

2500. Did you not say you had read it to Mr. Hanson, in order to explain something? Only some portions of it.

2501. *By Mr. Johnson*: Refresh your memory, by looking at the diary, with regard to that date? That being set down as my object in making the remarks, no doubt they were made for that purpose.

2502. Your memory is so constituted that, although refreshed by the entries and the report, you have no independent recollection whether the entries are true? I am certain they are true.

2503. I do not ask you whether they are true, but whether you have an independent recollection as to their being true or otherwise? That this conversation took place?

2504. Yes? Yes.

2505. And of the object? No, from recollection I cannot state the object; but it was no doubt such as is set down.

2506. You say:—"The following afternoon Bentley waited upon the Inspector General with an anonymous letter, confirmatory of the above."—Is that true? Yes, I believe so.

2507. That is confirmed by your journal also—is it not? Yes.

2508. Now, will you say positively it is not false? It is not false.

2509. Is it true? It is true.

2510. Is it true that the following morning you had a long conversation with Captain M'Levie about this case, and informed him that you had discovered the author; that the persons so long suspected were innocent, but that you were not in a position to give him the particulars at the present time? Yes.

2511. Now, tell me what you mean by that time—you were detailing the conversation as to the assault; the confirmatory letter, you say, was taken to Captain M'Levie the following afternoon, and you speak of the following morning as the time when you had this conversation with Captain M'Levie; putting the two dates together, tell me the date of the conversation? The date of the assault was Friday, the 25th. It would therefore appear to be on Sunday. I am frequently with the Inspector General on Sunday morning, and it seems probable that that was the time.

2512. But is this the true sequence of events:—The conversation concerning the assault with Bentley—the arrival of the expected letter—and your conversation with Captain M'Levie—is that the order of these events? I believe so.

2513. If upon your oath would you swear so? Yes, I would swear so. As I have stated before with regard to this matter, I have in the diary carried one day into the other, and an event may have occurred of which the date as entered is not correct. I do not know that it is so in any instance, but there is a possibility that such might be the case. But as regards the contents as they are there, I would swear that they are true. In the dates I have carried two days on to one page, and from one page to the other, and I cannot say but that there might be an error on that account.

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2514. I want to know about the sequence of events—which is first, second, and third? It is as there set down.

2515. Now, had you seen what you call the confirmatory letter as to the assault when you had that interview with Captain M'Lerie? Yes, Mr. Bentley shewed me the letter.

2516. You say:—"The following afternoon Bentley waited upon the Inspector General with an anonymous letter, confirmatory of the above, and the following morning I had a long conversation with Captain M'Lerie"—so that there is only one letter to be talked about? Even with regard to that, I have a remark to make. I do not know whether I was with Captain M'Lerie when Bentley waited upon him, and I do not know that the letter which Bentley shewed him, confirmatory of the above, was the letter I afterwards saw. I was in the office with Captain M'Lerie and Bentley at the time, I believe, but I have no recollection of it. I was aware of the fact, either from being present, or from Bentley's own statement, that he had shewed the letter to Captain M'Lerie.

2517. Have you any recollection of seeing the letter? Yes; the letter confirmatory of the assault at Newtown. But whether that was the letter shewn to Captain M'Lerie or not I cannot say of my own knowledge, because I cannot say that I was present.

2518. But I asked you whether you had seen the letter when you had the conversation with Captain M'Lerie? Yes, I believe I had, but I cannot speak positively of it from memory.

2519. *By the Chairman:* Still you swear to the truth of your diary? Yes.

2520. *By Mr. Johnson:* I have shewn you that before (*letter handed to witness*)—tell me whether you believe that to be the letter we are now speaking of? Yes, I believe that to be the letter, and I believe so from the tenor of it.

2521. And from the handwriting? No, not from the handwriting, nor can I say that was the letter he shewed the Inspector General of Police.

2522. Where did you first see that letter? If that is the letter I do not know whether Bentley did not shew it me in the street. He either met me in the street and shewed it to me, or he shewed it to me at the house.

2523. Did he not meet you in the street in the after part of the day, about 5 o'clock, and say he was going to the office with the letter—did you observe Bentley accost Captain M'Lerie in the street, a short distance from the office, on the day you first saw that letter? I did, but I did not know it was the first day I saw that letter.

2524. But did you not state that you wished to overtake Captain M'Lerie, and after doing so, returned to get from Bentley that letter, and did he not then give it to you? I cannot recollect.

2525. Can you undertake to say that was not the case? I cannot say one way or the other. I have no recollection of being present with Bentley when a letter was shewn to the Inspector General. The Inspector General's memory may not fail him in the matter, but mine does. I am sure I was not present when Bentley shewed the letter to the Inspector General.

2526. At what time in the morning had you this remarkable conversation with Captain M'Lerie? I cannot recollect the date, or when the conversation took place. I have a recollection of a conversation of the kind taking place, but I cannot fix the date let alone the hour of the day.

2527. It might have been you say on a Sunday? Yes, on the Sunday morning perhaps. I frequently see the Inspector General on the Sunday morning and Sunday-evening.

2528. Have you stated as far as your memory serves you all that took place between you and Captain M'Lerie when you had the interview alluded to in your report as occurring on the following morning after the receipt of the letter? I cannot say. Will you allow me to read the conversation that took place. I cannot recollect either the words or the purport of it.

2529. You have no recollection of the conversation or the purport of it? No, I cannot give any further particulars.

2530. Did you at any time describe to Captain M'Lerie the account Mrs. Bentley had given you of the assault? Probably I did, but I have no recollection of doing so, and cannot say whether I did or did not.

2531. Or whether you said anything beyond what you set down in your report? I might have said much more.

2532. I ask you whether you recollect saying more? At the moment I do not.

2533. There is no entry in your journal to the effect of that conversation at all—is there? No, I do not see any.

2534. At what time did you make up the report for the Colonial Secretary? I cannot recollect the date.

2535. I think you will find it entered in your journal—the report was made up shortly before the 11th of June—was it not? (*Diary handed to witness.*) Yes.

2536. How came you to enter the circumstance of that interview with Captain M'Lerie in that report? Because, probably when I made that report the facts were fresher in my memory, but that is some months ago.

2537. You had your diary in your hand I think when you dictated your report to Mr. Ponder? I had.

2538. Then, in point of fact, when you made that report, did you recollect that that interview took place with Captain M'Lerie at the time or in the manner mentioned in it? Yes, or else it would not have been entered in that report.

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2539. Well, did you have any other interview with Captain M'Levie on the subject before the 1st of May? Yes, I have a recollection of a conversation with the Inspector General prior to that time, but I cannot recollect the date. I have a recollection of a conversation having taken place.
2540. Had you three conversations with him then? With regard to this matter—many.
2541. Any between the 25th of April and the 2nd of May? I might have had more. I saw him daily, but how often the Bentley case was the subject of conversation I cannot say. I believe it was on the 1st of May that I stated to the Inspector General that I thought Bentley was the author of the anonymous letters; but prior to that, I recollect having a conversation with him with regard to the case, and that my suspicions were turned from the parties against whom they were at first directed.
2542. Is not that the conversation referred to in that report? I do not know that it is.
2543. Do you recollect more than these two conversations between the 25th of April and the 2nd of May? I cannot fix the dates. I can recollect twenty conversations or more taking place on or about the same time, when my opinion had changed with regard to the authors of the letters. Conversations frequently took place, but I cannot fix the dates.
2544. Can you say whether more than two conversations took place between these two dates? I cannot say.
2545. Did you ever represent that Mrs. Bentley told you that the man seized her by the throat? I might have said so.
2546. Do you recollect saying so? No, but I made the same error just now. I said the man seized her by the throat when I should have said he seized her by the shoulder. She might have said throat at one time and shoulder at another.
2547. Do you recollect any such discrepancy in her statement? No, I have no recollection; I believe shoulder was the word used.
2548. If so, how do you come to have entered in your journal the word throat? I do not know; I believe it was shoulder, but I am not positive now. I believe it was shoulder by what Mrs. Bentley stated, but the shoulder and throat are close together, and I thought it did not make much difference in the assault itself.
2549. Then how do you account for the use in your diary of the term throat, which you believe was not the term used by Mrs. Bentley—you have in your report, which you say was dictated from your diary, the word shoulder, which you say she may have used? In the journal I might have the word throat, but when dictating might have recollected what she said, and have put it shoulder in the report.
2550. Do you recollect that such was the fact when dictating the report? No, I only say probably it was so. I cannot recollect that I noticed that particular fact, or the difference of the two words. It might have been an error on the part of Mr. Ponder, in writing from my dictation, or I might have read shoulder instead of throat. It was, however, altered from the word in the journal, in what way I do not know, and I, not looking over the report afterwards, did not notice it.
2551. You might have read the right word and he have written the wrong one? I might afterwards have been under the impression that shoulder was the correct word, and he might have written the word throat, which I did not think it right to erase.
2552. And the same may be said with regard to the variance between the heart and anchor on the ring? She said it was a gold ring, with a cornelian device either of a heart or anchor; but a remarkable ring, with either the one or the other.
2553. You have been asked a great many times this question, and I do not see that you have answered it—what are the whole of your grounds for suspecting the Bentleys to be the authors of these anonymous letters? A number of great and small facts, conclusive to myself. I think I have stated minutely the whole grounds; indeed I have stated all I can state on that subject.
2554. And you have nothing now, upon reflection, to add to it? Nothing. There may be a number of trifling matters not mentioned in the journal, but which were not trifling at the time, and contributed to lead me to this opinion.
2555. And that are not in your memory? And that are not in my memory.
2556. You had come to this strong opinion as to the conviction in your mind before the time when you say Mrs. Bentley gave a false account of being spoken to by a man at Newtown? That I had a strong belief, and considered the matter satisfactory to my mind about the authors, and that belief was afterwards strengthened.
2557. Then all the steps you took after that strong impression had been made upon your mind, were with the view of obtaining more satisfactory evidence of it? Yes.
2558. Now would not the most satisfactory evidence have been the detecting either of the Bentleys in writing or posting any of these letters? Yes; and I believe I should have been able to do so in time.
2559. Would not that be the most satisfactory proof? Yes, and I should have obtained it.
2560. I ask whether, in your opinion, the most satisfactory evidence to be obtained in support of your suspicion or conviction against either of these parties would not have been detection in writing or posting these letters? It would, and so I expected at the time to be able to do. It was not a matter of a day, or a week, but of months, and no doubt it would have lasted longer until I had brought the evidence to a satisfactory point, had it not been precipitated by the *contretemps* with Mr. Merewether.
2561. Now you say you threw out these remarks on the evening of the assault, in the hope that they would lead to Bentley writing a confirmatory letter as to the assault? Yes.
2562. Now will you state why you did not take the obvious means of detecting him in writing or posting it? I cannot state that, because I do not know what my ideas were at the time—why I did not do so.

2563. *By Mr. Dalgleish*: You watched other people when you had any suspicion that they were writing these letters? I did suspect they would write them at the time I had them watched. Sub-Inspector  
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2564. *By Mr. Johnson*: When two or three of these letters had been received after your strong suspicions were formed, why did you not take means to detect Bentley or his wife in writing or posting them? I do not know whether I was informed at the time that other parties had received letters. 26 Nov., 1862.
2565. Look at that (*letter handed to witness*)—was not that letter received at the time you held these suspicions? Yes; this and some others. If this is really the letter giving particulars of the Newtown assault, it was received on the following day.
2566. That is the expected letter? That I believe to be the same letter. I do not know whether there were any other letters received just at that time.
2567. Did you not say that letter (*letter handed to witness*) was one of those received afterwards? Yes; but I do not recollect when it was received.
2568. Look at the postmarks? They are both the same date.
2569. These two letters both came through the post? Yes, and both bear the same date.
2570. Did you on the night of the concert (the 29th of April, I think,) make some remarks to Bentley with a view to drawing another confirmatory letter, which duly arrived? I cannot recollect; perhaps you will allow me to refer to the diary.
2571. That is in the sixth paragraph of your report—After speaking of the occurrences at the concert on the 29th of April, you say:—"I made some remarks to him that night, for the purpose of drawing another confirmatory letter, which duly arrived"? Yes, that is correct.
2572. Well, did you take any steps to detect Bentley or his wife in writing or posting such a letter? I have no recollection of having done so.
2573. Could it have happened and have escaped your memory? No. As I before stated, I sent Sanderson to watch Bentley. He did go to watch him, but whether he was watching him up to the date when this took place I cannot say; it might have taken place at this time; the entry in that book ought to shew it; but I cannot recollect what step I took. If I had had more assistance at my command I might have made a more satisfactory case of it.
2574. Is it a fact that you never had sufficient assistance to enable you to ascertain whether they wrote or posted these letters? I consider I had sufficient assistance in the first instance, when I had Cutolo, Montagu, and St. Juste under surveillance; but after I was satisfied that Bentley was the author, I thought I could employ the men otherwise more profitably than in watching Bentley. Indeed I let the men attend to other duties, and I did not then keep up such a surveillance as I might have done. If I had had more men to command I should probably have done both.
2575. In what way did you employ the men in regard to the Bentleys, after your suspicion, that they were the authors of these letters, arose? I did not employ them to that effect in any way.
2576. When did they commence to watch Bentley, or cease to watch him? I cannot say.
2577. Who did you say you employed for that purpose? Sanderson was one, and Clark was, I believe, another.
2578. In what way was he employed to watch Bentley? To see if he posted letters.
2579. Did he detect him posting letters? He did not. He informed me that on two occasions Bentley had given him the double in a cab—that he lost him immediately after he left the Club.
2580. Did you employ anyone to watch Mrs. Bentley, to see whether she wrote or posted any letters? No, I did not.
2581. Can you not say how soon after the occurrence of the assault it was that you employed Sanderson to watch Bentley? No, I cannot.
2582. Not within a week? No, I cannot recollect within a week.
2583. Not within a month? Oh, yes. All these particulars were pretty well within the space of a month—from the month of May to the month of June; some time within those periods, but I cannot tell you the date.
2584. Well, is that letter which you speak of as the confirmatory letter, as the events at the concert which you expected to arise, one of the letters referred to? It is one of the letters.
2585. Do you recollect it from the expression "that damned Boulanger's arm"? I believe that is the letter.
2586. Did you take no means to detect the writing or posting of that letter? I do not recollect whether that was the time when I had a party watching Mrs. Bentley in the matter. I had not Mrs. Bentley at all watched with regard to the posting of letters.
2587. Were you not made aware that another letter had been addressed, through the Post Office, to Mr. Plunkett? I was aware of that fact; but I do not know when I became aware of it. It might have been at the time when I had a detective watching Bentley.
2588. Did you take any means to detect the writing or posting of that letter to Mr. Plunkett? I do not know when Mr. Plunkett's letter was received. I believe it was dated the 30th of April, and there were five or six others received within two days previous. There were two on the 30th—two on the 28th of April.
2589. Here is one on May the 9th; that also came through the post? Yes, this is one that was brought to me.
2590. When did you receive that letter? I do not know. I think I received it on the Sunday morning. I do not know what date. That would be, if I recollect rightly, two days after the letter was posted.
2591. When you received that letter with a postmark of May the 9th, you say was on the following Sunday—that was May the 11th—did you examine it sufficiently to ascertain the fact that it had been lying two days for you at the Central Police Office? No; I did not know that fact until I was talking to Mr. Bentley during the night.
2592. After you had shewn it to him? I shewed it to him immediately on going to his house. 2593.

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2593. Did he not discover that the postmark was two days anterior to the receipt of the letter? No, I think it was I who discovered that it bore a postmark of two days previous.
2594. Did not Bentley appear vexed and flurried, and ask you reproachfully why you had not till then brought the letter under his notice, although posted two days before? I do not know whether it was Bentley or myself who made the discovery.
2595. But did you discover the fact before you got to his house? No.
2596. You did not examine it with that degree of care as to observe the postmark? I might have done so, but I do not recollect.
2597. That is what I want to know—whether it is possible you overlooked it—were you not so careless as not to notice what the postmark was? I do not recollect whether I did or not look at the postmark. I know a conversation took place between Bentley and myself, with regard to the date of the postmark being two days previous, and, on afterwards making inquiries, found that it had been lying at the Central Police Office instead of being forwarded to me.
2598. Were you not careless about the postmark? Very likely, as I was not going to the house to act upon it, having a strong impression as to the motives why the letter was sent. My motive in going down to the house in the middle of the night was, that Bentley should not think I suspected him.
2599. Were you not, in fact, so careless with reference to that part of the proceeding as not to look at the date of the postmark? No.
2600. *By the Chairman*: Have you never yourself written any letter to deceive Mr. Bentley in this case? Never.
2601. Nor got it done? Never.
2602. *By Mr. Johnson*: Nor aware of its being done? No. I never wrote an anonymous letter in my life.
2603. *By the Chairman*: Not to yourself? No, not to myself; I have an abhorrence of them.
2604. And you assert you never did write one? I never did; I have a strong objection against writing anonymous letters.
2605. You never wrote one in any instance? In no instance.
2606. *By Mr. Johnson*: Did you also receive that (*letter handed to witness*) through the Post Office? Yes, I did. That was on the night of the concert, when Mr. Merewether refused to hand her to the platform; I shewed it to Mr. Aldis, Mr. Black, and others in the concert room. Mr. Bentley then made some remark as to Mr. Merewether's refusal to hand Mrs. Bentley up to the platform. That letter did not seem to cause him any anxiety; but on the following day I think he remarked that he would rather I did not say anything about shewing the letter. I recollect that was in the conversation I had with Bentley the following day.
2607. *By the Chairman*: You will not deny that you took samples of paper from the Bentleys' house? I never took samples of paper from their house. I have taken some anonymous letters as specimens of the handwriting, and he was then most anxious to get them back again, and got them back, and I afterwards got from him no specimens of the handwriting of the letters, but two or three of the envelopes.
2608. *By Mr. Johnson*: You say Bentley shewed great anxiety about getting back the letters? Yes.
2609. And you imputed his motive to be to destroy them? Yes.
2610. Was not your expectation in that respect fulfilled? No.
2611. *By Mr. Dalgleish*: Did you take any plain paper from the house? Never.
2612. No paper? No.
2613. Nor envelopes Mrs. Bentley had in use? Never.
2614. Did any of your men take any with your knowledge? No, not with my knowledge. You can compare the paper of the anonymous letter with reference to edges, and the marks upon them with samples of paper he had sent to Montagu and elsewhere; but I never brought paper from the house to compare with it.
2615. *By Mr. Johnson*: You mean that some of Bentley's friends had sent to Montagu, not that Bentley had sent himself? He said, I have sent some paper to Montagu, and one night Bentley made the discovery that the edges had the mark on he had made, and Mrs. Bentley said they were not the marks he made. He then said he might have been mistaken. Boulanger was present at the time.
2616. Was not that a proof that they wanted to get evidence of the parties? Boulanger said they were not the marks put on the paper, and Mrs. Bentley said the same.
2617. Did not that appear to be a *bonâ fide* investigation to ascertain the truth as to who sent the letters to them? I believed so at the time.
2618. Look at this letter (*handed to witness*) of May the 28th? This, I believe, was the day of the concert.
2619. That was the last concert? Yes.
2621. Now look at the one to Mr. Wrench? Yes; this is the other letter, which I believe I have seen before.
2621. Did you not see that, after the 25th April, when you say Bentley and none other wrote the letters—That is the eighth that has gone through the post without detection? Yes, all being posted on three different occasions.
2622. You seem to draw some inference from the fact of their being posted only on three occasions? There are six posted on three occasions.
2623. Some on the 28th of April, some on the 28th of May, one on the 9th of May, one on the 27th of May, and two on the 30th of April;—all these letters you have allowed to be written and posted without detection, after you believed Bentley was the writer, and Mrs. Bentley the

the copyist, and you took no means to detect the writing of such letters beyond what you have told us? No. We had Bentley watched about this time. The officer employed in the matter will probably recollect the dates, and what steps they took.

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2624. You say, I think, you had suspicions on the 10th of April? I do not know.

2625. Had you, in fact, suspicions before the time of the assault? I had, that there was some one in the house connected with the matter; and I spoke about the servants, and he assured me they knew nothing about it.

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2626. You believed that to be correct? It is a fact that he told me.

2627. Do you not believe it to be the truth? Yes; I had suspicions of that kind, and mentioned them at the time. Boulanger was aware that I had a suspicion of the kind; but what the suspicions were I cannot tell. I do not think they were directed against Mr. and Mrs. Bentley until the date I have mentioned.

2628. You say in your report:—"On the 10th I withdrew the men from the house, of which fact Bentley was aware. I again had the house watched closely, back and front, so that it was impossible for anyone to gain admittance without being seen by the detectives; of this Bentley was not aware, as I had become suspicious of something wrong from the tenor of one of the letters, which shewed that the writer was aware of the steps taken by the police, although I had used extra precautions."—What is the letter referred to in that paragraph? Some letter which shewed me that they were aware of our movements, but I cannot tell you what letter it was, and I took extra precautions on that account. This is the reason why I suspected some one on the premises; but I did not then suspect Mr. and Mrs. Bentley.

2629. Is that the letter (*handed to witness*) you refer to as having caused the suspicions you mention in your report? I do not know.

2630. What do you mean by that paragraph in your report? I was suspicious that some one in the house, who was aware of our movements, was connected with the affair.

2631. Did that letter create such a suspicion—a letter bearing a postmark of the 24th of March? I do not know.

2632. What was the tenor of the letter which created that suspicion? Some remark made as to their knowing our movements, but I cannot tell you what it was.

2633. Was the letter of the same tenor as the one I have just put into your hands? I cannot give the slightest idea. It was from the tenor of some letter I received; but whether it was that one or not I cannot say.

2634. Did you entertain that suspicion, which you speak of in your report, after the 10th of April, before the accounts of the torn music? No, certainly not.

2635. You had not these suspicions then? No. I recollect making a remark in connection with the torn music. Boulanger and Mr. and Mrs. Bentley were present when I got the letter, and Bentley was searching to find the letter there alluded to. I then made the observation to Bentley, "There must be a conspirator in this house." I made the remark in connection with the servant, and he then assured me positively that they knew nothing about it.

2636. Then, if I understand you rightly, that occurrence took place on the 1st of April? It took place in connection with the torn music.

2637. On the 2nd of April you entertained a suspicion of the servants, having used, as you say you did, the expression that there was a conspirator in the house? The suspicion made no impression on me, because I got shut of it at once when Bentley spoke in the confident manner he did of his servant, and of the possibility of some one getting in by the window. The momentary suspicion was then removed, and did not come back to me again; it might for an instant have flashed across my mind.

2638. How do you account for the singular fact that, whilst there is this entry in your report under date of the 10th of April, there is no entry of these suspicions in your journal on the 2nd, 10th, or 11th? I cannot assign any reason why the suspicion was not entered on the 2nd, but as regards the difference of the dates in the diary and report between the 10th and 11th, I have already told you. I did not make the extract myself. They both allude to the same circumstance, although they do not appear on the same date.

2639. Nor can you now tell me which is the letter referred to as the ground of your suspicion, stated in your report under date of the 10th of April? No.

2640. Can you say it is the letter I put into your hands of the 24th of March? No. It may be that letter; I cannot say it is not, but I should think it is a letter more recently received than that at the time the entry was made.

2641. You speak of having received tickets from Boulanger for the Philharmonic Concert at the time the letter was shewn to Mrs. Bentley—how many tickets did you get? Seven I think; and I returned him three or four I believe. Perhaps three.

2642. Did you not get some tickets from Mr. Aldis for the same concert? No; only from Boulanger.

2643. From no one but Boulanger? No, I think he sent them under cover to the office. And when I returned part of them I think he said you might as well have made use of them. On the occasion of the last concert I obtained tickets from Mr. Aldis.

2644. You said that before that concert you took steps to convict some one? During the time I had the matter in hand I was constantly taking steps to convict some one.

2645. After the date of the alleged assault you took no steps to convict anyone but Mr. and Mrs. Bentley? No; I did not take steps with regard to any others.

2646. You withdrew strict watch from Cutolo and Montagu? Yes; but I say again I do not know whether it was on the day after that the strict watch on Cutolo and Montagu ceased.

2647. Did you not give up all endeavours to convict anyone but the Bentleys from the time of the assault, the 25th of April? I wished to convict all concerned, and at this time I did not

Sub-Inspector not know but that some one else was not concerned. It was the authors of the letters  
C. E. I wished to convict. I took no steps from that time with regard to Cutolo, Montagu, and  
Harrison. St. Juste.

2648. *By Mr. Piddington*: Had you any suspicions against anyone else than the Bentleys at that time? Some parties directed my attention to Mrs. Boulanger, and stated some small circumstances which it was thought would attach some suspicion to her; but I did not think it necessary to look after Mrs. Boulanger.

2649. You do not mean to say that Mr. Bentley ever expressed suspicions to Boulanger of his wife having been the author of these anonymous letters? No, he did not.

2650. *By the Chairman*: Was Mr. Bentley aware that you called his wife Lily—did you ever call her so in his presence? No, I do not recollect doing so.

2651. Is it likely? No, I think not.

2652. *By Mr. Johnson*: Did anyone ever hear you address her by that title? Not to my knowledge; but there may be a good deal heard in that house that I do not know any thing of.

2653. *By the Chairman*: Your familiarity with Mrs. Bentley, according to what you state in your diary, was very great—allow me to ask you, did you ever kiss her or did she ever kiss you? Yes, on several occasions.

FRIDAY, 28 NOVEMBER, 1862.

Present:—

MR. COWPER,	MR. HART,
MR. WILSON,	MR. LEARY,
MR. MORRIS,	MR. PIDDINGTON,
MR. W. FORSTER,	MR. LUCAS,
MR. HOSKINS.	

DANIEL CAMERON DALGLEISH, Esq., IN THE CHAIR.

Mr. R. Johnson appeared as Solicitor for the Petitioners.

Mr. C. E. Harrison called in and further examined:—

Sub-Inspector 2654. *By the Chairman*: Do you know this book? Yes.  
C. E. 2655. What is it? It is the book in which the men make their entries of duties performed  
Harrison. on certain days which are set down.

2656. Do you know anything of any additions having been made to this book since the entries were made by the men? Only where I have marked off special duties that relate to the Bentley case.

2657. You have marked off the special duties yourself? Yes, I marked them off by writing against them the letter "B."

2658. Did you mark them off from your diary? No, from the men themselves. I had them in and got them to point out the special duties there set down, which related to the Bentley case.

2659. Will you look at this entry, dated 25th April—it purports to be signed by Clark, does it not? Yes.

2660. Is that written by Clark? I really cannot say; I expect so.

2661. Who has signed this name? Clark, I imagine.

2662. Is that Clark's signature? That I cannot tell you. I do not know that I know the man's signature.

2663. Would you expect that it should be like his other signatures? Yes, it ought to be.

2664. You think it ought to have a similarity to his other signatures? Certainly.

2665. Is that his signature on the 29th April? I believe so.

2666. Is there any similarity between those two signatures? Well, some of the letters appear different. The "r" appears different.

2667. Do you think that the writing in the body of the entry is the same in each instance? I think so.

2668. Do you observe any peculiarity in the spelling in this entry, which purports to be signed by Clark (entry of the 25th April) and the entry of the 29th April—I refer more particularly to the word "special"—That on the 25th of April is written "speacial," and that on the 29th is spelt correctly "special"—and throughout Clark's entries, with that exception (entry of the 25th) it is spelt in the same way as on the 29th of April. How do you account for it that in this entry which is different apparently from the entries signed and written by Clark, the spelling should be also different? I see that such is the case, but I really cannot give any explanation of it Mr. Chairman. I do not know Clark's signature. I have no doubt often seen it, but I do not know it so as to be able to say positively whether he signed one or other of those entries. But of this I can assure you, that I called the men in when I marked those "B's.," and got them to point me out in the book the special duties which related to the Bentley case; and I put the B's. to them.

2669. Is that the only thing you did to the entries? I —

2670. It is only the other day—you should remember? Only the other day! It is five months ago.

2671. Five months? It is a long time ago. I had forgotten the circumstance until the clerk in the office called my attention to the fact.

2672. It is five months since? It is perhaps not so much as that.

2673.

2673. Well, say four months. It is four months since you caused these "B.'s" to be placed here, relating to the Bentley case? Yes, I called the men in at the time—those in the office, and some of them afterwards, to get them to point out the special duties on which they had been engaged in the Bentley case.
2674. Are these B.'s your writing? They are.
2675. Are these additions to the entries yours:—"in the house of B."? That is mine.
2676. Is it five months since that was written? Yes.
2677. Does not the ink appear as though it had been recently written? I speak to a fact.
2678. And this also, "in the house of B.," is your writing? I do not think I have looked in the book since the entry.
2679. Were these B.'s all made at the same time? In the same afternoon.
2680. Is every entry relating to the Bentleys marked in this peculiar way? I do not know; there may be some afterwards; I cannot recollect. Probably they were engaged in the case after these were marked; probably the last "B." entry will shew when it was. It was only at the one time that this was done.
2681. Is that (*entry of 15th May*) one of your B. entries—"Special duty, watching Mr. B."—is that your writing? Yes.
2682. Is this (*entry of 20th May*) marked B, one of your writing? No.
2683. "Special duty from 12 to a quarter past 3 a.m., at B.'s house in Elizabeth-street."—20th May, 1862, William Clark and John Sanderson similarly employed. Were they employed in this way at that time do you know? I have every reason to believe so.
2684. Is this "B." (*in entry of 28th May*) one of yours? I do not think it —
2685. Here is another entry on the 18th:—"Came on duty at 9 a.m.; special duty watching Mr. B., till 5 p.m." Can you assign any reason to the Committee why some particular entries are marked in relation to the time the detectives were employed in the Bentley case, and why some are not marked at other times? I cannot; I can only speak with regard to those B.'s which I marked there. I looked over the book if I recollect aright, and was in doubt as to whether the men had been engaged in the Bentley case or on some other special duty, and I called the men in and got them to point out which were the special duties relating to the Bentley case.
2686. There is one particular entry here, on the 14th April, 1862:—"Special duty from 7 until 12 midnight"; and then here is another entry:—"In at B.'s house"; and then afterwards what appears to be another entry on another occasion:—"First time." Can you state whether those three entries were made at three different times? I can state positively that I never made an entry or put pen to that book except on the occasion I speak about. I do not say that I was not called out of the room; but they were all made on the same day.
2687. Would you have different ink? That might be possible if I made the first entry in my room and took the matter up afterwards in the office; I can speak positively that only on that day did I make an entry.
2688. Does this appear to be in different ink? "At" and "house" are darker than "B" and "first time."
2689. "First time" appears to be different from the other entry? No, I do not see that it appears to be different; it is of a lighter colour.
2690. Is not a lighter colour a difference? I do not know.
2691. You do not know whether a lighter colour is a difference or not. There is another entry here on the 5th June, which appears to have been altered afterwards—has that been so? I cannot say.
2692. Look at the entry—has that been a "9" altered to a "7"? So it appears.
2693. *By Mr. Wilson*: The last B that I see in this book, purporting to be in your handwriting, is on the 3rd May? Yes.
2694. And they appear to have gone back for several months. What I wish to ask you is this:—How did you get this information from the detectives as to the peculiar special duties they were performing on these particular days—had they any memoranda of their own, shewing what duties they were engaged on? Yes, detective Clark had, and Sanderson had. I believe the memoranda were contained in their pocket-books. They each keep a pocket-book, and I believe the dates and memoranda were given from them; I cannot say with regard to Camphin. I had them in to point out which of those special duties related to the Bentley case, and they told me from their memoranda, and in some instances perhaps from memory.
2695. Did they read the entries in the book before they told you the particular duties they performed on the specified days? Yes, they stood beside me and went through the entries.
2696. Sanderson and Clark kept a diary? I do not know whether they kept a diary; they kept a pocket-book to enter particulars. I cannot say whether they keep it when it is full, or whether they throw it aside.
2697. But they must keep it for a considerable time—for several months—when they could give you all the information you required concerning those entries? They must have had those particulars down, but whether they kept them in their pocket-book, or in any other way, I cannot tell. I know that they referred to memoranda in the matter.
2698. With regard to the special duties of detectives, is there any means in the office of tracing out the particular steps that have been taken by the detective police to elucidate any particular matter? No.
2699. None whatever? No.
2700. *By the Chairman*: Did you state whether these police were in possession of these memoranda? They were in possession of them at that time.
2701. Do you know whether detectives Clark and Sanderson, and others who quoted from memoranda, are in possession of those memoranda now? I cannot tell. Each of the men

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a pocket-book. They are supposed to take down the particulars and description of criminals—who come in here, and who they are likely to meet with in the street—from the *Police Gazette*. They take down such particulars as may be of use to them on such matters as they have inquired about; and they always give me a report of these particulars—not in writing—verbally.

2702. Do you consider that you have a right to review those books in which they keep these reports of crime? No; a man keeps his pocket-book and notes down particulars for his own information. I never make a point, nor have I done, of searching into their pocket-books. It is not a police diary; it is for their own information that they keep this—at least so I have always looked upon it.

2703. Do they never make use of these diaries to refresh their memories in prosecutions and otherwise, on official duties? No; I do not know that I have ever required it.

2704. You required it in this particular instance? Yes; but had they not been able to furnish me with the dates, or point out to me the special duties which related to the Bentley case at the time, I should not have marked it with a "B." Of course I should not have been in possession of the particulars. They will corroborate these facts.

2705. Were the whole of the detectives with you at the same time—were they all in the room with you when you were making these marks? No, probably not; probably they were not all there. There might have been two or three of them there, and then afterwards one by himself—I cannot say.

2706. Then you have made these entries at different times? No, it was at the same time—all the same day—that I made those entries. That was the only time I ever made an entry in the book. I have no recollection of even looking at the special duties which related to the case after that, and I had forgotten the circumstance until I was reminded of it by Mr. M'Martin.

2707. *By Mr. Morris*: Would you just cast your eye over that—(*Entry in detective duty book.*) It purports to be Clark's signature, but it is signed "Clark," not "William Clark." It is in the handwriting of the person who wrote the B.'s—is not that the case? It is possible that I wrote that; I would not be certain. If Clark was present, and I saw there was no signature to the entry, and Clark said, "It is mine," I may have put his name there.

2708. *By the Chairman*: But you would know your own writing? Yes; but this is not my —

2709. This is not yours? It is not my usual style of writing, and I do not recollect the fact; but it is very possible that I did put it there at the time.

2710. *By Mr. Morris*: It does not purport to be Clark's signature? No; until the Chairman called my attention to the manner in which Clark signed his name, I did not know how he was in the habit of signing it. The body of the entry is not mine, that is certain. Here is "William Clark" signed, and here is the signature "Clark." I do not see much difference.

2711. *By the Chairman*: You will find that Clark spells the word "special" properly in every instance, except in this, where the signature is incorrect? Yes.

2712. *By Mr. Wilson*: Just now you stated that the detectives could corroborate many of the statements which you had made. What particular statements did you allude to—what particular facts, or class of facts? With regard to the duties in which they had been employed—the parties they had watched—under what circumstances—the time they had been at the house, and such facts as they may be aware of in connection with the case. I do not know what has passed between them and Mr. Bentley, and what instructions they may have received from him; but as to the duties on which they were employed, they can, I have no doubt, corroborate what I have stated.

2713. *By the Chairman*: Here is an entry dated 27th April. If you will be kind enough to look at it, and explain how not only the figures, but also the time of day, is altered. It appears here to be "8 p.m." The original entry has been "a.m.," and the figure 8 has been altered. Will you explain how the alteration has taken place? I will if I can.

2714. If that erasure should be shewn to correspond with your diary, as altered, and not as in the original, would that be of any importance in this inquiry? I do not know.

2715. Is it not evident that that alteration has taken place? It appears that an alteration has taken place here—no doubt of it; but I cannot give any explanation of it.

2716. Do you think that alteration is in the handwriting of the person who wrote the body? That I do not know. That I cannot say. I do not know whether it is in the handwriting of the party who wrote the body or not.

2717. When I ask you, I do not request you to speak positively; I only ask you if you can form any opinion on the subject? I cannot with regard to those two letters. There has been an erasure there, and a "p" put in. I cannot say whether it is in the handwriting of Sanderson or not, or when the alteration was made. I do not recollect whether it was there when I put the "B" to it.

2718. *By Mr. Johnson*: I want to know, Mr. Harrison, when you went through this diary to make these explanatory emendations? With regard to the report?

2719. In this official book—the detective duty book? When I went through the diary?

2720. No, when did you go through this detective duty book and make these explanatory emendations? Some months ago—several months ago.

2721. Was it before or after you furnished the Colonial Secretary with your report? That I cannot recollect; but you will see the date of the last mark that I put there, and that will probably afford some information; although I do not know, it might have been after that again, because I might have been interrupted in the matter and not have taken it up again. It might have been even after that. The 2nd of May, that is my last.

2722. What do you mean was done on the 2nd of May. I see that this is under date 2nd of

of May? Yes, that is the last mark I have made in the margin of the report, it appears— Sub-Inspector  
the 2nd May. C. E.

2723. Yes, that appears from the book itself; but I want to know when you made that mark? Well, I cannot say. It was some months ago when I made it. It appears that the last is made on the 2nd of May. Harrison.  
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2724. The last *what* is made on the 2nd of May? This in the margin —

2725. Do you mean to say that the B.'s were made on the 2nd of May? No, certainly not; but that is the last mark I made in the book. It is some months ago since they were made; but I cannot tell you the date when I made the marks.

2726. All I can understand from your explanation is that they were not made before the date of the entries in the book? That could not be.

2727. Of course it could not, but that is all your explanation amounts to;—I want to know when, after those dates, these marks were made? After the 2nd of May, yes.

2728. But how long after? There are other entries relating to the Bentley case, not marked by me, whether they were made between that date and the 2nd of May—whether they were made between the 2nd of May and the date of some other entries, or whether I was interrupted in making them I cannot state; but it is some months ago since the entries were made.

2729. Is there no event in connection with this case by which you can fix these entries as occurring before or after it? No. Oh! there is this: Detective Clark has been absent from Sydney for some months, and he was present when they were made; and there is Mr. M'Martin, a clerk in the office, who recollects the entries being made. I do not know that he can give the exact date, but he can speak to about the time.

2730. How do you know that he recollects the entries being made? Because he called my attention to the fact. I had forgotten the circumstance of the entries being made until last Saturday afternoon, when I was asking some questions with regard to the duties the men had been employed on in this case, and making some remark as to whether they had made any entry in the duty book as to any of the facts in connection with their several duties. Mr. M'Martin said there were entries, and that I had marked some of them off. I went back to the book and recollected the circumstance of making the marks in the margin. It had escaped my memory at the time.

2731. What circumstance was it that induced you to call these men up and make these special emendations? Well, I do not know what the motive was, whether it was to see how many times they had been employed in the Bentley case, or what—I do not know.

2732. Cannot you tell;—was it nothing in reference to your diary or report, or any circumstance that made it necessary to call these men at any particular time to make these special additions to this official book? No. I cannot recollect at the moment what it was that induced me to do so; or whether I took the book to make any special remarks in it. I do not recollect it. I might have —

2733. I do not want speculation as to what might or might not have been. Here is an official book with additions to it, in evidently different handwriting, and you say you cannot tell how you came to have them made? I cannot tell with regard to the writing in the book. I can only speak with regard to what I wrote there myself, and I have told you about the time I wrote it and why I wrote it; but what my motive was at the time for marking off these special duties on which the men had been employed I cannot recollect.

2734. You have no recollection of any reason for adopting such an extraordinary course as making these alterations in an official record? I do not see any alterations. There are no alterations at all.

2735. You do not see any alterations? No. There is the marking off of such special duties as relate to the Bentley case.

2736. Tell me when the first of, what I call special emendations, appears there? On the 21st March—Friday.

2737. It could not be much earlier than that—you only took it in hand at that date? Somewhere thereabouts.

2738. Looking at the entry on the 29th March, signed "William Clark"—tell me if the words "watching house" are not an addition to the original entry? Yes—that is in my writing.

2739. That is in your writing? Yes. It is an addition, but it is not an alteration, because I asked Clark and entered it here: "Came on duty at 9 a.m.—special duty." I asked him what duty, and he said "inside the house" or "watching the house"—and I put down "watching house."

2740. You draw a distinction between altering an entry and adding to it? Yes. The man was present at the time this was done.

2741. I will modify my question. Do you mean to say that you cannot recollect what circumstance it was that induced you to go through this official book, and make additions to it which were not there at the time the entries were made? It was probably for my own information.

2742. Cannot you say? I cannot, from memory, say what my motive was.

2743. Or what the occasion was which led you to do it? Nor the occasion which led me to do it. Probably to facilitate reference to the duty book—to know which of the entries for special duty referred to the Bentley case, and which to matters relating to other cases.

2744. I want to know if you cannot state that so remarkable a thing as this was the cause of some particular event, or some idea that struck your own mind? I cannot state that it was.

2745. Did you ever do such a thing with respect to any other entries in this official book? I have no recollection of having done so. There may be marks made by me in other parts of the book, but I do not remember to have made them.

- Sub-Inspector C. E. Harrison.  
28 Nov., 1862.
2746. Did you ever go through the book, with the detectives, in reference to any other matter than the Bentleys, in order to supplement the entries? I have never before had a case of the kind.
2747. I did not ask you that. Did you ever do it? Not to my knowledge. I may have gone through some other cases in which I which I have been employed.
2748. Can you refer to any other instance where the entries have been supplemented in the same way as they have been supplemented in the Bentley case? No, I cannot.
2749. I see that on the 2nd April, there is an addition—"watching M"—is that in your handwriting? All those. I have looked at them. They are all in my handwriting.
2750. This "watching M" is in your handwriting? Yes.
2751. There is a similar entry on the 3rd April. I observe that you never took the precaution of getting the officers themselves to initial these additions? I had no object in doing it.
2752. I am not asking whether you had any object or not. You did not? No, I never thought it was necessary.
2753. Is your memory clear that either Sanderson or Clark, or both of them, had pocket-books with them, containing memoranda of any description, when you made these additions? I believe that they both had memoranda with them. I believe they both had memoranda.
2754. That is not an answer to my question? Sanderson had.
2755. You are sure that Sanderson had a pocket-book or memoranda? Yes.
2756. Which? I cannot say.
2757. He had one or the other? Yes.
2758. Well, had Clark? I believe Clark had.
2759. You are not certain of that? I am not certain, but I believe he had.
2760. What do you believe he had, a pocket-book or a memorandum? I cannot say which. It might have been a memorandum in his pocket-book. Whether he took his pocket-book or some memoranda from his pocket I cannot tell.
2761. Or did he give you the information simply from memory? No, Clark and Sanderson, if I recollect right, had memoranda. Camphin, I think, took part of it from memory. I do not think he had any memoranda. Sanderson had.
2762. Were they all three together when these additions were made? I cannot say. I cannot recollect whether they were all in together, or whether two were in together first, and one afterwards.
2763. Or only one at a time? They were not in one at a time, because I called them in when they were in the office. How many of them were there I cannot say.
2764. It never occurred to you that there was only one? There might have been a time when there was only one in the room. Some of the others might have gone out and left one there. I will not say that they were all present during the whole time I made these entries.
2765. That is what I am asking. Were these entries made when only one man was present? They might have been; I have no recollection of the fact.
2766. Why did you not make some record in the book, of the fact of making these additions when they were made? For what purpose?
2767. I ask you that question? I do not know. I did not think it necessary.
2768. Have you any entry in your diary, of your having called these men to come and supplement their entries in this book, or to allow you to supplement them? Not that I am aware of.
2769. In point of official routine, is it open to you to take this official record and make additions to it—are you at liberty to do that as a matter of official regulation? I never received any instructions to the contrary.
2770. And you think it is within the scope of your duty to go to this official book and to supplement the entries, without any instruction from your superior officer? Providing that supplement gives some further information in reference to the duties of the men employed, and that it is correct—yes.
2771. You think it is within your own discretion to decide as to the propriety and correctness of doing it, and then to do it? I consider it in my own discretion.
2772. Then this book which appears in its present shape now, if produced at a future day, according to this system, may have many additional entries made in it? I did not know that it was to be produced at a future day; it is not kept for that purpose.
2773. What is it kept for? It is simply a book kept by the men themselves. I do not look in the book myself for a month together. It is kept to note down what business they have been employed in during the day, or whether they have been out of town or in town.
2774. *By the Chairman*: Is it an official book, or is it at their option to sign it? They are supposed to make an entry in it every day.
2775. What do these marginal notes—"cautioned not to do so again"—mean, if it is not an official book? It is an official book to that extent.
2776. And consequently it is liable to be produced when called for for any official purpose? Certainly.
2777. *By Mr. Johnson*: Look at this entry on the 15th April:—"In at B.'s house—2nd"—Is that in your handwriting? It is.
2778. Has not the figure 2 been altered from the figure 1? I cannot say. It looks as if it had been.
2779. It purports to be a record that the detective Camphin was in the Bentleys' house for the second time, but it appears to have been altered from the figure 1, which would have made it appear that he was in for the first time. Who made that alteration? I did. The entry is mine.
2780. Who made the alteration? I cannot say.

2781. You say that word 2nd, as it appears now, was an entry you made from the dictation of Camphin? Yes, unless somebody has altered it since, and that I do not think is very probable. Sub-Inspector  
C. E.  
Harrison.
2782. I am not asking you about probabilities. Can you recollect yourself whether that alteration was made by you? The entry is mine. The alteration I believe to be mine too. I cannot say about anybody having altered it since. If the alteration — 28 Nov., 1862.
2783. I decline to take probabilities? I cannot from memory speak to the fact whether it was put down a 1 and altered to a 2; but the alteration, if made by me, was made at the time I made the entry.
2784. Will you undertake to say that the alteration was made by you? What?
2785. The figure 2 as it stands now? I believe it was made by me.
2786. Will you undertake to say that it was? No, I cannot. I believe that it was made by me, and that it was made at the time the entry was made. I cannot speak positively as to whether the alteration has been made since or not. I do not believe it has. I believe it was made by me at the time.
2787. Mine is a simple question—whether you will undertake to say that the alteration was made by you at all? I believe it was.
2788. Will you say it was? No, but I would not say that it was not.
2789. Cannot you tell? There is not sufficient character in the figure to say whether it was written at the time or since.
2790. *By Mr. Hart*: Is it your figure? I believe it was.
2791. *By Mr. Johnson*: Do you recollect making it? No, I do not recollect the circumstance. It might have been that I wrote "2", Camphin and Sanderson being present, and Camphin might have said that it was the first time in Bentley's house.
2792. You were asked before about this entry of the 27th April, in which the figure "8" is evidently an alteration, and the letter "p" also—can you give any information as to when those alterations were made, and by whom? I cannot.
2793. Can you say whether they existed in that state before you made the addition in the same entry—"in the house of B."? I cannot say.
2794. I see that a good many of these entries are of a general character; as for instance—"Came on duty at 8 p.m.—Special duty to 12 at midnight.—John Sanderson, Detective Constable." You add the words—"in the house of B." I see on the 29th April (one of the entries in which you have put B. in the margin) a similar general entry:—"Night duty at 12 o'clock, midnight. On special duty until 6 $\frac{3}{4}$  a.m." You do not put any explanation as to what the duty was. How does it occur that you do it in the one case and not in another? I cannot say. Whose signature is it?
2795. William Clark. I cannot say whether it is often or not; but I see that in several instances the same thing occurs. In some instances entries have no explanation, and in other instances they have. Can you state how that occurs? I cannot.
2796. Had you your own diary with you when you made those additions to the original entries in the detective duty book? I have no recollection of it.
2797. When you say that all those additions were made at the same time, do you mean to declare that they were all made in one day? I do.
2798. And you cannot give the Committee any further information as to what day that was? I cannot.
2799. You cannot say within a week? No.
2800. Or a month? No; I know it is a long time ago—months ago.
2801. You cannot say whether it is within a week or a month? No.
2802. Or whether it was before or after you furnished the Colonial Secretary with your report? No, I cannot.
2803. Or before or after Mr. Bentley's letter appeared in the papers—can you tell that? I cannot.
2804. Or its connection with any other event in the case? No, only simply what I have said—that Detective Clark, who has for some months been up the country, was present when the alteration was made. That may give you pretty near the time.
2805. You cannot recollect yourself what was the object or purpose of doing it—what impelled you to do it? Simply, I believe, for my own information as to what men had been employed in the Bentley case, and to mark down the dates when they had been employed. I do not recollect having any other motive at the time.
2806. But what was the object of obtaining that information at the time you did obtain it? There might have been no object in it. I cannot recollect having had any object at all. No doubt I had some reason for doing it, or I should not have done it.
2807. When did Clark leave to go up the country? I do not know. The records in the office will shew when he left. I cannot recollect myself.
2808. Were the entries made before he went up the country, or after he returned—these additions I mean? Before he went up the country this last time. He had been up the country before.
2809. Yes; you speak of his going up the country —? I mean this last time.
2810. You speak of his going up the country, as in some degree fixing the time when these additions were made? It was before he went up; he is not down now.
2811. It was before he went up the country upon an occasion on which he is still absent? Yes. You will find where his entries cease for his daily duties in that book; but there is a record in the office of the time he went away.
2812. *By the Chairman*: Did you not say to the Committee that Clark and Sanderson were both within call? No; Camphin and Sanderson are—not Clark. Clark and Cairns are both up the country, and have been for months.

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2813. How many months has Clark been up the country? I cannot say; but more than three months.
2814. *By Mr Johnson*: How long was it before Clark went up the country on the last occasion? That I cannot tell; I do not know.
2815. Does a detective have to make some entry every day when he is in town? Yes, he ought to do so; I believe he does.
2816. It does not appear to be so by this book? A man might be at Parramatta or Campbelltown, or somewhere there, and not be back on the same day again.
2817. Did he make an entry in the book when he went away? No, I do not think he would do that.
2818. I see an entry of Clark's here on the 19th July; Clark was there then apparently? Yes.
2819. And the nearest point you can state is when these entries were made? Yes, during the time Clark was in town. I cannot say how long before he went away.
2820. You cannot say at all how long it was before? No; but some of the men who were called in at the time may recollect; they may have some memoranda to that effect. I do not know.
2821. I wish you to tell me—referring to this book, your diary, and resorting to any other means you may have of refreshing your memory—the duties of yourself and any of the detectives in reference to the Bentley case, on the 21st April. I will assist you as much as I can. If I recollect rightly, it was Easter Monday. That is the week during which you say Mr. Bentley told you you need not go to Newtown? That was the week he told me I need not send an officer.
2822. They say it was the week on which they told you you need not go on the Tuesday? Yes.
2823. Now you understand the day. I want you to tell me particularly every duty performed by you or your detectives on that day—day or night? There is one entry made here by Clark of his having been employed in the City until 1 o'clock noon.
2824. I do not want to read that now. Look at that book, and look at your journal, and refresh your memory in every possible way, and tell us all the duties performed in reference to the Bentley case on that day? I cannot, either from my diary, or from the duty book, tell what steps were taken on that day with reference to the matter. I have no record of it.
2825. Can you tell from memory; that is one of the remarkable epochs? No. Here is a record that I went to Bentley's house, and that Mrs. Bentley gave me some information. I do not see anything there; I cannot recollect. Clark appears to have been the only man employed in the Bentley case that night. It was a very busy day; many of the men were down at Manly Beach, and engaged in other ways. Even, according to Clark's shewing, it does not appear that he had any duty on hand in connection with the Bentley case during the day, but only from half-past 6 in the evening until midnight, or 1 o'clock in the morning.
2826. Did not you tell Mr. Bentley, upon the occasion of the discussion as to the second entry into the house, that the house had been watched from dusk until daylight? I have no recollection of telling Mr. Bentley so.
2827. Can you undertake to say whether you did or not? I cannot. I have no recollection of saying so to Mr. Bentley, and the duty book does not shew that such was the case.
2828. Having all those means of information—your own diary, that book (*the detective duty book*), and your own memory—will you undertake to swear that you did not tell Mr. Bentley that the house had been watched from dusk to daylight? No, I would not say positively that I did not tell Mr. Bentley so; but I have no recollection of having told him so, nor do I think I did.
2829. But you would not say that you did not? I will not say positively that I did not, because I have no recollection upon the subject.
2830. Can you point to the first entry in the book when Mr. Bentley was watched by any detective? I see one on the 28th May, but I want to see if there are any earlier ones. Yes, here is one on the 15th May.
2831. Is that the first? I do not know. I do not see any before that in which Mr. Bentley's name is mentioned.
2832. How many entries are there of Mr. Bentley having been watched at all—just give me the dates, if you please? There is the 15th.
2833. I will trouble you just to state the entries;—on the 15th May what is the entry? "Came on duty at 9 a.m.—special duty—watching Mr. B. till 5 p.m.—night duty at 9 p.m., " and patrolled the City until 12 midnight, in company with Detective Camphin. John " Sanderson, detective constable."
2834. What is the next? I see they are marked with a "B," but I do not know whether they are all marked. Here is another entry—watching Mr. Bentley.
2835. What is the date of that? Thursday, 29th May:—"Came on duty at 9 a.m.—special duty—watching Mr. B. until 5 p.m."
2836. Is there one on the 28th? There is one on the 28th.
2837. *By the Chairman*: Are there not two on the 29th? There is only one marked.
2838. *By Mr. Johnson*: You told the Committee that one of these detectives, who was set to watch Mr. Bentley, informed you that he had given him what you call a "double," by getting into a cab? Yes.
2839. Who was it told you that? Sanderson.
2840. Did he tell you that at the time you were going through the detective police duty-book? He gave it me the same evening—the first time I saw him, when he reported himself.

2841. Is that circumstance recorded in that book, when he speaks of watching him "from 9 a.m. to 5 p.m.,"—is it recorded that he did not watch during any part of that time? It is not.
2842. Do you recollect Mr. Bentley being watched;—do you know that you gave directions to watch Mr. Bentley on more than two occasions? I cannot say; I do not recollect.
2843. Was it on the first or the last of those occasions that Sanderson gave you the information about the cab? That I cannot recollect. The book shews twice. I cannot recollect how often they watched, or how long they watched, or whether Camphin himself watched them. Independently of other duty they may have watched without my knowledge. I cannot recollect giving the instructions with regard to Mr. Bentley.
2844. Then you are not aware that you ever gave instructions to watch Mr. Bentley? Yes, I gave instructions, but I cannot recollect the particulars of the instructions I gave. I recollect giving instructions—
2845. Once, or more than once? That I cannot say from memory.
2846. Or from anything else? No, I cannot recollect. I know that Sanderson reported to me with regard to Mr. Bentley giving him the double in a cab, but whether that was on one occasion or more, I cannot say.
2847. *By the Chairman*: Did you not state to the Committee that Mr. Bentley was in the habit of giving them the double, by jumping into a cab and driving off? Yes, I used those words.
2848. *By Mr. Johnson*: In the habit? Yes.
2849. *By the Chairman*: You said it was impossible to watch Mr. Bentley, because he was in the habit of jumping into a cab and driving off? I do not think I said it was impossible to watch Mr. Bentley. I received information from the party set to watch him that Mr. Bentley had done so.
2850. Do you recollect Friday, the 2nd of May, which you say was the time Sanderson told you no one had spoken to Mrs. Bentley, as you say she represented—do you recollect that day? I do not recollect the day. I recollect him telling me so. I recollect my questioning him after I received the statement from Mrs. Bentley. I questioned Sanderson particularly about it—whether such a thing could have happened, but what date it was I cannot tell.
2851. Was any other detective employed that day in reference to the Bentley case? I am not aware that there was. The man—I sent a man up.
2852. I think you have stated quite the contrary, if I recollect? On that day—I do not recollect.
2853. I want to know whether some other detective than Sanderson was not employed on the Bentley case on that one day? I cannot say from memory.
2854. Can you say by looking at your diary or this book? I have sent another officer part of the way out, and I have met her myself to act as an escort from the 'bus to the gate. I cannot tell you who the officer was I sent up.
2855. Was not Camphin employed that day in the Bentley case? I do not know.
2856. Do not you remember—Is not that a rather remarkable night in connection with the Bentley affair—Did not Camphin come down to you at the Victoria Theatre that night with Mr. Bentley? I do not know.
2857. Look at your diary? No, I do not see it.
2858. Can you say whether Camphin was employed on that day or not? I cannot.
2859. Do you not recollect the circumstance of Camphin coming with Mr. Bentley, and calling you out of the Victoria Theatre, and all three of you getting into a cab? Yes, I do recollect on one occasion Mr. Bentley coming down at night to the theatre, but I do not remember whether it was Camphin that was with him. They came down and called me out of the theatre. I do not recollect the date, nor do I know what it was for—whether it was the receipt of a letter, or what.
2860. Was it not about some information that Mr. Montagu had been seen posting a letter? I do not know. I cannot recollect whether it was that Mr. Montagu had been seen posting a letter; it was something about a letter. I cannot recollect the particulars, nor can I recollect the date when it occurred.
2861. Did not you on that same night tell Mr. Bentley that you must have some of the anonymous letters, to compare with the letters you would have examined at that post the next morning? Yes, I recollect telling Mr. Bentley so. I recollect Mr. Bentley giving me some envelopes, to compare the handwriting with the letters posted; but I do not know whether it was on that occasion.
2862. You remember going in a cab from the theatre—do you not? Yes, I recollect going in a cab from the theatre.
2863. Was not that in reference to some information to the effect that Montagu was supposed to have posted a letter—did not you drive to the supposed post? I have no recollection of it.
2864. And then going to Bentley's and saying you must have some of the anonymous letters, to compare in the morning with the letters taken out of that post? That is possible.
2865. Don't you recollect it? Not as occurring as you state. I recollect Mr. Bentley coming to the theatre, and me going away with him in a cab; but I do not think it is likely —
2866. I am not asking you what is or what is not likely? I do not think it is likely that we should go to the post in a cab. I recollect going to the Bentleys' house and obtaining some envelopes, to compare with some of the letters that were to be taken out of the pillar.
2867. You do not mean to say—to compare with letters that *had been* taken out, but that were *to be* taken out? Yes; but whether that was on the occasion of Mr. Bentley coming to the theatre in a cab I cannot say.
2868. You cannot say one way or the other, but you recollect the circumstance happening? I do.
- 2869.

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2869. And the following day the letters from that particular post were examined, were they?  
I cannot say.
2870. You have given a good deal of evidence about it—you were asked a great many questions about examining letters taken out of the post—was there more than one occasion?  
No, that only occurred, to my knowledge, on one occasion; but I cannot say that that was the time when Mr. Bentley came and fetched me from the theatre in a cab.
2871. So you have said—I want to bring out some other circumstances? I got envelopes from Mr. Bentley, to compare with some letters to be taken out of one of the pillars on the following morning.
2872. And you compared them with the letters taken out of the pillar on the following morning? I do not know whether I got the envelopes the over night.
2873. What time in the morning were the letters taken out of the post? I do not know.
2874. Do not they take them out early? I believe, about 7 o'clock.
2875. Of course you would go to the first opening of the post, or your visit would be useless? I did not go at all.
2876. Who did go? Clark, I believe.
2877. Whoever it was, he would go to the first opening of the post, as a matter of course? Yes.
2878. Now, can you say whether you got the letters over night or in the morning when the opening took place—It is a very odd thing you should not remember: you would have to get them at 6 in the morning? I did not get them the same morning; I was not there. Whether I got them over night, or the middle of the day previous, or on the day before, I cannot ascertain.
2879. Have you any entry in your diary when you did get the letters, for the purpose of comparing with the letters to be taken from the post? I do not know whether there is such an entry in the diary.
2880. And do you really mean to say, Mr. Harrison, that you cannot recollect whether you got the anonymous letters, for the purpose of comparing with the letters to be got out of the Post Office on some particular morning, a night before, or a day before, or whether a day intervened? No, I will not be positive whether I did or not.
2881. *By the Chairman*: Have you made a single entry in your diary, from beginning to end, that would assist you in identifying the anonymous letters, or assist you from circumstances to form any conclusion on the Bentley case? No, I am not aware that I have.
2882. Then of what value is this diary in relation to the Bentley case? It is not with my consent that the diary is here at all; I never thought it would be here. I should never have used it if the Bentleys —
2883. That is not what I asked you? I cannot say that the diary is of any use in the matter.
2884. And yet you rely entirely on that diary as to the facts of the case, and entirely on that diary for the conclusion to which you have arrived? The conclusion to which I have arrived—yes. Whether those conclusions are satisfactory to others, I do not know. To my own mind they are satisfactory enough.
2885. *By Mr. Hart*: Have you taken any steps, by comparison of handwriting, to detect the author of these anonymous letters? Yes, I have compared the anonymous letters with numbers of different handwritings.
2886. Did you ask for the assistance of any persons who were skilled in handwritings, to enable you to come to a just conclusion? Yes, but they were not examined by any one, with the exception of the Inspector General, and Mr. Young, of the English and Scottish Bank.
2887. Those were the only persons—the Inspector General and Mr. Young? Those were the only persons that I am aware of. I do not know who the Inspector General may have got to examine them.
2888. I am only asking you what you know yourself? Those are the only persons I consulted in reference to the matter.
2889. Do you not think it would have been advisable to have consulted more persons than those you have mentioned? Yes, I think it would have been advisable.
2890. *By Mr. Leary*: You stated, Mr. Harrison, I believe, at a former meeting of the Committee, that you had frequently kissed Mrs. Bentley? Yes.
2891. Will you state the day that you kissed Mrs. Bentley on the first occasion? I cannot.
2892. Just think for a moment—I consider it a matter of great importance? It was after the Philharmonic concert.
2893. *By Mr. Johnson*: Which Philharmonic concert? The first one—the concert where the man was.
2894. How long was that after your first interview with Mrs. Bentley. I believe you stated it was in March? In March; the concert was on the 29th April.
2895. Then was it a few days after this concert, or the day after, that you kissed Mrs. Bentley? I cannot recollect.
2896. Cannot you recollect about the time—was it a week, or a fortnight, or a month? Oh! no, it was very soon after this concert.
2897. You have stated, I think, in your evidence, the day when you arrived at the conclusion that Mrs. Bentley was a guilty party in this transaction? Yes.
2898. Will you now state again the date? It was on the—it was at Newtown.
2899. Yes? —
2900. *By Mr. Morris*: The assault was on the 25th April; the particular circumstance, when Sanderson was lying in concealment, was on the 2nd May? It was the night of the assault that I came to the conclusion that Mrs. Bentley was a guilty party.

2901. *By Mr. Leary*: That was on the 25th of April? Yes.
2902. Can you remember whether it was before you came to that conclusion, or afterwards, that you kissed Mrs. Bentley? It was afterwards.
2903. Did you inform Captain M'Leerie that you had kissed her? No.
2904. Did it not appear an obvious duty, on your part, to tell your superior officer that Mrs. Bentley had allowed you to take this extraordinary liberty? I did not think it part of my duty at the time to do so.
2905. I ask you now, as a man of discrimination, as a man of the world—would not that fact of Mrs. Bentley allowing you to kiss her, or put your arm round her waist, be sufficient evidence to warrant you in informing Captain M'Leerie, or to take steps yourself to stay any further inquiry? I did not think that was sufficient. I do not think that would have been a sufficient explanation of the mystery going on with regard to the anonymous persecution.
2906. Was it not sufficient to shew that Mrs. Bentley's character was anything but proper? It might have shewn that, but I do not think it would have shewn who were the authors of the letters.
2907. Would it not create a strong impression in your mind against Mrs. Bentley? It did.
2908. And you say you never informed your superior officer of such an extraordinary proceeding? I did not. I wished to unravel the Bentley case, and then to lay the circumstances before him. I did not wish it to come to Mr. Bentley's ears or to Mrs. Bentley's ears, that I entertained any suspicion of them. I had a very difficult game to play, and that was my motive for keeping the matter secret. I could have had plenty of corroborative evidence on the matter, if that had been required.
2909. *By Mr. Johnson*: But you do not happen to have any? I have not, for the reasons I have stated. I did not inform the Inspector General, or any one, of the circumstances connected with this matter.
2910. *By the Chairman*: Did you inform Mrs. Harrison? I did.
2911. *By Mr. Hart*: Did you tell Mr. Curtis—as stated in the depositions of Mr. and Mrs. Bentley—that you did not believe the statements of Mr. and Mrs. Bentley? Mr. Curtis, the undertaker?
2912. Did you tell Mr. Curtis that? No, I did not. I would make a remark about Curtis, in regard to this matter. Mr. Bentley told me that Aldis had been informed by Mr. Curtis that I had spread a report that the Bentleys were the authors of the letters. Mr. Aldis wished me to call upon Mr. Curtis. I called upon him (Curtis), and he said Aldis was an old fool—that he had never said anything of the sort. Curtis asked me about the Bentley case, and I told him, "time would shew," without throwing any suspicion on the Bentleys or anybody else.
2913. *By Mr. Leary*: You have had a very large experience as Inspector of Detectives? Yes.
2914. Will you state to the Committee, that if a married woman, and the mother of a family, holding a respectable position in society (as Mrs. Bentley was supposed to do), and on only a few weeks' acquaintance, would permit you to take these extraordinary liberties with her, you would believe her character or testimony of any value in a matter of this kind? I know the opinion I formed at the time.
2915. I want to know what that opinion was? That opinion was against both Mr. and Mrs. Bentley, because I believed Mr. Bentley to be cognisant of all the facts.
2916. *By the Chairman*: And that Mr. Bentley was willing that you should seduce his wife? I did not go to such an extent.
2917. How far did you go—you have gone as far as kissing—did you go any further? I have gone no further.
2918. You have not taken any liberty of any kind, except that? No.
2919. You have not tickled Mrs. Bentley? I had my arm round her waist; I do not know whether it tickled her or not. Mrs. Bentley can perhaps answer that question best.
2920. You have not, by any action of yours, taken any greater liberty with Mrs. Bentley than kissing her? I have already said so.
2921. Say it again? No.
2922. *By Mr. Johnson*: You say you do not go the length of saying that you thought Mr. Bentley desired that you should seduce his wife; but do you go the length of saying that he desired she should so act towards you as to appear to be so desirous? I do not know how I can well answer that question. The only answer I can give to that is, that I believe this was a course of conduct that Mr. Bentley had marked out for his wife and himself, in the matter, with regard to myself, and that of course Mr. Bentley was aware of the fact. To what extent Mr. Bentley wanted to let it go I cannot form an opinion.
2923. Do you mean a course of conduct by which she was to appear to you to be a woman ready to be seduced? I do not believe Mrs. Bentley would have committed adultery, or that that was the intention or idea on the part of Mr. and Mrs. Bentley.
2924. *By Mr. Leary*: You do not believe she would commit adultery? I do not believe that was the intent.
2925. When she kissed you, did you believe that? No, I believed she was playing a part.
2926. I do not think he has stated before that Mrs. Bentley kissed him—did she? She did.
2927. *By the Chairman*: Do you wish the Committee to believe that you could sit together—you with your arm round her waist, and look into her eyes, and she looking into your eyes with her "dreamy eyes"—she kissing you and you kissing her—and yet that you wished to go no further—Is that seduction or not? I did not go further, nor did I wish to go further, or had any intention of doing so.
2928. Do you wish us to believe that you, a man, sitting with a lady—mutually kissing each other—with your arm round her waist—she calling you "dearest Charley," and you calling her "dearest Lily," and other endearments—do you wish us to believe

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- Sub-Inspector that under these circumstances there was on your part no intention or wish to go further?  
C. E. I do not think the fact is correct.  
Harrison. 2929. Are these facts not in your diary? The facts are, but not the bright picture you have drawn.
- 28 Nov., 1862. 2930. Are they pictures, in fact? I have already stated, and I cannot state more—that no further did take place—that I do not believe Mrs. Bentley had any intention for a moment to go further, nor Mr. Bentley either. I cannot state what the inference might be: I state facts.
2931. Do you state that the picture is brighter than the reality;—is it not a detail of facts as given by your diary and in your evidence—is it or is it not? That the picture you have drawn really took place?
2932. Yes? I cannot say that it did take place all at one particular time.
2933. Do you mean to say that you put your arm round her waist at one time, that you kissed her at another, and that at a third time you took other familiarities? I have said nothing about further familiarities.
2934. *By Mr. Leary*: Was it when you were kissing Mrs. Bentley or putting your arm round her waist—or subsequently to those events—that you arrived at the conclusion that Mrs. Bentley was playing a part in this matter? Prior to this.
2935. Do you mean on the occasion when you were kissing her? Before that. I had come to this conclusion before that.
2936. Before she kissed you? Yes, nights before.
2937. Will you tell the Committee why you came to that conclusion—that Mrs. Bentley kissed you for the particular object she had in view—will you explain why you thought so? My diary records the first suspicion I had. From Mrs. Bentley's manner—from what I noticed—I thought she was playing a part and had some object in it, from the way in which she conducted herself.
2938. Did you feel quite sure? I was not positive of it. I felt satisfied of it, and I wished to assure myself of the fact.
2939. Was it necessary, to assure yourself of the fact, that you should kiss Mrs. Bentley very frequently? Not to assure myself of that one fact; but I got mixed up in the matter, and could not get back from it. I was obliged to carry out the farce to the end—if I may so call it.
2940. *By the Chairman*: You got into the habit of kissing? I do not know that I can say that.
2941. I wanted to know whether you would say so? Oh!
2942. *By Mr. Wilson*: I think, in a previous part of your evidence, you have stated that after your suspicions were aroused as to the Bentleys being the guilty parties, you formed plans to detect them? Yes.
2943. Now, was one of the plans you formed with the view of detecting the Bentleys, the carrying on of an intrigue, as stated in your diary? That was one of the plans. I can hardly call it a plan. That was one of the ideas I had at the time, with regard to the detection of it—falling into Mr. and Mrs. Bentley's views in this matter.
2944. Falling into their views or supposed views in this matter? Their supposed views.
2945. Allow me to put it to you in other words: Your plan was simply to seduce the affections of Mrs. Bentley, with the view of getting her to divulge to you all she knew of the matter? No, that was not my intention; I had no idea of seducing Mrs. Bentley.
2946. I said—seduce “the affections” of Mrs. Bentley? Oh! I had no idea, nor have I at the present moment any idea that Mrs. Bentley's affections were ever engaged.
2947. *By Mr. Leary*: What was your object? To take advantage of circumstances as they might occur.
2948. *By Mr. Wilson*: What I want to know is this—if you had the object of seducing the affections of Mrs. Bentley, with the view of getting her to divulge what she knew on the subject? I cannot say that that was one of my plans. I cannot recollect—circumstances came so thick, and of such a strange nature, that I cannot really say I had formed any definite plan with regard to any particular.
2949. On the 1st May I find this entry: “It is a dangerous game to carry on an intrigue with her, but I must do it, or seem to do so, and we shall see who wins the odd trick”—Will you explain to me what you mean by this “dangerous game”? I did consider it a dangerous game.
2950. What was it you considered a dangerous game? Not knowing, in regard to Mr. Bentley, what his object was in leaving his wife constantly with me, and throwing her into my way, and me being alone with her in the middle of the night—I did consider it a dangerous game, sitting with my arm round her waist—that for his own purpose he might turn the tables on myself.
2951. Did she ask you to put your arms round her waist? No.
2952. Then your putting your arm round her waist was not part of the Bentleys' plan; it must have been a part of your own? I cannot recollect how it came about.
2953. But still it was part of your intrigue that you were carrying on? Yes.
2954. Then the only object you could have had in this intrigue, as you express it, on the 1st May, according to your own shewing, must have been to gain the affections of Mrs. Bentley? Oh! no, certainly not.
2955. Now tell me what the intrigue consisted in? In reality it was not an intrigue.
2956. Well, what was it? Mrs. Bentley was—I did not believe but what Mrs. Bentley was playing a part, and that she had no intention of carrying on a serious intrigue—that it was done by Mr. and Mrs. Bentley for their own purposes to—
2957. That is not an answer to my question; take your book and read the entry, and tell me?

me? The entries here are facts, but they do not tell what my thoughts were as to the Bentleys' intentions.

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2958. What were your intentions? I cannot recollect.

2959. The answer I wish to get is, what was the meaning of your entering into this dangerous game, and carrying on an intrigue with the Bentleys—I want to know what you meant? I believed at the time that Mr. and Mrs. Bentley wished to turn me to their own use for some particular purpose, and that Mr. Bentley had adopted this plan of throwing Mrs. Bentley into my way. I wanted to know what was the object to be gained, and I fell into their views. With regard to any intention of winning Mrs. Bentley's affections, I had no idea on the subject, and had no intention of doing so.

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2960. You say you fell into their views—how do you know they were their views? I cannot say; I could only judge from what was occurring, but I formed that opinion at the time.

2961. Did Mrs. Bentley kiss you before you kissed her? That I cannot say—perhaps not; I do not think it likely.

2962. Was kissing a part of Mrs. Bentley's plan, apparently? I cannot say.

2963. Was it a part of your own plan? That I cannot say. I do not know what answer to make to such a question.

2964. You formed a plan, and you cannot tell the Committee what that plan was? No, I cannot.

2965. Did you report these transactions to your superior officer? I did not.

2966. Supposing you had distinct proof that your suspicions with regard to the Bentleys were true, do you think it was your duty, as an officer of the Government, to lend yourself to such things for any purpose whatever? The matter was put into my hands —

2967. I want an answer to my question, and I'll have it? I did not think it was my duty.

2968. You confess that you have done wrong in this matter? No, I do not think I have done wrong.

2969. Do you say you think you did not do wrong in the matter? I thought it part of my duty to do so. My own private opinion is that I did not do wrong in acting as I did act.

2970. Supposing your superior officer had asked you, at this time, what steps you were taking with a view of eliciting this matter—would you then have stated that the steps you were taking was carrying on an intrigue with Mrs. Bentley? Yes, I believe I would have told him.

2971. Would you have told your superior officer that you were kissing Mrs. Bentley? No, perhaps not.

2972. Then you do not think there is any wrong in doing an act, in your public capacity, that you would be ashamed to tell your superior officer? The act might be a wrong one, but still I might tell it; it would be for him to object to it.

2973. I think you stated to me, in answer to a previous question, that you would not have told him so? I might not have told him so; I cannot tell whether I would have told him, or whether I would not.

2974. Do you think there is any danger to the morals of the community, from Government officers thinking it their duty, in their public capacity, to take improper liberties with any females? Do I think there is any danger to public morality?

2975. Yes; is it conducive to public morality? No, I do not think it is.

2976. *By Mr. Leary*: Have you, in a verbal statement to Captain M'Lerie, given a general account of what you did in this matter of the Bentley investigation? Yes, a verbal account.

2977. Have you given an account on one occasion, or on frequent occasions, to Captain M'Lerie, of what you had done in the matter—you entered into particulars, I presume? No.

2978. Did you never enter into any particulars as to what time of the night you were at Bentley's, or what you observed? Yes, frequently.

2979. Up to the time of your last examination, did you inform Captain M'Lerie or Mr. Cowper of your having kissed Mrs. Bentley, or of having taken any liberties with her? Up to the time of my last examination?

2980. Yes, yesterday, or the examination when you stated that you had kissed Mrs. Bentley—prior to that time had you told either Captain M'Lerie or Mr. Cowper? No.

2981. In conversations you have had with Captain M'Lerie about the Bentleys, have you not entered into particulars about what the detectives had done under you? Yes.

2982. You have entered into particulars generally, concerning anything you thought of importance? But nothing in relation to Mrs. Bentley.

2983. And do you mean to say that you did not consider this an important matter? I did think it —

2984. That a married woman would allow such a thing? I did.

2985. But you did not think it of sufficient importance to tell your superior officer, and ask his judgment? I did not do so.

2986. *By Mr. Hart*: Is it not entered in your diary? It is.\*

2987. Had not Captain M'Lerie an opportunity of looking into it? Yes.

2988. *By Mr. Leary*: Does not Captain M'Lerie receive periodical accounts from the inspectors of the ordinary police, shewing what they have done during the day? From day to day.

2989. Are you called upon to give an account of what has been done? Every morning I see him and give him an account.

2990. Of what you have done, and any important steps that have been taken? Yes, but not the particulars.

2991.

\* NOTE (by Short-hand Writer):—On this question being read to witness, subsequently, he replied, "It is not."

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2991. Did not you consider this a very important matter? Yes, and had it been in the ordinary course of duty —
2992. Is not this the fact,—that you were ashamed to tell Captain M'Lerie a matter of this kind? No, that was not my motive for keeping the facts from him. With regard to the matters that had led to the conclusion I had come to in connection with Mrs. Bentley, and that, although perfectly satisfactory to me, I did not know how they might be satisfactory to other parties; and I wished to have some satisfactory proof of the matter, other than those facts we are speaking of now, before I laid the matter before Captain M'Lerie.
2993. From your knowledge of Captain M'Lerie, as your superior officer, I ask you now, do you believe that if you had informed him that you had kissed Mrs. Bentley, and had taken other liberties with her, he would have approved of that course? I think he would have objected to it.
2994. And still you would continue a line of conduct you consider your superior officer would condemn? I did not think of the matter before.
2995. You never gave it a thought? No; it never suggested itself to me.
2996. Do you mean to say that never suggested itself to you, and caused you not to tell Captain M'Lerie this? That was not the reason why I did not tell him. I have assigned the reason why I did not tell him.
2997. *By Mr. Wilson:* Was it inherent shame? I had no shame in the matter.
2998. No shame? No, I considered the —
2999. *By Mr. Leary:* You stated that there was a particular plan you were attempting to try, and that that was the cause of your taking these liberties? Yes.
3000. You have stated that this kind of proceedings would not conduce to morality? Not as a general rule, certainly not.
3001. Do you think if you had had criminal intercourse with Mrs. Bentley, that would have been correct, if it had accorded with your plan, or had been of any service to you? That is a matter which concerns myself; I would not go so far.
3002. You would not go so far? No; nor do I think Mrs. Bentley entertained any idea of the kind. I feel assured she did not.
3003. *By the Chairman:* Captain M'Lerie demanded of you, at that date, how you knew that Mrs. Bentley was the author of those anonymous letters—read the entry yourself to the Committee? “Started the men off to the races at Randwick, and then had a long interview with Captain M'Lerie; he mentioned the Bentley case, and I told him who the author was. I know he will be secret; but another reason was because I believed Bentley to be playing some deep game, which I have not as yet fathomed. He may be *laying a trap*, *baiting it* with his wife, for the purpose of inveigling me, and using it against me the moment he finds *I know the truth*. It is a dangerous game to carry on an intrigue with her; but I must do it, or seem to do so, and we shall see who wins the odd trick.”
3004. You see at this time you had not made up your mind whether Bentley was playing a deep game with you or not, and yet you say you had kissed his wife prior to that? I do not. I cannot recollect when I kissed her.
3005. *By Mr. Leary:* You have several detectives under you, of whom, I presume, you have a high opinion? Yes.
3006. If you were to have sent any one of these detectives to have investigated this matter, instead of going yourself, and he had informed you that he had done exactly as you have stated you have done, what would have been your opinion of such a proceeding? I should have told him to desist from it.
3007. You would have condemned it in strong terms? I would have condemned the act, although I might not have condemned the object.
3008. *By the Chairman:* Will you be kind enough to fix the day, as near as you can, when you first did kiss Mrs. Bentley? Here is a date, the 1st April.
3009. Had you kissed Mrs. Bentley then, do you think? I cannot say.
3010. Look on to the next date, and see if there is any particular time when you must be able to fix the date when you have done so—you said it was immediately after the concert? It was soon after the concert.
3011. Was it the same night? No.
3012. Nor the night after the concert? Not for several nights. It was not the night of the concert. It was several nights afterwards, I believe, but I cannot fix the date.
3013. *By Mr. Morris:* Do you not think it was on the first occasion you sat with your arm round her waist, for some hours, on the sofa? That is probably the first occasion.
3014. That was on the 1st of April, was it not? No; it does not say anything about me having my arm round her waist on that occasion, but simply about our sitting on the sofa.
3015. On the 1st May you sat on the sofa with Mrs. Bentley until 2 o'clock in the morning—is it likely that you kissed Mrs. Bentley on that occasion? I cannot say; I might have done.
3016. Do you not remember the first occasion when you did kiss Mrs. Bentley? I do not.
3017. Was there anything that led to it? I cannot say.
3018. Do you mean to say that you will not say? I cannot recollect, Mr. Chairman.
3019. I only want to know whether you *can* or *won't*? I cannot recollect. It was one of those occasions probably; I cannot say which.
3020. Could you fix a time up to which you had not done so? —
3021. Could you say that up to that time, at any rate, you had done so? No, I will not say that up to Friday, the 2nd May, I had done so.
3022. On the 3rd May you say—“Will the end justify the means I am employing?” &c.—Was kissing one of the means you were employing? I do not know.

3023. Really it will turn out that you cannot say whether you kissed her at all—Did you kiss her when you stayed till 1 o'clock in the morning? I cannot say more than I have said already; I cannot fix the particular date when I first kissed her.
3024. Have you any particular reason for not wishing to fix it? I have no reason; had I not been compelled to answer the question I should not have answered it at all.
3025. But having answered it? I cannot say more than I have said in reference to the matter; I cannot fix the time.
3026. On the 10th May you have made this entry (before you went to Mrs. Bentley's at all)—“I went to Bentley's, determined to see to what length I could go with Mrs. Bentley”? Yes, I explained that yesterday fully.
3027. Just explain it again? Mr. Chairman, I believe you put a misconception upon the words here written.
3028. Read it, so that the Committee may put their construction on it? “I this evening (10th) went down to the Bentleys earlier than usual, determined to push matters with Mrs. Bentley, and satisfy myself to what extent I could go with her.”
3029. What does that mean? I have already explained that I thought perhaps Mrs. Bentley would acknowledge the fraud in this case. I had led the conversation on several occasions to it, and I intended to push the matter closer, to see whether there was any possibility of Mrs. Bentley acknowledging that herself or they were the parties.
3030. Did not you say, in answer to a question put a short time since by one of the Members of the Committee, that you were not endeavouring to gain Mrs. Bentley's affections, in order to obtain a confession from her? I was not endeavouring to gain her affections for that purpose; I was not endeavouring to gain her affections at all.
3031. What do you endeavour to do with a lady when you kiss her and put your arm round her waist—if you are not trying to gain her affections, what are you trying to gain? Under ordinary circumstances it might be so, but this was an extraordinary case.
3032. Was there anything to fix the circumstances as extraordinary in any other person's mind than your own? I —
3033. *By Mr. Hart:* Was the course you adopted towards Mrs. Bentley one which would, in your opinion, allow the events to work themselves out, so that you could then form a judgment yourself upon the case? It was.
3034. And if you had any object in the course you took, I presume that was the one? That was the object.

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Mr. John Sanderson called in and examined:—

3035. *By the Chairman:* What are you? I am a detective constable.
3036. How long have you been in the detective force? Since the 1st March last.
3037. Are you in the habit of making a record of the duties in which you are daily engaged? I put it in the book.
3038. In the duty book? In the book for special duty—apprehensions or whatever it may be.
3039. When you enter special duty, are you in the habit of stating what that duty is? Not on all occasions.
3040. On some occasions? Yes, on some occasions.
3041. Have you a good memory? Yes.
3042. Could your memory carry you back to events which have occurred on days long distant, on which you have been engaged on special duty? Yes.
3043. Have you any knowledge of any alterations made in this special duty book? Not that I am aware of.
3044. Were you ever called up by your superior officer, in order to give a detailed account of events in connection with any particular duties upon which you had been engaged, other than on the days on which the entries were made? No.
3045. Such a thing has never occurred? No; I gave it direct to Mr. Harrison.
3046. And you have never been present on such an occasion as that to which I have referred? No.
3047. Have any additions been made to the duty book? Not that I am aware of.
3048. Were you ever called up specially to give information which would afford data to make those alterations? No.
3049. If any such statement has been made, it must be a false statement? I am not aware that I have ever been called up; I used to go daily on certain occasions.
3050. If anything of this kind had occurred, you would be sure to remember it, seeing it is a matter out of the usual course of duty;—if you were called up to explain with regard to transactions long past—with regard to the Bentley case—you would remember it? I would.
3051. And such a thing has not occurred? No.
3052. *By Mr. Wilson:* Do you keep a diary or a journal of your transactions? No.
3053. You do not? Not unless I go out of town, and then I always make a memorandum, such as going to Paddington or Newtown. I note it down.
3054. Were you ever requested, by any of your superior officers, to give them information from your private notes, to make alterations or additions, or additions to the special duty book? If I was out on duty I used to make a note of it.
3055. You perhaps misunderstand me. You have no notes as to particular town duty at all—you keep no private notes? No.
3056. Consequently, if it has been stated here that you were requested to give certain information from your private notes, with the view of making additions to previous entries in the detective duty book, that statement is incorrect? Yes.

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3057. If I were to ask you what duty you were on, on the 13th April, 1862, do you think you could give me an answer from memory? I believe I was watching Bentley's house, either from Castlereagh-street or Elizabeth-street, on that day.
3058. Have you anything to assist you in fixing your memory on that particular day—is there anything you can go by other than your memory? No.
3059. Do you remember the time? I think that was the first time I was engaged about the house.
3060. Would you be inside the house or outside the house? I believe I was outside the house on that occasion.
3061. Do you think you would be likely to remember if you were inside the house or outside? I would.
3062. Do you know if you were engaged, on the 12th April, in watching Bentley's house—can you state from memory? I will not positively state—I did not make any note of it; but I think it was the 12th and 13th too.
3063. Would you be liable to be confused if you were asked whether you were inside on the 12th and outside on the 13th, or outside on the 12th and inside on the 13th? I know I was outside on the 13th; I will not say positively about the 12th.
3064. Would you be in Elizabeth-street, do you think, if you were outside? It was either Elizabeth-street or Castlereagh-street. There were two engaged at that time; one was in Elizabeth-street, and the other in Castlereagh-street; we changed and changed about.
3065. You are sure you were never called up, to furnish information as to when you were inside and when you were outside? Yes.
3066. *By Mr. Leary:* You stated that each day when you were doing town duty you reported to Mr. Harrison what took place, and that then he entered in that book what you had stated? Yes, he used to do so. The duty I was on he used to enter in a small memorandum-book of his own. That is about the size of it (*diary before the Committee*), but I will not swear that that is the book.
3067. Had you anything to do with that book afterwards? Never.
3068. Used Mr. Harrison to enter from that book into the detective duty book? He used to have that book; I will not swear what he wrote in it.
3069. Did you ever enter anything in the duty book? Yes; I used to put—"on special duty."
3070. *By Mr. Johnson:* The question is, whether you wrote yourself in the official duty book? When I was engaged in the Bentley case I used to enter in the duty book.
3071. *By Mr. Wilson:* Was not that in the returns? No, in the book.
3072. Did you make all the entries in the book on that date, as far as you yourself were concerned, or did you just enter "special duty"? Special duty.
3073. *By Mr. Johnson:* We want to know whether the entry which bore your signature in the official book was written by you or not? It was written by myself.
3074. *By the Chairman:* But you say that Inspector Harrison took from you statements by word of mouth, and entered them in a book kept by himself—a private book? Yes.
3075. About the size of that book (*diary*)? About that size.
3076. And he entered these every day when you gave your report? Yes.
3077. You are sure he entered these every day when you gave in your report? He had the book before him, and used to write in it.
3078. He had the book before him, and made entries as you dictated? Yes.
3079. *By Mr. Johnson:* Were you ever called up on any occasion, either alone or jointly with Clark and Camphin, or either of them, to go through the entries about the Bentley case, and to tell Mr. Harrison what were the special duties you had performed? No; I was called on one occasion with Camphin, but not with Clark, to know if all those entries were correct.
3080. When was that? It was during the time the business was going on, in the month of May.
3081. In the month of May you were called up? Yes, with Camphin.
3082. But not with Clark? No.
3083. Was Clark present on the occasion? No.
3084. Where did it take place? In the detective office.
3085. What was done? Nothing was done; Mr. Harrison asked me if all those entries which appeared in the book as my special duties were correct as to the dates.
3086. Did he ask you what were the special duties you performed, and write down from your dictation what that duty was? The notes B were down previously. He asked me if they were correct, and if they were the dates when I was at Mr. Bentley's house.
3087. Did you, at the time he asked the questions, dictate to him what were the special duties you had performed, and did he write any addition to what you stated yourself? It was written down already. He asked me if all those which appeared in the book were correct, and I said they were.
3088. *By the Chairman:* Was any of the writing in any other handwriting? No.
3089. No additions were made to your original writing? No, except the "B's."
3090. Was anything added to the entries which were originally in your own handwriting, except the B's in the margin? Nothing but the B's, or "Mr. Bentley's house," it might be; or sometimes "outside," or "in Bentley's house." I was ordered not to tell any person where I was employed, and so I put "special duty," and nothing else.
3091. I want to know if Mr. Harrison asked you what the special duties were that you performed on those occasions, and then wrote down from your dictation the exact special duty you had to perform? I do not think he wrote it down at the time he asked me.
3092. Was it written down before? It was written down before.

3093. Are you aware whether additions to your own entries had been made before he asked you the questions? At the time. He took the book and asked me if I had been employed at such a time, and he used to mark off B in the book. Mr. John Sanderson.
3094. I want to know when the additional entries were made in any of your handwriting? 28 Nov., 1862.  
Regularly every day he used to call me into his room and ask me where I was employed, and mark the B.
3095. Then all those B's were not made on one occasion? No.
3096. But day by day, as the occurrences took place? Yes.
3097. You were asked while the matter was fresh in your memory? I stated that it was correct as it stood in the book.
3098. *By the Chairman*: When you appeared before Mr. Harrison in the morning, he asked you whether the statement you had entered in the book was correct, and put the B to it—that is your meaning? Yes.
3099. You are sure there is no other meaning? I am sure there is no other meaning.
3100. And that you were never requested to give a long detailed account of what had occurred for months previous? Yes.
3101. There is no misunderstanding in reference to this matter? No, there is no misunderstanding. I recollect the day I commenced.
3102. *By Mr. Johnson*: Then if it has been stated that all those "B's" written there were made on one day, and that all the additions to the entries against which the B's are placed were made on that day, is it the truth or not? They were not all made on one day.
3103. They were made on as many days as there are entries? Yes; I used to go in every day. If he had gone home that night, I used to go in first thing in the morning, and tell him if anything had happened. He used to have a small book, about that size (*the diary*), and dot it down. When I came from Newtown I used to tell him if anything had happened.
3104. *By Mr. Hart*: Did Mr. Harrison take the book at any time, and commencing from the 21st March, go through the whole of the entries, and make any additions or alterations relative to the special duty you had been upon on any one occasion? From the commencement to the finishing?
3105. Yes? Not that I am aware of.
3106. *By the Chairman*: You must have been aware of it if it had occurred? If it had been done in my presence I should be aware of it.
3107. *By Mr. Johnson*: Did you on any occasion give him any particulars in reference to the Bentley case running over a great number of days? No, except as I say, he looked over the book and saw the different B's; but it was at the same time.
3108. That B was written on the day you made the original entry? He used to call me in every day. He had a small book, and when I came from Newtown I used to report myself, and he would ask me what had occurred—if anyone had stopped Mrs. Bentley on the road.
3109. And you did not keep notes of what occurred, except you were on duty out of town, such as at Newtown? No.
3110. What did you keep? I kept the dates.
3111. In what? In a pocket-book.
3112. Have you got it with you? Yes. (*Pocket-book produced.*)
3113. *By the Chairman*: Is that the book in which you used to insert remarks relative to your duty? Yes; sometimes I would make memorandums.
3114. Is it anything of a private nature? Some of it is, sir.
3115. *By Mr. Johnson*: It is so far a public thing that it is the foundation from which you occasionally give your reports? I do not make all reports from this book. Private affairs we put in —
3116. I am only asking you about those entries you make when on duty as a detective out of town, such as at Newtown? Yes.
3117. Do you put down the nature of the special duty you perform in Sydney? No.
3118. You have no memoranda at all of those? No.
3119. Did you keep any paper or memorandum of any description, except that little book? I have a paper at home. Every time I was employed in the Bentley case I used to mark the dates.
3120. Nothing further? No, nothing further. The first day I went to Newtown was on the 11th April.
3121. Was that a Tuesday or a Friday? The next day was on the 13th April.
3122. *By Mr. Morris*: Was that at Newtown? Yes.
3123. *By Mr. Johnson*: Are you sure that is right—the 13th April? Oh! the 15th.
3124. And on the 19th? No, sir, the 29th April, and the week following I asked Inspector Harrison whether I should go.
3125. *By Mr. Morris*: For what purpose? To watch Mrs. Bentley.
3126. Did Mrs. Bentley go, on the 29th April, to Newtown? Yes.
3127. Can you remember if that was the day on which a concert was held in the evening? I will not positively say. I do not know. I did not make a memorandum.
3128. But were you not employed in York-street? I was only at a concert on one occasion.
3129. The 29th? And then I did not go with Mrs. Bentley, but I went in at the back, in Clarence-street.
3130. *By Mr. Hart*: Have you any entry in your book, of being present at the concert? No; I went down Clarence-street, to be present if required.
3131. Are you positive that you were at Newtown on the 29th? I am.
3132. *By Mr. Johnson*: Will you proceed, and state when else you went to Newtown? On the 2nd May, on the 6th May, on the 9th May, on the 13th May, on the 16th May, on the 23rd May, on the 30th May, and on the 3rd June.

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3133. Is that all? Those are all the dates on which I was at Newtown.
3134. Have you any entries in that book about the Bentley case, excepting what you have stated? No.
3135. Those are the total instances? Yes, excepting the date I went to the post office, but that was the day when I went to watch a letter.
3136. What was the date? The 21st March.
3137. Where did you go? On Friday, 21st—H B letter.
3138. That was to watch the post? Yes, on Friday, Saturday, and Tuesday. On Tuesday it was fetched.
3139. Have you any other entries on the Bentley case? No, I did not make any other entries.
3140. The entries you have not here are on a sheet of paper? Yes, which I have at home.
3141. That contains merely the dates of the days you were on duty in the Bentley case, without any further particulars? Yes.
3142. *By the Chairman*: Were the entries made on that sheet of paper at one time, or day after day, as the circumstances occurred? Yes, day after day.
3143. *By Mr. Johnson*: I want to ask you a question about the 2nd May. Are you aware of any one else going to Newtown on that day with Mrs. Bentley? Mr. Harrison went on one day, but I cannot tell what day it was. He told me he was going to Newtown, but he did not tell me he was coming out; but he did come out, and he asked me if I saw any person speak to Mrs. Bentley on that day.
3144. *By Mr. Morris*: When did he ask you that? On the same day. I said, yes, I saw yourself.
3145. How long after was it? It was in the after part of the day, between 3 and 4 o'clock.
3146. *By Mr. Johnson*: You are quite sure of that? Yes.
3147. *By the Chairman*: You said you saw himself? Yes, it was the only day I did see him out at Newtown. I told him when I came back.
3148. How was Mr. Harrison dressed on that occasion? I will not swear positively.
3149. Was he disguised? No, he was dressed as he is in his usual routine duty—as he goes into the street. He had on a plain dress.
3150. Is that all Mr. Harrison asked you about the occurrence of the 2nd May? Yes.
3151. At any time? Yes.
3152. All he ever asked you about it was whether you had seen anybody, and you told him that you had seen him speak to Mrs. Bentley? Yes—if it was the 2nd May.
3153. Did he ever on any other day ask you if you had seen anybody? Yes; and I said “no” on one occasion. He said, the day after—“Are you sure no one spoke to Mrs. Bentley and stopped her?” and I said—“Yes, I am sure.” He said—“Did Mrs. Bentley stop at any place?” I said “Yes.” I said—“I told you on the first occasion that she stopped to button her glove, but I am certain that no one stopped her on that occasion.”
3154. But I want to learn in reference to the occasion. I put it as the 2nd May, but you seem to identify it with the occasion when Mr. Harrison went to Newtown? He went on one occasion, but I do not know the date.
3155. But upon that occasion he asked you, about 3 or 4 o'clock on that day, whether you had seen anybody speak to Mrs. Bentley? Yes, the day he was out himself.
3156. It was not the next day, but that day? Yes; I desired to see him when I came home, and tell him.
3157. Did Mr. Harrison go out with Mrs. Bentley to Newtown on any other occasion than that? Not to my knowledge.
3158. *By Mr. Morris*: Who on that occasion escorted Mrs. Bentley from Mr. Josephson's gate to the omnibus—on that occasion when you were concealed in the bush? No one escorted her from the gate to the 'bus. Mr. Harrison escorted her on one occasion, but there was no other person.
3159. But who escorted her from the gate to the 'bus? No one.
3160. *By the Chairman*: You never saw Mr. Harrison with Mrs. Bentley except on one occasion? No.
3161. *By Mr. Morris*: Did you shew yourself to Mrs. Bentley on this occasion? No; I lay in the scrub. Sometimes I used to go in a red shirt, with a bundle under my arm, and lay in the scrub.
3162. *By Mr. Johnson*: I want you to be quite certain whether it was on the day that Mr. Harrison escorted her from the 'bus to the gate, that he asked you whether anyone had accosted Mrs. Bentley? I do not think it was on that day; I think it was on some other day.
3163. When he did not go? When he did not go.
3164. Are you sure? I am not exactly sure, but I think it was on another occasion.
3165. Was it the same day he asked you the question the first time—the day you were watching? No, it was the following day. He asked me if anyone stopped Mrs. Bentley before she left Josephson's gate. I think on that occasion I did not see him at the office when I arrived back.
3166. *By the Chairman*: On what occasion was it that you stated that you had seen Mr. Harrison speaking to Mrs. Bentley, in answer to a question put to you by Mr. Harrison? I do not know what date it was, but he accompanied her from the 'bus. He walked on the right hand side of her. She walked on the left. He went up to Josephson's gate, and he asked me, when I came back, if I saw anyone speak to Mrs. Bentley, and I said—“I saw yourself.” He said—“Did you see me?”
3167. Was Mr. Harrison walking with Mrs. Bentley in a familiar manner? No.

3168. There was no familiarity? No, they walked just the same as any respectable persons would walk along the street. Mr. John Sanderson.
3169. It was on that occasion that Mr. Harrison asked you if you had seen anyone accost Mrs. Bentley? Yes, he asked me if I had seen anyone speak to Mrs. Bentley on that day. 28 Nov., 1862.
3170. And you are sure that is the only day Mr. Harrison was at Newtown when Mrs. Bentley was there? I am sure as far as this—on the days I went there.
3171. I only ask you about those days? I am sure of it.
3172. Was any other person employed to watch Mrs. Bentley at Newtown beside yourself? Yes.
3173. Who? Camphin; but he never used to leave the neighbourhood where the 'bus stopped.
3174. Were you both employed at the same day at times? He went on two or three occasions—I will not say which. It was after the time Mr. Harrison asked me if anyone had stopped Mrs. Bentley previous to her leaving Mr. Josephson's gate. Camphin was ordered to stop near the 'bus. He was told to see if she went towards Cook's River. Camphin never went towards Mr. Josephson's premises; I always took that part.
3175. So that you were the only persons who watched Mrs. Bentley near Mr. Josephson's premises? Yes.
3176. *By Mr. Morris*: Were you or any other of the detectives ever placed in such a position in Mr. Bentley's house that you could overhear the conversation that went on between Mr. and Mrs. Bentley? Well, we might have been, if we had listened; but I never listened for myself. They might have heard some words.
3177. Where were you—in the loft? I never was in the loft, except I put my head through on one occasion.
3178. Are you aware whether any of the detectives ever were concealed in the loft? Not to my knowledge.
3179. Or in Mr. and Mrs. Bentley's bed-room, or the nursery, without their knowledge? I never was.
3180. Do you know if any of the detectives were? No, I do not know.
3181. *By the Chairman*: Have you heard if anyone was? No. I was up-stairs on one occasion. I was ordered to examine the loft and see if anyone was in the bed-rooms, and I said there was no one.
3182. Did you examine the loft? There was no person there, and the trap-door was correct, and I immediately returned.
3183. Were you stationed in any one particular part of the house when you were inside Bentley's house? Yes.
3184. What part? In the back room, near the fire-place, in the corner.
3185. What do you call the back room? There are two rooms on the ground floor—the dining-room in front, and the other.
3186. *By Mr. Morris*: Opens into the back verandah? Yes.
3187. *By the Chairman*: Do you recollect the occasion of the music being torn in Bentley's house? Yes; but I was not there.
3188. Did you hear of the door being forced? I was told that it was.
3189. Did you ever look? It was always fast when I went. I was not there on that occasion. Camphin was there on that occasion, and Mr. Bentley made some remark to him about the door.
3190. With regard to these B.'s—have you had any conversation with Mr. Harrison respecting these B.'s lately? No.
3191. They have not been mentioned at all? No.
3192. Have you had any conversation respecting these entries with anyone within these last few weeks? No, I have not.
3193. And you are perfectly convinced now, on reflection, that these B.'s in the margin, such as this (*B. indicated*), were placed there at the time you gave in your account of what had occurred the day previous? Yes.
3194. That is exactly how it was placed—Mr. Harrison put the "B." there? Yes, and he used to write down in a small book.
3195. And this he did day after day when you made your report? Yes, he would call for this book.
3196. Who would he call? The clerks, sometimes.
3197. And when you had described the work, he placed this B. there, if it was connected with the Bentley case? Yes.
3198. *By Mr. Morris*: And he continued to do so until the end of the Bentley case? Yes.
3199. *By Mr. Johnson*: Day by day? Yes.
3200. *By the Chairman*: To the end of the case? Yes.
3201. Did he never omit to put it there? No, he called for the book regularly.
3202. Do you see this entry:—"Inside B.'s house"—on the 13th April? I do.
3203. Who was it that wrote that? Mr. Harrison I believe.
3204. When did he write it? I do not know.
3205. You have no knowledge whatever of its being written? No; that is Clark's duty.
3206. On the same day here is your own. Is this your entry:—"Came on duty at half-past 6—special duty until 12 midnight—inside B.'s house"—is that your entry? That is Mr. Harrison's. That is the first time I was employed in the house.
3207. Did Mr. Harrison make this entry—"inside B.'s house" on the next morning when you gave your report? He did.
3208. You said before that he only put the B.'s to it? No, I said that on one or two occasions he put "inside" the house or "outside" as the case might be.
3209. Now, on the 14th April, this is your entry again? Yes.




- Mr. John Sanderson. 3210. And here there is written—"Outside B.'s house"—do you see this entry? Yes.
3211. Do you see that the word "outside" has been altered apparently? Yes; I have not altered it.
- 28 Nov., 1862, 3212. Does it look as if it had been altered? It has been either blotted or altered.
3213. Does it not look as if it had been altered from "inside" to "outside"? It might have been altered. I know that I was outside on that occasion. I was ordered to go inside, but afterwards Camphin was ordered to go instead of me. I believe he took a basket of dirty clothes, covered over with a cloth, to look like a basket of clean linen; I recollect it well.
3214. When you gave your report on the Tuesday (I presume it would be Tuesday) did Mr. Harrison make this addition? He did.
3215. Did he make it an addition to "inside" or "outside"? I told him outside because I was to go outside and Camphin was to take the inside. He took a basket of dirty things, and covered it over with a clean cloth. I recollect perfectly well that occasion.
3216. Was that the occasion when Mr. Harrison went in? I do not know about Mr. Harrison; I know that Camphin was there because he took the basket from my house.
3217. Mr. Harrison put "outside"? I told him "outside."
3218. You are perfectly sure that those alterations and amendments were made on the morning of the following day when the occurrences happened? Yes.
3219. *By Mr. Johnson*: You say he used to enter in a book of his own the special duty you performed—did he? He asked what duty I was on; what he wrote in his book I cannot say.
3220. You used to give him the information day by day, and he used to make entries in his book? Yes.
3221. Did you see the inside of the book at all? I have seen the inside, but I never look over him.
3222. Can you tell whether it was a book like that (*diary before Committee*)? It was.
3223. And he made entries in it at the time? Yes.
3224. Was he accustomed to use blotting paper? I believe he did use blotting paper.
3225. Do you recollect whether he did or not? I have seen blotting paper alongside him, but whether he put it in his book or not I do not know. When I had told him I used to leave the room.
3226. Was the book as clean looking as this is? I would not say for the cleanness of it; it was a book about that size.
3227. Did it look as clean as this towards the latter part of it when you saw it? I would not say anything about the cleanness of it.
3228. *By the Chairman*: Had it a canvas cover on it? On the first occasion, when I saw the book, I believe it had no cover on it.
3229. *By Mr. Morris*: During the last few days have you made any report to Mr. Harrison which he has entered in the book you saw? No, I have not.
3230. Has he made no entries in any diary or book? Not from me.
3231. *By Mr. Wilson*: Have you been on any special duty lately? Not in connection with the Bentley case.
3232. Or on any other special duty? No, I have never given any information since I finished.
3233. *By Mr. Hart*: Have you given any information with respect to any special duty, during the last fortnight, entered in this diary, connected with other matters? I have not.
3234. *By Mr. Johnson*: Or the last month? No.
3235. When did you last, as far as you can recollect, give him any information which was entered in that book? About the 3rd June I believe it was. At any rate it was the beginning of June. That was the last time I was employed in anything connected with it.
3236. *By Mr. Morris*: That is the last time he has entered any information you have given him at all in the diary? That is about the time. I know it was the beginning of June.
3237. Have you any recollection what was the information you gave him at that time? No.
3238. Was it about the Bentley case? I know it was the beginning of June that I was employed. I went to Newtown in the beginning of June, and when I came back he used to ask me generally what had occurred, and I used to tell him.
3239. What was the last day you were at Newtown? The 3rd June.
3240. Did he enter in a book anything that you told him about going to Newtown on that occasion? I would not positively say.
3241. Did he ever have the book in his hand as usual, for the purpose of entering what you told him? Yes; on some occasions I used to make mention where people passed Mrs. Bentley, and describe who they were. He used to say, "Did they speak to her?" And I said "No."
3242. *By Mr. Morris*: Did he enter that? I do not know.
3243. *By Mr. Johnson*: Did he write in the book at the time you gave him the information he asked for? Yes, he wrote something in the book.
3244. Was it not apparently the particulars you were giving to him? Most likely it was.
3245. It appeared to you to be so? Yes.
3246. And you think that occurred on the 3rd June last? The last time I went to Newtown on that duty.
3247. Where used he to keep this book? That I do not know. I never used to see it in the office after he used to leave. I never saw it in the office, excepting he was there.
3248. Did he write on a desk—did he take it out of a desk, or from his pocket? I could not say. He used generally to have it on the table.
3249. *By the Chairman*: Do you know if he had a desk there? There is a safe there. There is a desk with a small lock and key, but I cannot say whether he kept that book there or not.

3250. *By Mr. Johnson* : Did you often see that book? Almost every day, when I was employed on special duty. Mr. John Sanderson,
3251. How is it you have made no reports to Mr. Harrison since the 3rd June? I have never had any occasion to make reports. I never saw anything transacted during the time. 28 Nov., 1862.
3252. *By the Chairman* : In any special case—not the Bentley case only? Anything that happens in felony cases we speak of by word of mouth, unless it is an apprehension.
3253. *By Mr. Johnson* : You say that the first time you saw the book it had no canvas cover? It had no canvas cover.
3254. Did you see it on more than one occasion without a canvas cover? I think I did. When first employed in the case I saw it three or four times without a cover.
3255. Can you remember the colour of the outside? I know that it was of a dark colour; I think it was a dark brown.
3256. *By the Chairman* : Was there any printing on the cover, do you know? I did not see the printing.
3257. *By Mr. Morris* : Did you ever see it with a cover? Yes.
3258. *By Mr. Johnson* : You did not sufficiently see the book to be able to identify it? I cannot say that is the book. It was about that size, and had printing on the heading of each leaf.
3259. But did you see it enough to see whether it had clean pages like this? No.
3260. *By the Chairman* : Or if there were any blots on it? I am not aware that there were any blots on it.
3261. Have you seen much of Mr. Harrison's writing? Yes.
3262. Was it clean and neat writing? Yes; I have seen him check the clerks not to spot on the paper. He is always very particular in writing letters and keeping everything clean.
3263. *By Mr. Morris* : When was the first occasion that your attention was directed to the fact that the Bentleys themselves might have been the originators of these anonymous letters? There were never any proper facts put before me, except I thought it was very odd occasionally. On the Easter week—on the Easter Monday—we were on duty down at Manly Beach, and in the evening, when I came home, I said to Mr. Harrison, "To-morrow is Tuesday; will I proceed to Newtown?" He said, "No, you are not to go to-morrow." I says, "Why?" He says, "Mrs. Bentley has told me it is Easter week, and she is not going to Newtown this week." I says, "Are you sure?" and he said, "Yes." He said I need not go. I made mention of it next morning, and during that week he told me Mrs. Bentley had made a report that she had been assaulted; on the next occasion I thought there was something very peculiar.
3264. When were you informed by Mr. Harrison? I never was informed that they were themselves the authors of the letters. Everything was kept very close and dark. I was only just asked the question, "What did I see?"—"Did I see any person?" Everything was kept very close and secret. I thought there was something very peculiar about it.
3265. *By the Chairman* : Are you in the habit of questioning the orders of your superior officer? No; he gives me the orders.
3266. Are you in the habit of asking why you receive certain orders? No, I receive the order and do it.
3267. Is it not extraordinary that you should require a satisfactory reason why you were not to go to Newtown on that occasion? I asked, and he said that Mrs. Bentley was not going.
3268. Was not the first reason sufficient without having it repeated? I asked him because I thought he might have made a mistake, or forgot the day. That was my object; I had not the least idea of what was occurring.
3269. *By Mr. Johnson* : Will you state when you first went on duty in the Bentley case? On the 21st March, at the Post Office.
3270. When did you first go to Mr. Bentley's house to watch it, either inside or outside? It was in April, I think. It was about the second week in April. I will not say positively the date. It was about the second week in April.
3271. What duty did you perform? I was on one occasion outside in the street.
3272. Which street? I was in Elizabeth-street the first night, and the second night I was in Castlereagh-street. Clark was in one street and me in the other, to see if anybody went into Bentley's house, or were knocking about in the neighbourhood.
3273. How late in the night did you remain? Till betwixt 12 and 1 o'clock. Sometimes we would stop half an hour longer. 12 o'clock used to be the orders.
3274. Where used you to be, in Castlereagh-street? We used to try and conceal ourselves in the best way we could in some dark place.
3275. Where did you get a view of the house? From the back. There is a spare piece of ground next to the Misses Flower's.
3276. There is a large willow tree there? Yes.
3277. It droops down close to the wall? Yes, there is a tree there. Sometimes we used to go up the spare piece of ground to take notice if anyone was lurking about.
3278. *By the Chairman* : Did you get into the willow tree? No, I was once on the walls.
3279. *By Mr. Johnson* : Did you ever get into Mrs. Marshall's yard? Never.
3280. Or Miss Flower's? Never. I was on the wall once betwixt the two buildings.
3281. You were a good deal in the Bentleys' house itself—were you not? Yes, for several nights, and for several nights I was in Bentley's yard. I used to sit on the steps.
3282. Were you ever there when Mr. Harrison was there of a night? Yes, on several occasions.
3283. How late have you known Mr. Harrison to be there? Close upon 12 o'clock.

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3284. Used he to go away at 12 o'clock? I believe he was never there after I was. I generally used to go between 12 and 1 o'clock.
3285. And then he used to go away? He may have been there; I cannot say.
3286. As far as you know he used to go away when you did—about 12 o'clock? The biggest part of the time I believe he did.
3287. *By the Chairman*: Did you ever know him to be there later? I do not think I ever did myself.
3288. *By Mr. Johnson*: Do you recollect ever leaving him there; of course you cannot tell, if you left him, how long he remained. Did he not always go away when you went away? No; sometimes I used to go before him and sometimes after him.
3289. How often did you go before him? I cannot say; I would not like to say.
3290. *By the Chairman*: Could you say two or three times? I think I only recollect leaving him there once—only on one occasion.
3291. *By Mr. Johnson*: What time did you leave on that occasion? I think it was 12 o'clock, or a quarter-past 12.
3292. I suppose you look to your time to go like other people? I used to obey orders.
3293. Your time to go was 12 o'clock or a little after? Sometimes I was ordered to stop afterwards, on different occasions, until another party came to relieve me. I used to open the door and let him in quietly, and go out myself. Sometimes it used to be about 1 o'clock.
3294. Did you ever receive any orders to watch the house from dusk till day-light? No, I did not.
3295. Did you hear of any such orders being given? There was another man who used to relieve me between 12 and 1.
3296. Inside or outside? Inside; what time he left I cannot say.
3297. *By the Chairman*: Who was the man that used to relieve you? Clark.
3298. Were you ever both there together? Yes; but not after half-past 12. I never took the morning duty.
3299. Did you ever take any day duty in reference to the Bentley case? Never. I have been at the Post Office, and down at a place in Woolloomooloo, and in Phillip-street; I was employed two days in each case.
3300. Were you ever employed to watch Mr. Bentley? Yes.
3301. When was that—in the day-time or during the night? In the day-time.
3302. Then you did not understand my question. How often were you employed to watch Mr. Bentley? Two or three days.
3303. Two or three following days? Yes. I think I was employed two days at one time, and one day afterwards.
3304. During what period of those days were you ordered to watch him? From the time he went out, at 10 o'clock, until he went home, about 5 in the evening.
3305. Those were the orders, to watch him from 10 till 5? I was told to be sure about the time Mr. Bentley left his house.
3306. And to see what he did until his return? To see if there were any letters posted.
3307. Did you carry out those orders? I did.
3308. Did he post any letters during that time? I never saw him post any letters.
3309. Could he have posted any without you seeing him whilst you were on those duties. You were employed certain days to see if he posted any letters from the time he left home until he returned? Yes.
3310. During the time you executed that duty, could he have posted any letters without your seeing him during the time you were watching him? Not during the time I saw him.
3311. Did anything happen to give him an opportunity? Not whilst I saw him—not from the time I "picked him up," until the time of leaving him.
3312. Were you on his track from the time of his leaving home until the time of his return? On two occasions I was. On one occasion I did not see him until he was leaving the Club.
3313. Did he ever baffle you by getting into a cab? He did.
3314. When was that? I do not recollect the circumstances; it was on one occasion in Bridge-street.
3315. Did it occur on more than one occasion? No, only on one occasion.
3316. Did you ascertain the number of the cab, or take any means to ascertain it? I could not get a chance; the cab was at too great a distance; I never went so near. Had I been aware that he was taking a cab, I should most likely have seen the number.
3317. Can you fix the date when he took the cab? No.
3318. Would not your diary assist you? I did not put that down.
3319. Did he take it from a stand? Yes, from the stand in Bridge-street, near Pitt-street. I think it was the first cab on the stand, facing Pitt-street. He went up Bridge-street, and turned up by Government House.
3320. I should have thought, as a detective officer, you would have walked up and asked the next cabman what cab that gentleman had gone into; you did not take that precaution? No; I did not want any cabman to know that I was looking after Mr. Bentley.
3321. What time of the day was it? I believe it was close upon 1 o'clock in the day-time; I think it was 1 o'clock.
3322. Did you come upon his track again that day? Not until towards the evening.
3323. Where did you find him then? Leaving the Club.
3324. You do not know how he came back? No.
3325. He might have been back in ten minutes? Yes.
3326. Can you state what period it was you watched him these three days? I think it was about the finishing of the duties I was engaged in in the case.
3327. You think it was towards the end of it? Yes.

3328. Had you any instructions to watch Mrs. Bentley? Only to Newtown.
3329. Were you instructed to watch her on other occasions, to see if she posted letters? Never.
3330. Or the servants? Never.
3331. Do you think, as a detective officer, you would have had much difficulty in finding out if Mrs. Bentley had posted eight letters during a period of nearly a month? They might have been posted.
3332. If you had been told to watch Mrs. Bentley, do you think she could have managed to elude your vigilance eight times? She would not. If I saw her leaving the house, and watched her home, she could not; but she might afterwards.
3333. How? After she had gone home she might have gone out again.
3334. She might have done things without you seeing her when you were not looking at her; but could you not have such a system of being relieved that it would be impossible for Mr. or Mrs. Bentley to post letters without being detected? There might be. If I saw Mr. Bentley, I could watch him so that he could not post a letter without my seeing him at any of the pillars or post-offices.
3335. Is not your system perfect enough to see whether I or my wife post any letters from now to this time next month; don't you think you could find it out? If we kept you in view.
3336. Could you not manage to do it? One man could not.
3337. But could not a series of men do it? Yes; but they might be posted by servants or anyone else in the house.
3338. But then they would have to employ servants, and servants would know it? ———
3339. *By Mr. Morris*: You remember the 2nd May, when you were employed at Newtown to lie in concealment, and that also on that same day you were employed in watching Bentley's house till past midnight? Yes.
3340. You remember that day well? Yes.
3341. Can you remember whether Mr. Harrison left the Bentleys' house in the evening previous to your going on duty or not—it was a remarkable day that? I cannot say.
3342. *By Mr. Johnson*: Were you watching in the house at that time? Yes.
3343. *By Mr. Morris*: In the house? Yes, on the 2nd May.
3344. Did you let Mr. Harrison out of the house any time from 11 o'clock until 12 o'clock? He used to let himself out.
3345. Did he let himself out on that evening? I cannot say.
3346. *By Mr. Johnson*: Do you recollect his being there that night? I believe he was there.
3347. *By the Chairman*: Do you not know whether you left him there? No, sometimes he used to up-stairs and sometimes in the front room.
3348. You would know whether Mr. and Mrs. Bentley went to bed? I used to be down below. I knew when they used to go up-stairs, but whether they went to bed or not I do not know. Mr. Harrison used to go up-stairs, and they used to be talking.
3349. *By Mr. Johnson*: Do you know whether Boulanger was there on that night? He was there on several occasions, but I do not recollect whether he was there or not on that night.
3350. Did you see Mr. Harrison at the office that afternoon? I did.
3351. You never went up into the loft yourself? Only on one occasion, to see if there was anybody there.
3352. I understood you to say that you only put your head in? I only put my head in and part of my body, and put the candle in and looked round.
3353. What do you call the trap-door? The one in the ceiling looking into the roof.
3354. The skylight? The skylight with the cover on it.
3355. *By the Chairman*: The trap-door into the roof? Yes.
3356. *By Mr. Johnson*: That was the trap-door through which you put your head? Yes, there was another in the roof. I saw by holding up a candle that the covering was not off, and I retired back.
3357. By what means was the trap-door covered or fastened? I did not look at the fastening.
3358. Was there a door or anything but a loose piece of board at that time? It was like a shell to fit over the door.
3359. There were no hinges to it? I did not see any.
3360. Was it open when you went? It was on.
3361. Then you had to open it? No, that is the one in the roof.
3362. I do not mean that? That below was open.
3363. Do you know what means there were of closing that hole? No, it was open.
3364. *By the Chairman*: There was not a door over it at all? There was not a door over it at all.
3365. *By Mr. Johnson*: Did you ever happen to overhear any conversation between Mr. and Mrs. Bentley? No.
3366. By accident? No, I never wished to do so.
3367. Did they appear to speak in a tone of voice difficult to hear? They always seemed to speak in a very free manner—just the same as people would speak in company.
3368. I suppose you saw a good deal of them during the time you were in the house;—did you see them at meals together at all? No, there was a door betwixt us, the same as that (committee room) door might be there.
3369. Had you any opportunity of observing how they behaved to one another? They seemed to be on very good terms. I could not say. I did not discern anything wrong.
3370. They appeared to be very affectionate to one another and to their children? I found them so.

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3371. Did you see anything in Mrs. Bentley's conduct other than you would expect from a most respectable lady? No; I always thought she was a very nice lady.

3372. *By the Chairman:* Did you ever see anything in the conduct of Mr. Bentley other than that of a very respectable gentleman? I did not.

3373. *By Mr. Johnson:* How did the servants behave towards their master and mistress? They seemed to be very good servants from what I could see. I never made any freedom with them. If they asked anything that did not relate to my duty I used to speak to them.

3374. Did you observe any unusual freedom between the Bentleys and their servants beyond what usually takes place between masters and servants? I did not.

3375. *By the Chairman:* There did not seem to be any secret understanding between them and the other servants, in any way whatever? No, not during my presence.

3376. *By Mr. Johnson:* Mr. Harrison never communicated to you his suspicions that the Bentleys were the authors of these anonymous letters—did he? No.

3377. Supposing you had entertained a strong suspicion that Mr. and Mrs. Bentley were jointly concerned in posting these letters, what steps would you have taken? I had no idea that they were. I only obeyed orders.

3378. No, of course you were only in a subordinate position; but supposing you had come to the conclusion that they were the authors of the concern, what steps would you have taken in order to make that apparent to the world, or to detect them—supposing you were in Mr. Harrison's position? Well, I do not know exactly what steps I would have taken. I should have had to put my wits to work. I have no doubt I should have tried, but I cannot say what steps I should have taken.

3379. Would you not have taken every means in your power to watch both Mrs. Bentley and Mr. Bentley, as to the posting of letters, and would you not also have watched the servants? I should say it would have been a very good plan, but I cannot say whether that is the plan I should have adopted.

3380. I am not asking you to censure your superior officer; but does not that occur to you as being the most obvious step to be taken? I might have done it.

3381. Do you not think it the most obvious step of all to take—what other step so likely to lead to conviction could you have taken? I think that would have been the most likeliest way to find out who posted the letters.

3382. Could you not have so managed, while you and other detectives were relieving each other inside the house—would you have had any difficulty in finding out when Mrs. Bentley was writing letters? No, she might have been in her private room unbeknown to us.

3383. But could not you, with all your contrivances, manage to get a peep at what she was doing? No, I do not think so; in fact, the idea did not strike me, and I would not; I had more respect for Mr. and Mrs. Bentley. I never have looked into the room where they were sitting; I would scorn the action.

3384. But supposing you had come to the conclusion that they were the most accomplished impostors that ever existed? I might have taken extraordinary precautions.

3385. And that they were the authors of this so-called mystery—the concoctors of the letters—would you not have been able to take means, while you and the persons under your control were in the house, of seeing whether she did write letters? We could not see, rightly, in her own house.

3386. You think that is impossible? Yes.

3387. But you do not think it impossible that you could have detected either the one or the other in posting them? They might have been detected in posting them; but to write them they might have gone into the bed-room, or their private room, and shut the door, and we dare not go into their private room to see what they were doing. They could do that unbeknown to us; and even, in posting, any person that was inclined to get a letter posted would get it posted unbeknown to us; he would not post it himself.

3388. There is danger in employing an accomplice—is there not? There is a danger, but they are to be employed.

3389. *By Mr. Lucas:* Did you know a person of the name of Gibson? A man that was on Cockatoo Island.

3390. Did you know a Mr. Gibson? Yes.

3391. Is he in any way connected with the Police? No, I do not know that he is.

3392. Do you know that any person of that name was temporarily employed by Captain M'Lerie? No, I do not.

3393. Was there a person of the name of Gibson on Cockatoo Island? Yes. I was in the uniform Police, but not in the detective force, at that time.

TUESDAY, 2 DECEMBER, 1862.

Present:—

Mr. COWPER,		Mr. LUCAS,
Mr. LEARY,		Mr. MORRIS,
	Mr. WILSON.	

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

Mr. Robert Johnson appeared as the Solicitor for the Petitioner.

Mr. William Camphin called in and examined:—

3394. *By the Chairman*: What are you? A constable in the detective police.  
 3395. How long have you been engaged in the detective police? Since 1st March.  
 3396. This year? Yes.  
 3397. Were you previously in the police? In the uniform police.  
 3398. How long were you in the uniform police? I joined the 13th May, 1858.  
 3399. Have you any knowledge of a book termed the detective duty book? Yes.  
 3400. For what purpose is it kept? For the purpose of entering the duty we have been upon during the day.  
 3401. Every day? Yes; we make a sort of memorandum.  
 3402. Do you make a report every day to the inspector of the detective police? No, not without something particular occurs. If we apprehend a person of course we report it to him, or to the clerk in the office.  
 3403. Who gives you your duty—who tells you what duty you are to go on during the day? If there is anything particular to go on—if we are sent on anything particular—Inspector Harrison.  
 3404. If not? If not, then of course we take our regular routine of duty.  
 3405. You have a regular routine of duty? We go out for the purpose of catching thieves.  
 3406. Do you go anywhere you like, anyhow you like, or do you get instructions? You generally go where you please, anywhere you think anything is to be done—that is about the streets.  
 3407. Do you agree among yourselves what portion of you will go to one part of the town, and what portion will go to another? No; I might wish to go to a particular place, and I go there if I have got anything to do.  
 3408. Do you go singly, or in pairs? Generally in pairs.  
 3409. How do you know that all the force do not go to the same part of the City? Because if they were there I would see them there.  
 3410. You are in the habit of seeing Inspector Harrison every day? Yes.  
 3411. Do you give him any report of your proceedings? If anything is done; of course if I do not report anything to him he will know there is no apprehensions made.  
 3412. Do you know of any alterations having been made in this detective duty book? No.  
 3413. Do you know of any additions having been made to the entries in this detective duty book—Do you make the entries in your own handwriting? Yes, my own entries.  
 3414. The entries which you sign are entered in your own handwriting? Yes.  
 3415. Do you know anything of any addition being made to these entries by other persons? Yes.  
 3416. What are they? "B." I believe it was during the time I was in Bentley's house attached to my duty.  
 3417. When were all these "B's." placed there? I do not remember the date.  
 3418. How were they placed there? Mr. Harrison placed them there.  
 3419. At what time? I do not know the date.  
 3420. *By Mr. Morris*: Two months ago? I think it is more than that—I think so.  
 3421. *By the Chairman*: Were they put there at once? All that I saw were put there at once.  
 3422. Tell the Committee what happened on that occasion and why it happened? Why it happened?  
 3423. Is it usual that these entries should be made, or that you should be questioned with regard to your duty for months back at one particular time? On this occasion —  
 3424. Answer that—Is it usual that you should be brought up and questioned with regard to your duty for months back? For particular duty.  
 3425. That is usual? I do not say it is usual.  
 3426. I asked you if it was done on other occasions? Not that I am aware.  
 3427. Have you ever known it to be done previously? Not that I am aware.  
 3428. Have you ever known it to be done since? I cannot say; I do not remember.  
 3429. How is it you remember that particular instance and cannot remember any other instance? Because on that particular occasion I was called in by Mr. Harrison, and he pointed out where I was in Mr. Bentley's house. He said, "Is that correct," I said, "Yes," and he marked it.  
 3430. Did your entries state that you were in Bentley's house? I am not aware; it was "special duty"; I think it was marked "from 7 to 10."  
 3431. What was there in existence to enable you to state that you were at Mr. Bentley's at that particular time; had you any memorandum of your own? No.  
 3432. Had you anything excepting your memory to guide you? No.  
 3433. Was there anything in the entries themselves to fix the times when you were at Bentley's? The dates.

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3434.

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3434. Can you remember the dates? Those particular dates I can.  
 3435. Give us the dates upon which you were employed upon the Bentley business? I can only give the dates I was in the house, for a particular reason.  
 3436. For what particular reason—were you in the house? - No, I say the reason I remember the date —  
 3437. Is what? Because it was the last week in Lent, the three first days of the last week.  
 3438. Do you remember any other days except those three days? I remember those are the days I was in the house.  
 3439. Are those the only days that are marked? Marked with what?  
 3440. B.? I do not know.  
 3441. Were you asked with regard to any other days? I am not aware.  
 3442. *By Mr. Morris*: Were you employed in the Bentley case any other days than those three? I was.  
 3443. *By the Chairman*: You have not any memory of any other days but these? I was employed after these three days.  
 3444. When did you know you were to appear before this Committee to give evidence? On Saturday I had the summons.  
 3445. Had you any conversation with regard to coming before this Committee? Not particularly.  
 3446. I ask you if you had any conversation at all with any person with regard to coming here? It has been spoken about.  
 3447. In what way? I told Sanderson I was summoned—I believe I told him; as a general conversation it was spoken of.  
 3448. What was the general conversation? I do not know.  
 3449. Who was it with—who were present? I cannot say.  
 3450. Remember you are here for the purpose of telling us all—who were there — ?  
 3451. *By Mr. Morris*: Who besides Sanderson? I do not know that there was anybody.  
 3452. *By the Chairman*: Cannot you say? There might have been, or there might not.  
 3453. Who might have been? For instance, as I was walking along I saw him; I do not know whether I told him or —  
 3454. Have you seen Mr. Harrison this morning? Yes, I have seen him.  
 3455. Why did you not tell us that before? I have spoken to him.  
 3456. Why did you not say so when I asked you the question before—what did you say to Harrison, and what did he say to you? I might have made some general remarks.  
 3457. Did he put you in remembrance that B. was put before the days when you were at Bentley's? No.  
 3458. Did he tell you anything with regard to the duty book? He asked me if I remembered about the B., and I said I did.  
 3459. Did he say anything else about B.? Not that I remember.  
 3460. Tell us how he asked you if you remembered about B.? I cannot tell you the exact words.  
 3461. Was it not something particular that you should be asked that question, and do you say you cannot remember how you were asked? I was asked the same as anyone else would ask.  
 3462. Tell us how you were asked? I was asked "Do you remember about the B.'s being made?"  
 3463. Were those the words used? I cannot say whether they were the exact words; I tell you the substance of it.  
 3464. *By Mr. Morris*: What did you reply—do you remember? I remember when I was called in the B.'s being made.  
 3465. Cannot you remember the date now? I cannot.  
 3466. *By Mr. Wilson*: Can you tell the month when they were made? I cannot.  
 3467. Can you tell within three months when they were made? I believe it was in May; I will not be certain.  
 3468. *By Mr. Morris*: Did you compare your recollection with Sanderson as to why these "B.'s" were entered? I am not aware.  
 3469. Have you ever heard Sanderson speak of it? Yes, I have.  
 3470. Did his recollection and yours agree? I cannot remember.  
 3471. Have you not some impression? I could not say whether they agreed or not.  
 3472. *By the Chairman*: Have you heard that the police were to be on their trial before this Committee? I was not aware that I was to be tried.  
 3473. Have you heard the remark made, that they were to be on their trial? I have heard they were to be examined.  
 3474. Have you had any conversations about the examination? Conversations?  
 3475. About the examination;—if you do not understand the question say so; do not repeat the question after me? I do not understand it properly.  
 3476. Have you had any conversations about the examinations that are to take place before this Committee? I have had conversations —  
 3477. With whom? I cannot remember.  
 3478. *By Mr. Wilson*: You cannot remember any more than that you had conversations with respect to this Committee and the examinations taking place? I am not aware that I have spoken of the Committee.  
 3479. Or of the examinations? That was to take place?  
 3480. Or that had taken place? I have spoken to people about it.  
 3481. Will you have the kindness to mention who you spoke to on the subject? Yes.  
 (*The witness paused.*)

3482. Is your memory as bad in criminal cases you are engaged on as in this? I take particular notice in such cases.

3483. I should imagine it must be very different in criminal cases from what it is here; for if you have as bad a memory in criminal cases I cannot see what is the use of you?

3484. *By the Chairman:* I shall not ask any further questions; he seems to me determined not to answer any questions; it is perfect contempt? I will answer any question that I can conscientiously.

3485. I desire you will withdraw?

*The witness withdrew.*

*The Committee Room was cleared.*

*The Committee deliberated.*

*The witness was again called in, and the examination was resumed.*

3486. I am instructed by the Committee to inform you, that if you do not proceed to give your evidence in a more straightforward and direct manner, they will at once dispense with your attendance. You will therefore see the propriety of giving straightforward and definite answers? Where it is possible I am willing to give a definite answer.

3487. Will you be kind enough to tell us with whom you had these conversations relative to appearing before this Committee to give evidence? Do I understand you relative to myself or to anyone else?

3488. Relative to you or any other person—anything with reference to coming before this Committee, either with regard to you and Sanderson, or with regard to you and Harrison, or with regard to you and any other member of the force whatever, with regard to coming here and giving evidence before the Committee? I certainly cannot answer that question; if you will ask me any particular question, I will answer it.

3489. You say you have had conversations with persons regarding coming here—who were they? One is Mrs. Bentley's servant.

3490. When was that? During the last fortnight.

3491. Which servant? Maria.

3492. What was the conversation? I will give it you in substance, as near as I can; I cannot relate every word. I think it was Sunday fortnight I received a message that some one wanted me on Hyde Park. I went and saw Maria there, and she asked me if I had been at one of the concerts at the Philharmonic Hall. Of course I said I had, and she asked me some questions about whether I had seen a priest there speak to Mrs. Bentley, or speak within hearing of her; I do not know the exact words, but that is the substance of it, and I said I had not. I think she then told me that the priest had spoken to her, or within hearing of her.

3493. *By Mr. Johnson:* You think she said so? She made a remark about it, but I think these are the words that Mrs. Bentley had told her she said this priest had remarked—this was the night of the failure of the concert—the priest had made some remark about improper conduct, and he could give an opinion, but he dared not, on account of the cloth he wore. That was the substance of the remark. She made other remarks about what Mrs. Bentley had said to her about this priest.

3494. There was no doubt then it was a priest? I do not know; I did not see him.

3495. *By Mr. Cowper:* No doubt the girl said it was a priest? No doubt.

3496. What took place with the priest took place in the Philharmonic Hall that night? The night of the failure.

3497. *By Mr. Johnson:* That is the last concert, you mean? The concert—the failure.

3498. Do you mean the failure of the police to find the man, or the failure of Mrs. Bentley to play? It was when Mrs. Bentley did not play; when I understood she ought to have performed and did not do so.

3499. You did not answer the other part of Mr. Cowper's question.

3500. *By Mr. Cowper:* Whether the conversation took place in the Hall? In the Hall, or in the precincts of the Hall at any rate, when they were about to leave.

3501. *By the Chairman:* You are merely relating the conversation that took place between you and this girl; was that the whole of the conversation? No, we had much more—a great deal more.

3502. Will you go on with it? It will take me some time to remember it, it was so voluminous.

3503. Give us the entire length of it? She also said that Mrs. Bentley had told her that she saw a priest when she went out to Newtown very often, and she said he seemed to make it a point to meet her, as they seemed always to meet. She said she went out one day with Mrs. Bentley to see the priest—she wished to see him, but he did not come that day. She also said that Mrs. Bentley had mentioned something to her about the Exeter affair.

3504. Did she say what she had said to her? Yes, she said a person named Mr. Ryan, or Mr. Ryall, was the author of the alleged persecution in Exeter; that Mrs. Bentley said she knew him; and she said that when she was in the habit of going to school every day, a policeman followed her for the purpose of her pointing out the man; when she met him she was to drop her handkerchief as a signal. She said she often met him, but did not point him out, and she said it was very wrong of her, if she knew the parties, not to make it known, as some innocent people might be blamed.

3505. *By Mr. Cowper:* That is, the servant said so to her mistress? Yes; she also said that Mrs. Bentley had told her that she had met the priest one day, and he had told her that during the celebration of midnight mass, at St. Mary's, he had looked for her, expecting to see her there, but he did not see her there. The servant said that Mrs. Bentley had told her that she went into a shop in Market-street, to buy some wool with him one day, and she offered to work him a pair of slippers, but he told her he could not wear them, so she told him she would make him a pair of braces to wear.



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3506. *By the Chairman*: Go on? I cannot remember any other particulars. That is about the substance of the conversation.
3507. Can you remember whether you suggested these things to the servant? No, I did not.
3508. Did this servant just stand and give you the narrative of these circumstances—did she stand up and tell you without your asking her questions? It came voluntarily from her.
3509. Did it come, not only voluntary, but without any questions on your part—had you any conversation in the matter at all? When she made a remark I might say yes, or something of that sort.
3510. *By Mr. Cowper*: You say she sent you a message to meet her? Yes.
3511. How did you get that message? Her aunt came on the first occasion.
3512. Maria's aunt? Yes, she told me she was her aunt; she said a person wished to see me on the Racecourse. I asked who it was, and she said Mrs. Bentley's servant. I said, "Which servant?" and she said, "Maria." I said, "What does she want with me?"—and that I would go and see her. I went over.
3513. *By the Chairman*: The time and place were arranged previously with the aunt? No, I went at once. She was waiting there, and then afterwards I received a note from her.
3514. *By Mr. Morris*: Have you got the note? I have not about me.
3515. Can you get it? I think I have it in my office. I left it there.
3516. *By Mr. Cowper*: You understood she sought this interview with the purpose of making some communication to you? Yes.
3517. That was your understanding? That was my understanding. Before I asked her any questions I said, "Are you sent by Mr. or Mrs. Bentley to speak to me?" She said, "No; merely from a desire to see justice done."
3518. What did you understand her to mean by desiring "to see justice done"? She said somebody might be accused wrongfully about the alleged persecution, and that she wished to state what she knew. She said there was no malice about what she was going to say, but that she spoke merely from a desire to see justice done to both parties.
3519. *By the Chairman*: Did you ask her if there was any malice? She told me voluntarily; she spoke it herself; I did not ask her.
3520. *By Mr. Cowper*: What did she mean by justice to be done between the parties—did she mean to say this priest was the party? She seemed to think this priest was alleged to be connected in some way with Mrs. Bentley, and she had made inquiries and found it not to be true, therefore it caused her to entertain doubts about what Mrs. Bentley had told her.
3521. Did she name this priest? No; she said she asked Mrs. Bentley to describe him, so as to have an opportunity of finding out who he was. She said Mrs. Bentley gave her a vague description. She said she described several priests at St. Mary's, and to see if Mrs. Bentley could recognize one amongst them, and she could not.
3522. Write a note for that letter, sent to you by the servant, to be sent up here? I do not know whether they can find it.
3523. Do you know where it is? The last time I saw it it was on the table.
3524. Mr. Harrison must know where it is? Yes.
3525. *By Mr. Wilson*: Are you a married man? No.
3526. *By Mr. Morris*: Are you a Protestant? No; a Roman Catholic.
3527. *By the Chairman*: Do you know if the letter is in Mr. Harrison's pocket? No, I do not.
3528. Did you give it to Mr. Harrison? I did; but I think I have had it since.
3529. Were you not told in your summons to bring all papers and documents with you? I do not know.
3530. You got a summons? Yes; but I do not think it mentions anything of that kind.
3531. Have you it with you?
- Mr. Harrison having been called in, was directed to fetch the letter sent by Anna Maria Bradshaw to Camphin.*
3532. When did you receive this letter, before or after you saw this Maria's aunt? After.
3533. It was after the conversation you have described? Yes.
3534. Have you not detailed two conversations? I have mixed it up I expect. I had a conversation.
3535. *By Mr. Cowper*: You had two conversations? Two or three.
3536. You have been mixing them all up together? Yes.
3537. When did the second conversation take place, and when the third? Before we parted on the Sunday night—the first interview —
3538. *By Mr. Johnson*: The first interview was last Sunday week? Either last Sunday week or fortnight—I think fortnight—it was agreed to meet on the Friday night following.
3539. Did that interview take place? Not on the Friday previously to Friday I received this note I speak of, changing the appointment to Wednesday.
3540. *By the Chairman*: Did you meet her then? I did.
3541. What took place then. What was the first thing that took place? —
3542. *By Mr. Cowper*: Did she allude to the priest in the first conversation? Yes, and in the second also. She said that Mrs. Bentley had told her that she had met this priest at the Government ball.
3543. *By the Chairman*: On the second time was this? I will not be certain whether she made this remark on the second or the first time.
3544. Be kind enough to tell us what took place the first? I cannot distinctly remember.

3545. *By Mr. Johnson* : Will you state, as nearly as you can recollect, what you say took place at the first interview between you and Maria, confining yourself as far as you are able, to what took place then? I cannot state the conversation that took place exactly on the first interview. I can state a portion of it—the commencement about the priest's speaking to her at the Philharmonic Concert, that was at the first conversation, and about the priest seeing her in the omnibus going out to Newtown, that was in the first conversation.

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3546. *By the Chairman* : It was at the first conversation that Mrs. Bentley stated that she had seen the priest going out to Newtown? That Mrs. Bentley stated to her.

3547. Was it on that occasion she stated she had gone with Mrs. Bentley to meet the priest? I think so. She said she did not go to meet the priest, but she wished to see him —

3548. She did not go with Mrs. Bentley? I understood so.

3549. *By Mr. Johnson* : For the purpose of seeing him, if he was to be seen? I am not aware whether there was any arrangement between Mrs. Bentley and her.

3550. What I understand you to say is, that the girl went with Mrs. Bentley, and that her object was to see if she could see the priest? Yes, the girl's object.

3551. That was at the first interview? Yes.

3552. *By the Chairman* : What else took place at the first interview? I think she said on the first interview I had with her, she said Mrs. Bentley had told her she had met him at Government House, at the Government Ball, and that she had shaken hands with him.

3553. Anything farther do you remember taking place at the first interview? I cannot say, not to be sure.

3554. Did the conversation about the Exeter affair occur at the first conversation? It did at the first conversation.

3555. Was that the time she stated she had told Mrs. Bentley it was very wrong for her not to recognize the party—not to drop her handkerchief when she met the person? I think it was.

3556. Did the conversation about the midnight mass take place at that time? Yes, I believe that was at the first conversation also.

3557. When did the conversation about the slippers take place? That was either the second or the third.

3558. Is there anything further that you recollect taking place at the first conversation? I cannot recollect.

3559. *By Mr. Johnson* : How long after that was it that you actually met—the second interview—when was it after the first? On Wednesday evening following.

3560. *By Mr. Morris* : What conversation had you, and what were your objects in meeting, when you made your appointment with Maria—what were your objects—what were the alleged objects? She did not allege any object. My object, of course, was, if she had anything further to say, to give her an opportunity of doing so.

3561. *By Mr. Johnson* : Why did she not tell you then? She might not remember all then; she might refresh her memory.

3562. *By the Chairman* : Did a conversation to that effect take place between you and her? No; I merely supposed that.

3563. Was there not an understanding, that if she remembered anything else —? It was not expressed.

3564. How did you understand you were to meet on Friday night? We appointed to meet.

3565. For what purpose? I said before, that if she remembered anything further, to give her an opportunity of telling me.

3566. Was that understood? I understood so.

3567. Did you give her to understand that that was your object? No.

3568. Were you making love to her? No.

3569. Was she making love to you? No.

3570. If there was nothing of that kind there must have been something else—what was the object you had in view when you agreed to meet her? That was the object.

3571. What was the mutual object? I expect that was her object.

3572. There was nothing to lead you to know that? Nothing further than that we had been conversing about the subject.

3573. How did you make this appointment—how was it understood—what were the words? I believe the words used were, as near as I can remember, I told her that I would see her again sometime.

3574. *By Mr. Morris* : So that you made the appointment? I think I asked her what night she was coming out again, and said I would see her again.

3575. *By the Chairman* : You suggested Friday night? No.

3576. She suggested Friday night? Yes.

3577. Did she state any reason why she could meet you on Friday night? No, I do not think so.

3578. *By Mr. Johnson* : Did you ask her at the first interview if she had any more information to give you respecting Mrs. Bentley? No, I did not.

3579. Did she intimate that she had any further information to give you? She made a remark that she had had so many conversations with her, or that she had made so many remarks that she did not remember all.

3580. What did you say to that? I allowed her to speak. I did not make answer to many things.

3581. Had you any particular engagement that prevented your conversing any longer with her on the first occasion? No.

3582. Do you know whether she had? I am not aware.

3583. At what time of the day or night did this take place? It was about 10 minutes to 7 when I first met her.

3584.

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3684. How long did you have conversation together? I saw her when she was coming out of Church; that would be about 8 o'clock; it was then the conversation took place.
3585. Did any conversation take place before she went into Church? I told her I would see her when she came out of Church if she wished to speak to me.
3586. Were those the first words that passed between you? No, the first words were, she asked me—she said she wished to ask me a question, “Was I not at the concert?” I then asked her if she had been sent by Mr. or Mrs. Bentley to ask me questions, for if she had I would not answer her—I would see her when she came out of Church.
3587. How did you know she was going to Church? Because I asked her.
3588. Did you ask her or did she tell you she was going to Church? I said, “Are you going to Church?” I will see you when you come out.
3589. *By Mr. Johnson*: Was it to St. Mary's or to St. James'? To St. Mary's—I cannot remember every word; we had plenty of conversation afterwards.
3590. *By the Chairman*: When you met this girl by appointment, did you think for a single moment that she appointed to meet you to tell you she was going to Church? Certainly not—I say she asked me if I was at the concert.
3591. Do you think she met you to ask you that one question; is it likely that when you went you would simply ask her if she was going to Church. What induced you to think she was going to Church after having made an appointment to meet you? She sent for me—
3592. Do you think she sent for you in order to tell you that she was going to Church? Certainly not.
3593. What induced you to think she was going to Church when she had appointed to meet you? She was near the Church.
3594. She came to meet you for a definite purpose? She sent her aunt to me, and as I walked along the walk towards St. Mary's, at the entrance from the Racecourse, she was walking up and down there.
3595. Did you go to Church yourself? I did not.
3596. Where did you appoint to meet her? Outside.
3597. Do you not think it was a matter of some importance when you were giving an account before of this interview, to tell us that this conversation was interrupted by her going to Church? I do not know.
3598. If you were giving evidence in a Court upon a criminal case, would you give it in the same way? I would not be asked in the same way, but the questions would be more direct.
3599. Perhaps you, as a policeman, would not be asked such questions, but if a criminal were asked to account for where he had been at a certain time, would not he be? He might be. (*Mr. Harrison produced a letter.*)
3600. Is that the letter you have referred to (*Handing witness the letter*)? Yes, that is the letter.
3601. When did you see her on the second occasion? On the Wednesday evening mentioned there.
3602. How did you receive that letter? I believe—
3603. Do not you know how you received it? Her aunt brought it.
3604. When did she bring it? I believe it was on Wednesday afternoon—either morning or afternoon.
3605. Who is her aunt? I do not know.
3606. Had you no conversation with her aunt? No further than I have stated.
3607. What have you stated? That when she came to me she said a person wanted to see me on the Racecourse. I asked her who wanted me; she said, “Mrs. Bentley's servant;” I asked her which, and she said, “Maria.”
3608. That was the first time; the second I am asking you about? She handed me the letter, and I said, “Thank you”; I did not say anything further.
3609. What took place on that occasion when you met Maria—on the second occasion;—where did you meet in the first place? At the top of King-street, opposite Hyde Park Barracks.
3610. What took place? The conversation was about the Bentley case.
3611. What part of it? I think it was the occasion when she spoke of Mrs. Bentley saying the priest went in with her, into the shop in Market-street, to buy wool; I think, but I am not certain.
3612. Do you remember anything that you are certain of, that occurred at that interview? I think she said that the priest—that Mrs. Bentley had told the girl that the priest had frequently seen her out with the children.
3613. *By Mr. Cowper*: Seen herself? Seen the girl out with the children, and had been so close that he could describe the colour of one of the boys' eyes to Mrs. Bentley; and she made a remark to Mrs. Bentley that he must have been invisible, that she had not seen him, and that if he had got so close to her she must have seen him.
3614. *By the Chairman*: Anything else? I think it was at the second conversation she said either Mr. or Mrs. Bentley had asked her what she thought of the Jesuits? She said she thought they were a good body of men, but that of course some among them—the same as in every body of men—were not what they ought to be. She said that either Mr. or Mrs. Bentley, whoever it was that was talking to her, said that the Jesuits did not care what means they employed to any object they had in view. I cannot remember—
3615. *By Mr. Morris*: On this second occasion, or upon any previous occasion, did Maria Bradshaw express any opinion of her own with regard to the connection of Mr. and Mrs. Bentley with this case, as to whether she believed that they themselves were the concoctors? She did not go so far as that; she said—
3616. How far did she go? She said that in consequence of the remarks Mrs. Bentley had made about a priest, she began to entertain grave doubts about Mrs. Bentley.
- 3617.

3617. *By Mr. Wilson*: Are you aware whether this girl is a Protestant or a Roman Catholic? A Roman Catholic.
3618. She will then naturally be rather jealous of anything said about a priest? It would not induce her to make —
3619. I ask you if she will not naturally be jealous of anything said to the injury of a priest? Not if she is an honest-minded person.
3620. I want you to give me a distinct answer to my question—do you think it would cause her to be jealous of any remarks made derogatory to a priest? It is possible it might.
3621. *By Mr. Morris*: What else did she say that led you to think she suspected the Bentleys' innocence? I cannot remember anything more at present.
3622. Did you tell Maria Bradshaw that the Jesuits were suspected, and that the priests were suspected? I did not.
3623. You made no remark of the sort to lead her to suppose that was the case? She told me.
3624. Did you —? I did not.
3625. *By Mr. Lucas*: What did she tell you? She told me, from the time she saw the letter that appeared in the paper—I think it was the *Empire*—about the Exeter affair, it caused her to inquire into these things.
3626. From the time she saw the letter that appeared in the *Empire* she was induced to look into these things? Yes.
3627. What then? In consequence of what Mrs. Bentley had said about this priest, and seeing a priest was connected with the Exeter affair, caused her to make inquiries whether it was true what Mrs. Bentley had stated about this priest.
3628. Anything more? I do not remember—no doubt there might be more, but I cannot distinctly remember at present; it will come to my memory shortly.
3629. *By the Chairman*: When did the third interview take place? I saw her on Sunday night last.
3630. *By Mr. Morris*: By appointment? Yes.
3631. *By the Chairman*: When was that appointment made? Let me see; I met her in the street on Friday morning, I think it was.
3632. Was that the interview —? I said to her then, "I will see you on Sunday night."
3633. Was that all you said when you met her in the street on Friday? Yes. No; I said I was going up to the Committee on Tuesday.
3634. You said that on Friday? No, it was Saturday; I had not received the summons on Friday.
3635. Was it on Friday or Saturday you saw her? I am not certain whether it was on Sunday evening I told her I was going before the Committee.
3636. Can you tell whether it was Friday or Saturday? I believe it was Friday—I could not be certain.
3637. I thought you told us you had a good memory? No, I do not think I said so.
3638. Did you not, in the early part of your examination, say that you remembered every occasion when you were at Bentleys'? I gave a reason for my memory, on account of its being the last three days in Lent.
3639. *By Mr. Wilson*: With regard to your memory, do you mean to say that you have not a good memory? I have no reason to complain of my memory.
3640. Have you a good or a bad memory? I think it is as good as the generality of people's.
3641. *By the Chairman*: Are you aware that there are B.'s before your entries in these daily duty books on other than the three days? I am not aware.
3642. Do you know anything of such entries, if they are there? They may be there; I have not examined it since.
3643. I do not ask you whether they may be there—have you any knowledge of such entries, if they are there? No.
3644. You have given no information of such a nature as to cause them to be placed there? At the time I was called in I might have done, not since.
3645. You would then have to trust to memory? At the time.
3646. At the time you gave them you would have to trust to memory? Yes.
3647. Would there then be any similar-circumstance to the last three days in Lent that would enable you to fix the date? I am not aware; of course my memory would be fresher than now.
3648. Would it be fresher than it would be now with regard to what occurred last Friday or Saturday? I do not understand you properly.
3649. Would what occurred last Friday or Saturday be more fresh in your memory than what occurred some months ago? Yes.
3650. Cannot you remember whether it was last Friday or Saturday you met the girl? I think it was Friday. I will call some circumstances to mind that will settle it. I believe it was Friday; I cannot be certain.
3651. You still cannot be certain? Yes.
3652. *By Mr. Johnson*: Was it an accidental meeting? I apprehended a man in King-street — Yes, it was accidental. I believe now it was Saturday. I will tell you the reason. I apprehended a man in King-street, and when I was taking him to the office I saw her. He was brought up on Monday morning—he was remanded on Monday.
3653. *By the Chairman*: So it was Saturday? Yes.
3654. And you could have told her that you were going to appear before the Committee? I had not received the summons till Saturday night.
3655. Had you not seen Constable Sanderson? Yes, I must have seen him.
3656. Had you not seen Inspector Harrison? Not previously to —

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3657. Had not they told you you would be summoned before the Committee? I understood I was to appear, but I had not received any summons.
3658. Did you tell her on that occasion that you were going to appear before the Committee? I think I told her then I was going to appear on Tuesday.
3659. And in consequence you would like to have some conversation with her on Sunday? I did not say so. I simply said "I will see you on Sunday night."
3660. Did you tell her you wanted to converse with her before appearing before the Committee? No.
3661. *By Mr. Morris*: What was your object in making another appointment with her after having had two long interviews? For the purpose —
3662. *By Mr. Wilson*: Were you trying to get the affections of this girl? No.
3663. You have never been making love to her? No.
3664. Have you ever made any appointment with her at any other times besides those you have narrated to the Committee now? No.
3665. You have been a good deal in Bentley's house with her? On three occasions.
3666. Had you a good deal of intercourse with her at those times? No, no farther than I was compelled —
3667. Whether you were compelled or not—had you any intercourse with her, whether compulsory or not? What sort of intercourse?
3668. Had you any communication with her? I have spoken to her in a friendly way; I have bid her "good night" when she has gone to bed.
3669. Have you said "good evening" to her when you have met her? No, I have met her on many occasions, and have never spoken to her.
3670. The only conversation you had with her, when you were in Bentley's house, was bidding her "good night" when she was going to bed? I may have spoken to her.
3671. Will you state to the Committee if you have had much conversation with her? Not much.
3672. *By the Chairman*: What occurred on the third interview with her on the Sunday night? I made a mistake; it was Sunday morning, after she came out of Church.
3673. What occurred—where did you see her? When she came out of Church, at St. Mary's.
3674. Where did you meet her? Outside, near the lamp.
3675. Outside St. Mary's? Yes.
3676. *By Mr. Cowper*: At what hour of the day? About 9 in the morning.
3677. *By the Chairman*: What occurred? She said that Mrs. Bentley—she had been told that Mrs. Bentley had been crying the Sunday previous on the verandah—a week last Sunday; she did not see this herself, but she had been told, I think, by her fellow servant. I think that is the person she said she was told by—I am not certain—and she said she had been told Mr. Bentley did not wish to bring them up without he was pressed to do so, and that Mr. Boulanger had been there.
3678. *By Mr. Wilson*: When? The same day.
3679. *By the Chairman*: The same day—that was Sunday? A week last Sunday.
3680. Did she say who told her that Mr. Bentley did not wish to bring them up if he could help it? No, I do not think she did.
3681. We ought to have that conversation right off—You went on duty for the express purpose of hearing what she said? No, I was not on duty.
3682. Did not this communication come to you at the Police Office? No, I met her.
3683. The first communication? Yes.
3684. Were you not on duty when you went to see who was the person that wanted you? On the first occasion.
3685. Did not every other occasion arise from that? Yes.
3686. *By Mr. Cowper*: At all times you surely must be considered on duty in that sense? Yes.
3687. *By Mr. Lucas*: If you were not on duty, what were you doing with this girl? I went to Church myself.
3688. *By the Chairman*: You were there by appointment? I had appointed to meet her, but I could have gone without —
3689. *By Mr. Cowper*: Go on, and tell what the conversation was? She remarked that she herself thought it strange that Ada—I think she called Mrs. Bentley's girl—should be put to sleep in the room where the holes had been bored; she said she had slept there one night by herself—the child had. I think that is all the conversation that took place.
3690. How long were you with her? From the time we walked from St. Mary's round the Domain—she went home, and I left her.
3691. Were you talking all the way? Yes.
3692. Were these three sentences all that were said—that Mrs. Bentley had been crying; that Mr. Bentley did not wish the servants to be brought up; and that she thought it strange the little girl should be put to sleep in the room with the holes in the ceiling? That is all I can remember in connection with the Bentley case.
3693. Was there any other conversation carried on? There might have been some private conversation that does not interfere with the Committee.
3694. You do not know whether it interferes with the Committee or not—did you not meet this girl officially, to see her in relation to this Bentley case? Yes.
3695. What took place at this interview—let us judge whether it relates to the matter: Do you consider that you have a right to judge what you shall tell the Committee, and what you shall keep from them? Most decidedly not; anything I remember I will state.
3696. State what took place with this girl during the whole of this interview on Saturday—tell us everything that occurred, or say you will not? I will if I can.

3697. Can you? I cannot remember anything more.
3698. *By Mr. Cowper*: Did you talk about the weather? I cannot say; I have said all that I remember; it takes some time to speak all that.
3699. *By Mr. Lucas*: How long were you in her company? I must have been a quarter of an hour.
3700. *By Mr. Morris*: Upon this last occasion did she express any opinion with regard to Mrs. Bentley being herself, or Mr. and Mrs. Bentley being themselves, the concoctors of this so-called mystery? She seemed to say it was very strange; she did not actually say they were.
3701. She led you to suppose ——? I inferred from her manner that she thought so.
3702. Mr. Inspector Harrison was acquainted, no doubt, with these interviews that you had with this girl? Yes, he knew.
3703. He knew, and you arranged before ——? I do not know that he knew before—he knew after.
3704. *By the Chairman*: He knew before the interview took place? I am not aware that he knew of all before they took place; in fact he did not know of the first till after.
3705. What time after? I think the following day.
3706. *By Mr. Morris*: Did he assist you with any suggestion as to what kind of questions you should put? I am not aware that I put any questions to the girl.

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Anna Maria Bradshaw called in and examined:—

3707. *By the Chairman*: You are servant to Mr. and Mrs. Bentley? Yes.
3708. How long have you been in their service? About twelve months last April—the middle of April.
3709. *By Mr. Cowper*: How old are you? Twenty-six, nearly.
3710. *By the Chairman*: Have they been kind employers to you? Yes, very.
3711. Do you know any person of the name of Camphin? Yes, I do.
3712. Have you written a letter to him? Written a letter to him? Yes.
3713. What was the purport of that letter? I do not recollect it now.
3714. Was it making an appointment with him? Yes, it was.
3715. Is that the letter (*handing witness the letter sent to Camphin*)? Yes.
3716. Is that your own writing? It is not; it was dictated by me.
3717. Who wrote it? My aunt.
3718. Who is your aunt? Mrs. Hynes.
3719. Can you read that letter? Yes, I think I can. I do not think I can manage to get my nerves up, but it is sufficient to know that I know the writing.
3720. If you know the writing, can you read it? (*The witness read portions of the letter.*) My sight is not very good. I cannot see so clearly without a glass. I generally use a glass for reading. I can tell you the purport of the note.
3721. Did you ask your aunt to write that letter? I did.
3722. For what purpose? The reason—I suppose I may as well give you an explanation of the reason I first had for doing so; it will be clear then. My first reason was because that I had been informed by Mrs. Bentley that she had been accustomed to meet a priest once or twice every week. I had spoken to her on the matter before. I said it was very suspicious about this priest, whether he might be a priest or not; and I told her on one occasion that I had made it my business to know whether he was a priest or not, and had inquired. I had asked several whether it was the case, and found out it was not. Then I determined to ask a person that I knew was at the concert, whether he had seen a person in the garb of a priest, or one who might be taken as such, near or within hearing of Mrs. Bentley, on the night of the concert.
3723. Had Mrs. Bentley told you she had seen a priest at the concert? Yes, Mrs. Bentley told me so.
3724. Did she state where she had seen the priest? He sat near her, she said, or behind her, and as she was coming out he was within hearing of her.
3725. Which concert was that? The concert at the Philharmonic Hall. I cannot tell the date, for I did not take notice as to dates.
3726. Do you remember anything particular about the night? Yes, it was the night the President, or the Vice-President, refused to lead Mrs. Bentley on the platform; that was the night.
3727. Mrs. Bentley told you that a priest was sitting near her or at the back of her? She told me a few days after the concert. She appeared to know the priest; that was my reason for inquiring. I thought perhaps she might have been wrong in thinking him to be a priest; that he might have wished to impose himself upon her as one. So I made inquiries, because Mrs. Bentley told me after last Christmas—I had been to midnight mass with the other servant—she told me the next day after going to Newtown, that he said he had looked all round thinking to see her at the midnight mass, so that I knew it must have been one of the three that were there. Both Mary and I described, as nearly as we could, for she told me it was not either of the first two, and Mrs. Bentley supposed the third one was the person whom she saw.
3728. Who did you make these inquiries of? I made inquiries of one person that I knew to be at the mass, and the other person to be a friend of hers as near as I could know; and I found it was not a priest at all that was the third assistant. I got to know his name; he was sub-deacon; but Mrs. Bentley said she knew he was a priest in reality, for she saw him speaking

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speaking to the Archbishop, and also to Dean Sumner, and several other things which made her know that he was a priest; and that he also used to go with her to Newtown once a week, or sometimes twice a week.

3729. *By Mr. Morris:* Did she describe the priest to you? She did not. Both Mary and I here described different priests, and asked her if she thought it was such a person, and from her account it seemed she thought he was a person of about middle height, rather stout, had rather a careless walk, and hair a little curly, which was dark brown, rather affable looking; that was the description. Mary and I were anxious to know whether it was a priest or not, for we had no idea or thought of this till the matter of Exeter came out, and then seeing whoever it was that practised the deceit, it was a falsehood, and that made me make the inquiry.

3730. *By the Chairman:* This was all since this letter about Exeter was published? All since that; nothing at all before that; but Mrs. Bentley's statement was before that—entirely before that—but my inquiry has been since.

3731. Of whom did you inquire about this? The name I do not know. It was a person I saw on the Racecourse; without their knowing me or I them, and I asked her what person had this friend of hers seen at midnight mass; could she make inquiry of the person and get to know the name of the person who assisted at midnight mass? She said she had heard his name, but would inquire more particularly. I said, "I have a reason particular to know." She did so in the course of a few days, and told me he was not a priest but sub-deacon.

3732. Do you know who this person was you spoke to on the Racecourse? No; it is a young girl who is there—I do not know her name; I could get her address.

3733. From whom did you get the information relating to Mrs. Bentley being at the concert? I got that from Mr. Camphin, for I asked him; he was a long time before he would make any explanation, wishing my reasons why I wished to know; and I told him if he had been a priest he deserved punishment, and if he was not a priest, but one who assumed the garb, he equally deserved to be punished.

3734. *By Mr. Wilson:* Where had you this conversation with Camphin? In the street.

3735. *By the Chairman:* In what part of the City? I cannot exactly say; it was in the City—some part about.

3736. Do you remember where? I cannot say what part; the words were pronounced in the City or about.

3737. Do you remember when this conversation took place—how long ago? Not many weeks; but I cannot exactly say the day of the month.

3738. Was it before you wrote that letter? Yes, that is as near as I can remember. I am not certain whether anything occurred before it, but I do not think there was.

3739. Had you seen Camphin before that letter was written? Yes, I had, and had made the inquiry. Oh! Now I recollect, it was on Sunday evening I made inquiry concerning —

3740. It was before you wrote the letter? Yes.

3741. Had you a long conversation with Camphin? No, I do not think it was very long.

3742. Was it principally about Mrs. Bentley? Yes; I think that constituted the conversation.

3743. I suppose you made acquaintance with Mr. Camphin when he was in the house? No, Camphin and I were perfect strangers to each other—in fact I think I saw him only twice while he was in the house.

3744. When was the first time you met him after he had been in the house? That was the first time after he had been in the house; only once I remember seeing him at the door as I opened it—he came with a note—that was the only time I ever met him.

3745. Was anyone with him when you met him in the street on the first occasion? Not anyone; we were alone. It was on the Racecourse—not very private.

3746. Do you know what time in the day it was? It was about half-past 6 in the evening, or between that and Church time.

3747. Was it on Sunday? It was on Sunday.

3748. Had you any conversation with him after that—did you go to Church that night? Yes.

3749. Did you see him after Church? Yes; it was after Church. I merely made the inquiry, and he had not promised to give the answer till afterwards—he did not tell me he would answer the question. I asked him whether there was such a person at the concert.

3750. Did he say there was? He did not tell me. He told me afterwards there was no such person there.

3751. When you told him —? I told him the several conversations with Mrs. Bentley that had taken place; not the entire conversations, but part of them.

3752. Did you make an appointment to meet him again that night? After that?

3753. Yes? No, I did not.

3754. Before you parted that night, after Church time, did you make an appointment to see Camphin upon some other occasion? Yes, I did.

3755. When did you make an appointment to meet him? I think the next time I saw him was Wednesday night.

3756. The first time you met Camphin did you meet him accidentally? No, I did not.

3757. In consequence of what did you meet Mr. Camphin? I told my aunt to go to the office and ask for him, and to tell him a person wanted to see him; she did so, and he came to me.

3758. When did you meet him afterwards? After Wednesday?

3759. After? I saw him on the Friday night.

3760. You are sure it was Friday night? Yes.

3761. What did you speak about then? I should think it was something on the same, because I did not of course give the whole night. I had other business—the whole night was not to be taken up with him, or upon that.

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3762. Did you meet him by appointment? Yes; I said I would.
3763. Do not you remember what occurred—how long were you with him, or in his company? I cannot exactly say.
3764. Were you a quarter of an hour? Yes, I dare say I was an hour.
3765. Did you meet him again in the street? In the street after that?
3766. Yes —? Yes, I was out on the Thursday, I think. I do not know what day it was—I remember it was Thursday, the day of the week, at least I think it was Thursday; I met him accidentally as he was waiting for the omnibus, going, I think, up to Paddington.
3767. Was anyone with him? No, there was not; he was alone.
3768. Had you a long conversation? No, we had not; he was going by the omnibus, and I was going on business.
3769. Did he make an appointment when he would meet you again? I do not recollect now how that was.
3770. On Friday you had an hour's conversation? Yes, I dare say we had.
3771. What was the conversation principally? It was not all upon that; perhaps we went farther, a little distance, and the conversation perhaps turned upon indifferent subjects—upon Home and the country; it did not take up the whole of our time.
3772. Did he mention to you that he was going to appear before the Committee? He did, upon some time; but cannot say upon what time.
3773. Is the Thursday you are alluding to, the last Thursday? No, it was not the last Thursday; I think it was a week last Thursday, but I am not quite certain. I only remember the day of the week—its being on the Thursday.
3774. Did you see him last Saturday? No, I did not.
3775. On Saturday? Yes, I did; I saw him on Saturday.
3776. Where was he then? Crossing the Racecourse, and I was crossing it too.
3777. Was there anyone with him? No.
3778. Were you long with him? No; it was just merely —
3779. Walking? No, I merely spoke, as anyone might do; there was not any conversation at that time.
3780. Did he at that time make any appointment to meet you at any other time? Yes, he asked me when I would be at liberty. I said I would be able of course to see him on Sunday as I came out of Church.
3781. At what time? After the 8 o'clock service—about half-past 9 or a quarter past 9.
3782. What was the conversation when you met him on that occasion? The conversation I cannot say, for it was a very short time, very short, as I was obliged to go home.
3783. Was it anything concerning Mrs. Bentley? I do not remember what it was. I know it was very short, and of very little moment.
3784. *By Mr. Morris*: Did he not tell you what he wished from you, having made an appointment with you? On Sunday morning?
3785. Yes? I do not remember his having done so.
3786. Did he not tell you why he had made an appointment? No, I do not remember his alluding to the reason. I know the first time he was quite, of course not only indifferent, but was he willing to answer me a single question upon the matter—wishing to know my motives, what they could be. Of course I said my motives were motives of justice, whoever were innocent could not come to any harm; and if the truth were made known, it would be the better for them; if guilty, no matter to me who they were, they deserved to be punished.
3787. *By the Chairman*: Did you make any communication to him on Sunday about the Bentley case? On Sunday?
3788. *By Mr. Johnson*: That is the day before yesterday? Yes, I believe I did.
3789. *By the Chairman*: Do you remember what it was? I can remember a few words; they were but few words that were spoken. I can remember telling him that the other servant told me that Mr. Boulanger had called on Mr. Bentley the other evening; she did not think Mrs. Bentley had seen him, but Mr. Bentley had gone out with him; but Mrs. Bentley, she had heard her crying. That was all I stated. I do not remember anything farther.
3790. *By Mr. Morris*: Have you made another appointment to meet Mr. Camphin? Yes, I did.
3791. Where are you to meet Mr. Camphin? I am to see him to-night.
3792. *By the Chairman*: Did Mr. Camphin shew any unwillingness to converse with you on the Bentley matter after this conversation you had with him, when you informed him that you merely wished to see justice done to all? No, I do not think he did; as far as I can judge he did not appear to.
3793. Was he rather anxious that you should speak about the Bentley case? He did not appear so.
3794. Did he ask you questions with regard to Mrs. Bentley? He might have done so; it is just natural to suppose he did.
3795. Did you volunteer this information—did you say, "Mr. Camphin, Mrs. Bentley was crying on one occasion; Mr. Boulanger called on Mr. Bentley,"—did you tell him that Mrs. Bentley had done so-and-so, or said so-and-so, or did he ask you questions, to elicit this information? No, I believe it was mostly voluntarily. I selected him as I considered he was a conscientious person who would speak the truth. I was not biassed by any person, whether relative or religious.
3796. *By Mr. Wilson*: Were you aware that he was a Catholic? Yes, and for that reason I did not expect he could be mistaken with regard to what a priest should be like.
3797. *By Mr. Morris*: Have you had any conversation with any priest upon the Bentley subject? I have had a conversation with him.



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3798. And related all these circumstances to him? No, I have not, for no priest would take any public matters of that sort into consideration.

3799. Have you related at all any of the circumstances that you are acquainted with, in regard to the Bentley case, to any priest? I have inquired of a priest if there was such a person at St. Mary's, or did he know of anyone going with a lady or Mrs. Bentley to Newtown; the priest told me no, he knew nothing of such a person; he knew no such lady.

3800. *By the Chairman*: Did you have any conversation with Camphin about Mrs. Bentley asking you what the Jesuits were, and about their being very bad people? Yes, I did; I related everything I thought of, or knew, as far as the time allowed.

3801. Everything you knew you told Camphin? Everything. Of course a great deal I heard from Mrs. Bentley, which I thought a matter of indifference, which Mrs. Bentley herself will remember.

3802. *By Mr. Morris*: Did you intend to give Mr. Camphin the impression that you thought Mr. and Mrs. Bentley were themselves the concoctors? No, I did not say any such thing. I said it was a very curious thing that such things could have occurred, and of course I did not know who could have been the persons, but if Mr. or Mrs. Bentley had anything to do with it, they would see whether Mrs. Bentley knew anything of it. She told me she knew the person at Exeter, and I told her that very likely the person that made the mischief at Exeter would do it here, and no matter what the consequences might be to anyone she ought to tell. She never gave me an opportunity of telling her the measures I would have taken.

3803. Has Mrs. Bentley conversed with you upon this case since this Committee has been appointed? No, she has not. I do not think she has spoken to me at all since then, but I asked her on one occasion about it—I think upon two occasions—whether such a thing was to be or not; she said no, there was to be a reward offered—I believe that was it—that it was all over about it; but that a reward was to be offered by the Government for the apprehension of the guilty parties.

3804. *By Mr. Johnson*: How long ago? On the Prince of Wales' birthday I think was the day I asked her; I am not certain but I think that was the day.

3805. *By the Chairman*: Did you tell Camphin that it was a very curious thing that Mrs. Bentley should put little Ada to sleep in the room where there were holes in the ceiling? Yes, I did.

3806. Why was it a curious thing? I think if these people are so very revengeful they ought to come in now and take their revenge, when they could get it so easily, as there is no one to watch them.

3807. Did you tell Camphin that? I do not know that I said what I tell you, but ———

3808. Did you say the substance? I dare say I said quite as much, but not so plainly as I tell it to you.

3809. *By Mr. Cowper*: You have made an affidavit in this case? Not in this case—not to the things that have been said now.

3810. *By the Chairman*: You know what you did swear? Yes, I remember everything I acceded to.

3811. Is the whole of that true? The whole I was asked and made answer to as far as I knew, from beginning to end; what Mr. Johnson read as far as I know I believe to be correct; I know nothing to be false in the matter.

3812. *By Mr. Johnson*: Did I not, on several evenings, read the whole of the document to you and your fellow servant? Yes, I believe you did.

3813. Did I not ask you particularly if you had anything to remark as to anything—if there were any inaccuracies as to your knowledge or belief to point them out? Yes.

3814. And to suggest if you had anything to add to it of any description, and you did make some suggestion—did you not? I did not like to say anything that did not come under my own notice.

3815. You paid particular attention while I read it; it occupied a long time, two or three evenings, when I read it to you? Yes, three evenings.

3816. *By the Chairman*: Did I understand you to say that there were certain things altered in the statement? There were certain words that Mr. Johnson altered.

3817. *By Mr. Johnson*: They were altered to accord with your understanding and belief? Yes.

3818. *By the Chairman*: Was it before or after you made this sworn deposition that Mrs. Bentley spoke about meeting with the priest on the road to Newtown? No, afterwards. I was always led to believe there was a person here—a priest here; when I say always, from the first time Mrs. Bentley spoke to me—a priest who knew Mrs. Bentley—who was acquainted with her at Home in London or Exeter, because the first conversation Mrs. Bentley said she had with the priest was, he addressed her, she said, as "Miss," going out in the omnibus to Newtown, and she told him she was married and had two children; the second time he saw her, addressing her as Mrs. Bentley, without telling his name or having any introduction to Mrs. Bentley, which led me to believe, and herself too, as I thought, that he knew her. She said she did not know the reason why he knew her, only upon one occasion, going out to Newtown, he had mentioned a circumstance which she knew had occurred at Home to her. It was, she was teaching or something in a school—on some charitable visit to a school—and on that day some accident had occurred to some of the inmates of the school, and that he, accompanied by another gentleman, went into the room and asked which was Miss Monk, and they pointed to her, and she had overheard it; and when he mentioned it to her again, she recollected his being there—the circumstance.

3819. *By Mr. Johnson*: Will you answer this question—the statements you have spoken of as having been made by Mrs. Bentley about meeting a priest in this country, were they made to you before you swore that affidavit? They were; but of course it was all quiet till the

letter

letter in the newspaper about Exeter; then all came to my mind at once, either that such a thing could never have occurred, or that it was the same person.

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3819. Why did not you tell me about these conversations between you and Mrs. Bentley about the priest? Because I did not think there was any necessity.

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3820. Did I not ask you particularly to tell me everything of every description, whether you thought it material or immaterial, upon the subject—did I not particularly ask you that? I am not sure of that.

3821. Do not you recollect something of the kind? I do not remember exactly the words you said; it might have been done, but I did not commit it to memory.

3822. Do you recollect my saying, before I commenced reading the document, that I desired you to pay particular attention to it, to see whether there was anything in it that did not accord with your own impression or belief, or anything that you thought important, omitted? Something to that purport I can recollect; but Mr. and Mrs. Bentley told me when I came in to speak to you—I was nervous at the time—I was not to tell you anything but what I was asked, only to answer the questions put to me, and nothing more.

3823. Had you any nervousness in communicating with me? I was always nervous in appearing before anyone.

3824. You are nervous now—are you not? I am.

3825. You were not more nervous then, or so nervous, as you are now? I was more nervous on taking the oath than I am now.

3826. I mean when I read the document? No, I was not over nervous.

3827. *By Mr. Morris*: Why were you more nervous in taking the oath than you are now—ought you to be more particular in speaking the truth on oath than under any other circumstances—ought you not always to speak the truth? Yes, of course; but it is natural to me to be nervous. When I see before what is coming I endeavour to nerve myself. In the cause of truth and justice I am never afraid to overcome my nerves, as far as I possibly can.

3828. *By Mr. Johnson*: How many interviews do you say you had with Camphin? Those you have mentioned—those you have asked me about.

3829. How many? I cannot say.

3830. Did you have one last Sunday week or fortnight? No. Last Sunday week—No. Neither Sunday week nor Sunday fortnight had we any.

3831. When was the first? Sunday week or Sunday fortnight; I am not sure as to the day. I know I was not out last Sunday. No, I think the first was three weeks last Sunday.

3832. *By the Chairman*: Were you not at mass on Sunday? Yes, I was every Sunday since I have been with Mrs. Bentley, but I never saw him at all on the Sunday morning but once.

3833. *By Mr. Johnson*: Sunday night I understood was the first? Yes.

3834. I want to begin with that, if you can fix that date—there was no particular festival at that time? It was Sunday.

3835. Is there anything by which you can fix the date of that first interview? Nothing at all, unless I go back and look at the date of Sunday three weeks.

3836. Are you sure it was last Sunday three weeks—the 9th? I am not very sure, but I feel confident it was.

3837. It was the Sunday before the Wednesday when you met according to appointment? Yes.

3838. That was the day before the Prince of Wales' birthday? I do not know.

3839. Did your aunt speak to you about your having that interview with Camphin? I merely asked her if she would go; I did not like to do it, but I felt it was a conscientious thing. I was not an individual concerned in the matter, but as the matter would be made public I thought it ought to be made clear whoever the person was. I meant to put Mrs. Bentley under the impression that I wished to make the inquiry, but Mrs. Bentley never gave me the opportunity. I wished to speak upon the matter to Mrs. Bentley, but the matter was always dropped at once by her.

3840. As to whether a priest was concerned? As to the Committee I wished to keep nothing secret, for nothing was I afraid of.

3841. Had you heard of this Committee at the time you had this first interview with Camphin? The Committee?

3842. Of the Committee being appointed? I do not recollect from what source, except the newspaper could have made known it, for no one could have given me the information.

3843. Am I right in supposing your principal object in wishing to see Camphin, was to find out whether a priest was mixed up in the affair, or a person disguising himself as a priest? Yes.

3844. That was your entire object? That was the question I asked of Mr. Camphin.

3845. Was that your object in seeking the interview? My object in seeking it was for the truth to be known—let him be priest or not, let him be found out. If he was a person who came from home, and went disguised as a priest—

3846. Was it, or was it not, principally to clear the priests of this City from such an imputation? To clear them from it; I do not know that it was, for I was not afraid that any priest in the City— I knew very well that it was not a priest at all, before I made the inquiry; but I wanted to know if there was such a person dressed as a priest. I was quite confident that he was not a priest.

3847. You did not believe that one of your clergy would be guilty of such conduct? Of course I know every person is liable to fall.

3848. How do you know he was not a priest? I made inquiry. Mrs. Bentley told me where this priest was, and I inquired from these people, who knew nothing of my reason for inquiring.

3849.

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3849. Were you satisfied it was not a priest before you sought this interview with Camphin? I was quite satisfied.
3850. What was your object then in seeking this interview? Because I wished the truth to be made known, that things might be stated that it was a priest. I spoke to Mrs. Bentley, saying it might be a person disguised as a priest; but she said, no such thing, it was a priest—she knew it to be a priest.
3851. You say you were satisfied it was not a priest before you saw Camphin? Yes.
3852. I cannot understand your object in wishing to see Camphin, if you were satisfied? I wished to state what I knew, that the matter might be clear.
3853. Before you saw Camphin, had you any interview with anybody else upon the subject? No; the matter I did not state clearly to anyone else.
3854. Clearly? For there was no reason for doing so; there was no one to whom I could communicate. I always wished to go to the source.
3855. How was Camphin the source? I knew of course that he could tell me whether there was such a person, knowing that he was in the concert-room.
3856. Did Camphin tell you he was at the concert? I knew from the other girl, and from Mrs. Bentley.
3857. That Camphin was at the concert? Inside the concert-room, or standing just outside the door.
3858. Did you know there were two doors? I was never there.
3859. Why did you select Camphin as the person to give you the information you sought? I think I made that answer. I understood him to be a Catholic, and he could not be deceived as to what a priest might be like—the garb of one; Mrs. Bentley might be deceived.
3860. You say you were quite satisfied it was not a priest before you saw Camphin? Yes.
3861. What was the object in seeing Camphin to ascertain from him whether it was a priest or not, if you were satisfied—can you answer that? I cannot answer you any further than I have. I have answered you as clearly as I possibly can, and I cannot go any farther into the matter.
3862. Had you any other conversation with any other person upon the subject before you saw Camphin? I daresay I had.
3863. Do you recollect that you had? I have spoken to the servant who lives with me upon the matter; she was aware what I was going to do.
3864. Anybody else? I related a few things to my aunt (not many); she was aware also what I was going to do. I do not think there is anyone else.
3865. Are you sure there was nobody else? Yes, I am sure there was nobody else—at least, I think so.
3866. Am I not right to suppose you were jealous for the honour of your priest — ? I am always jealous for the honour of the cause of God; it does not matter to me whether it is one of the priesthood or anyone else, so long as it is the cause of God!
3867. Is it not the fact that you are very zealous for the honour of the priesthood of your Church—it is nothing to be ashamed of — ? Not at all, of course. Not as regards them individually, but as far as regards truth and justice I would at all times be zealous. It does not matter to me whether the person be Mr. or Mrs. Bentley, or was it the Pope himself (and you are aware how we venerate him), were he the guilty one I should speak equally the truth.
3868. *By the Chairman*: When did this conversation take place with Mrs. Bentley? I think the last was on the Prince of Wales' birthday—that occurred between Mrs. Bentley and I. With regard to the priest, the conversation, she said, between her and the priest was the last time she went to Newtown; the date I do not know.
3869. *By Mr. Johnson*: Have you had no conversation with any priest upon the subject? Any priest?—The priest I am accustomed to speak to, knew nothing of Mrs. Bentley or of the matters that were going on.
3870. Give me a direct answer—have you had no conversation with any priest on the subject of the Bentley case? No, I have not had a conversation with any priest on the subject.
3871. *By the Chairman*: Have you told any priest anything about the Bentley case? No. I have mentioned, as it would be natural for me, and have perhaps asked for advice as to what was to be done in a conscientious matter, and the advice I asked was not given. Of course I was told my duty was to do nothing contrary to conscience.
3872. What did you ask? I am not sure—anything I have asked I will not disclose; anything I relate to the priest, that regards spiritual matters, I will not disclose.
3873. I am not now asking anything that has passed under the seal of confession? It would be no use, for it would not be obtained.
3874. *By the Chairman*: You said you asked advice? I did.
3875. Was that under confession? No.
3876. Have you any objection to state what it was you said? I do not remember. I remember the answer, but not the exact words; the answer was that I was to be conscientious and to serve God, but he gave me no answer about the matter; he said he knew nothing about the matter. It was likely I should like to know whether I ought to make such a thing public or to let it be quiet, or let it be found as things might be. I thought I might obtain a reply, but I did not obtain a reply. The reply was that he knew nothing of the matter; that all I was to do was to do my duty. He did not say what I was to do, or what I was not to do. I was dismissed with that, so that I knew he never had anything to do with public matters.
3877. Did you act upon that? I acted according to conscience.
3878. Was that when you asked Camphin to meet you, in order that you might speak to him about Mrs. Bentley and the priest? Yes, it was—I took it upon myself; as I got no advice upon the matter I consulted my own conscience.
- 3879.

3879. Do you know anything that, in your opinion, would tend to shew that Mr. or Mrs. Bentley had anything to do with this letter-writing? I do not know anything particularly, but there is one circumstance that I can remember, and that of course I do not like to affirm on oath —

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3880. You are not on oath? I thought I was, and that everything was put down.

3881. *By Mr. Morris:* What is this one circumstance? That Mrs. Bentley said to me, that of course the person who wrote the anonymous letters wrote them in the German language—not in the German language, but in the German style. On a former occasion I know, as Mrs. Bentley can assert, she said she understood the style herself of writing German. That is all from Mrs. Bentley's lips; it was merely a casual conversation. On one occasion, speaking upon some science, Mrs. Bentley had said that people could tell the characters or dispositions of people by certain things, for instance, by their handwriting—that Mrs. Bentley had written to a person, being a German, a gentleman who professed to do this, from where she lived, or from near London, and that she wrote as a German lady, I understood her, for to tell her disposition, and the answer she got, she said, was pretty near correct, as far as her disposition went, but that he had told her she was not a German, but he told her her character.

3882. *By the Chairman:* Had that anything to do with the Bentley letter-writing case? I do not know; that is what Mrs. Bentley told me; and when you asked me the question I gave you the answer—that is all I know about the matter of letter-writing. That is all I heard from Mrs. Bentley herself. Anything with regard to the present matter I cannot say.

3883. *By Mr. Wilson:* Am I correct in supposing that it was owing to your seeing some allusion made to priests and Jesuits in the letter that appeared in the *Empire* newspaper, that you took a fresh interest in the case? Not altogether a fresh interest in the case; for I was not interested, as I said before, but believing that Mrs. Bentley was innocent, and Mr. Bentley a most persecuted person, as it may happen, yet is the case, and believing that if matters were cleared up, it would appear better than before—but Mrs. Bentley related the circumstance, perhaps not the whole, but mostly the whole relating to the Exeter matter, before it appeared in the newspaper, and then seeing it as it was in the newspaper, made me doubt the fact of the priest, for I had received from Mrs. Bentley a statement of the Exeter matter.

3884. What was there in the letter that caused you to doubt the statement regarding the priest? The style of the letters being written—the very style of the writing; I knew it must be from no religious motive any person could write —

3885. We all know that religion had nothing to do with the writing, but what portion of the letter was it that caused you to disbelieve Mrs. Bentley's story about the priest? I cannot tell you. I have not the paper here.

3886. Was it before you thought the letter could not have been written with a religious object? It appeared from the letter very different from what it appeared before.

3887. You cannot explain the reason of your coming to this conclusion—the particular portion of the letter? I cannot tell who was the author of putting it into my head. I cannot say what was the cause, but it came into my mind because Mrs. Bentley told me about the Exeter matter.

3888. You say it was on account of what was stated in the letter in the newspaper? Yes.

3889. Do you not know what portion of the letter it was, or what particular circumstance connected with that letter? I am not as conversant with the papers as the gentlemen here, for I never use a paper without having a reason, and I cannot point out the particular part.

3890. Supposing the term Jesuit or priest had never been used in the letter, do you think you would have taken the same interest in the matter afterwards, as you appear to have done? I cannot say what I would have done, or what happened after I had read the letter.

3891. Do you state that it was not in consequence of the statement made in the letter, relative to Jesuits or priests, that you asked an interview with Camphin? Because it appeared to me that the truth ought to be known. It mattered not to me; it was not the cause of priests or Jesuits individually that I cared about, but supposing they were, as I was led to believe, plotters in certain things, I think if that was the case they could be found out. I know that people generally take very wrong views of these things, but perhaps now —

3892. *By Mr. Johnson:* Of what? Things regarding Catholics—that they are capable of concocting —

3893. *By Mr. Wilson:* Who do you mean by "people"? I believe it is the opinion of a great many. Of course Catholics, as a body, can do a great many mischievous things; but I think whatever they do is with a good intention.

3894. Do you think they cannot do anything that is bad? Not with a good conscientious motive, I think; they never can conceal the truth when it is necessary for —

3895. *By Mr. Leary:* Your meaning is, that the Protestant community is prejudiced against Catholics generally? Some of them are.

3896. Many of them are? Yes; it is blindness.

3897. I think you stated that the reason of a doubt having arisen in your mind, after reading the letter in the *Empire* respecting Mrs. Bentley's statement, was, that there was a variance between the purport of that letter and what Mrs. Bentley had stated to you previously? There was an entire contradiction.

3898. Can you state in what particular points the contradiction consists? It would take a long time to explain matters so clearly. When Mrs. Bentley related it to me it was clear as the noonday sun—to the world it might be a mystery.

3899. Can you explain to the Committee what was the main difference between the narrative of Mrs. Bentley to you and what you read in the paper? Yes, I can.

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3900. Do not be at all nervous? I am not so nervous now as I was, because I do not mind it. I know Mrs. Bentley—of course I need not go into great detail—with regard to her former life, that she was inclined to be a Catholic; at one time she told me that—another time perhaps she told me she was a Catholic.

3901. *By Mr. Johnson*: “Perhaps”? That is really, if not the exact words it will convey the same meaning.

3902. *By Mr. Morris*: That she was almost a Catholic? That she was a Catholic in reality for four years.

3903. Why do you use the expression “perhaps”—I do not understand you? I do not recollect having used it.

3904. *By Mr. Leary*: When you say she was four years a Catholic, how long ago was this four years? A few months after I went to Bentley’s.

3905. Did she say at that time —? After first playing at the Philharmonic.

3906. Did she say at that time, after the Philharmonic Concert, that she was a Catholic, and had been for four years? After the first concert, not after the last; the one about twelve months ago—a few months after I went there. Mary was present when Mrs. Bentley said it. She had some reason I daresay for saying that she was a Catholic, or when she was a Catholic, or something of the sort. I was leaving the room when she said so. I said, as near as I can remember, to Mary, “I believe Mrs. Bentley’s saying that she is a Catholic, it is nonsense; she is making fun of us.” Mrs. Bentley said, “Indeed I am not; I am not a Catholic, but I was a Catholic till I was seventeen years of age—for four years—till I was “seventeen.”

3907. What led to this conversation? Some indifferent matter; something speaking of and laughing; Mrs. Bentley just saying what she knew.

3908. What struck you, on reading the letter in the *Empire* newspaper, as varying from Mrs. Bentley’s statement to you? Of course I do not know if Mrs. Bentley had the mere motive of telling a simple falsehood; as I said, I did not think a simple falsehood—it might be harm, but it was not a very bad thing. She told me that she remembered Mr. Bentley when she was eight years old, and I thought it was very strange it was in the letter about Exeter, that she said Mr. Bentley had not known her till she was about fourteen. She said she could remember sitting on Mr. Bentley’s knee, on some excursion—some place she was travelling to; that she was engaged to Mr. Bentley when she was fifteen. She told me also that she was in Court when she was fourteen years of age—that she had taken an oath concerning an anonymous letter that had been written; she told Mary also. Mrs. Bentley said, “Your oath will not be taken upon the Bible, as you are a Catholic.” I do not remember the occasion on which she said it, or the reason.

3909. *By the Chairman*: You say Mrs. Bentley said that to you? Yes, on some former occasion.

3910. What led you to the conversation? I cannot remember. I fancy it was something regarding if we were required to take an oath; she said it was likely our oath would not be valid, or it might not perhaps be taken with the Bible.

3911. *By Mr. Leary*: Did not this letter appear before you made your depositions? No, it appeared after, as near as I can remember.

3912. It appeared after you had made your deposition? Yes.

3913. *By the Chairman*: You altered your deposition in some cases when it was read over to you? There were a few words that might alter the sense a little, but I thought —

3914. Can you explain to the Committee why you did not insist that something should have been said in the deposition with regard to the priest that you have stated to the Committee Mrs. Bentley said she was in the habit of meeting? Because I was told by Mr. and Mrs. Bentley to make no statement but what I was asked for. Then I had no doubt about the matter at all. I felt that, when I affirmed upon oath, I had confidence that all that was stated was correct, and that as far as I knew I took my oath that it was true.

3915. Do you say that Mr. Bentley said that you were to say nothing but what you were asked? Mr. and Mrs. Bentley said that I was to make no statement of my own; I was merely to say what I was asked—to answer the questions.

3916. *By Mr. Johnson*: Was it not that you were not to go into rambling statements about matters foreign to the subject? Only with regard to myself. I made some little alteration with regard to —

3917. *By Mr. Leary*: Was it not merely an intimation that you were to be careful what you said? Yes.

3918. *By Mr. Johnson*: Did I not make a preliminary statement to you, that I wished to hear everything you had to say—that you were to conceal nothing—to omit nothing. Did I not say something of that kind? Yes, you might.

3919. *By Mr. Leary*: Never mind what might be—what did you yourself understand? I understood, that as far as what was read to me in the papers, if there was anything there I thought or knew was not correct to state so.

3920. *By Mr. Johnson*: Do you not remember my saying that I would not depute Mrs. Bentley to read the deposition to you, but that I came myself at great trouble to do so, as I should not be satisfied unless I heard the statement from your own mouth? I do not know; I was not in the room the whole time; there was a time when something escaped me, when I was not there—I think it was the beginning of the reading.

3921. *By Mr. Leary*: Were you aware that Mr. Johnson was acting as the professional friend of Mr. Bentley? Of course.

3922. *By the Chairman*: Were you aware that what you were stating would have to be sworn to? Yes, I was.

3923. And the consequence was that you knew that what you were saying was on oath? Yes, of course.

3924.

3924. Under those circumstances do you say that you have no remembrance of Mr. Johnson telling you that you were to be very careful in making every suggestion that occurred to you, as to the truth or falsehood of what was being read? Yes, I understood that anything that was stated that had come under my notice that was not true, I was to state; of course I was aware there was nothing that was not true.
3925. Were you not aware of what Mrs. Bentley had told you about this priest going to Newtown with her? Yes, but she said that he had business there at Newtown, and always saw her.
3926. Then what you state now is, that the priest did not go to Newtown with Mrs. Bentley? He always made it a point to go in the omnibus with Mrs. Bentley.
3927. Did Mrs. Bentley say he always made it a point to go in the omnibus with Mrs. Bentley? I cannot say those were the words, but she left me under the impression that he always did so.
3928. Did Mrs. Bentley make a confidante of you—did she tell you her secrets? The other as well as I.
3929. Did she make confidantes of you both? No, I do not think she did; she never told us under secrecy; nothing she told us not to speak of at all.
3930. Are the Committee to understand that you know nothing about any priest going to Newtown with Mrs. Bentley for any purpose, but that at the same time Mrs. Bentley told you that she met a priest on her way to Newtown? I believe I stated before.
3931. State again? Mrs. Bentley left me under the impression that the priest made it a point to see her always; he might have had business there, but sometimes she said she believed he had no business at Newtown at all.
3932. Did Mrs. Bentley tell you that she believed this priest had no business at Newtown at all? She did; she told the other girl and I, upon several occasions, that she believed he had no business there, but afterwards she said she would feel very dull without his company.
3933. Did she say anything else about this priest? A great many things.
3934. Tell us all you heard about him? She told us that one night the priest was at a concert—or at the Bachelor's Ball I think it was—and she told me on some following occasion—I do not know whether it was the following day—she had seen the priest I think standing at the door, and that he had smiled at her; and that Mr. Bentley had pointed him out to her, and said, "That looks very like a detective."
3935. That was the priest at the Bachelor's Ball? Not at the ball, but at the door; he stood outside the door.
3936. What else did Mrs. Bentley tell you about this priest? She told me that he could tell her about her brothers at Home, and about her nephews—where they were, and how they were going on.
3937. Did she tell you anything else about him? I do not recollect every conversation that occurred. Generally a day or two afterwards they would come to my mind—about St. Mary's—the priest asking her when she was going to St. Mary's—and did she go to Church.
3938. Have you had any other object in meeting Mr. Camphin at any time than that of speaking of Mrs. Bentley and her affairs? That was the only object I had.
3939. Have you had conversations of any other character? Nothing else—very indifferent subjects—perhaps whether he had read such an author, or something.

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Mary Ryan called in and examined:—

3940. *By the Chairman:* Are you a servant of Mrs. Bentley? Yes.
3941. How long have you been in that service? I will be two years the 3rd of February.
3942. During the whole of that period have you experienced any unkindness or ill-treatment? Never.
3943. Have you any reason to believe that Mrs. Bentley would tell a falsehood, or make a false statement of any kind? I cannot say. I cannot know Mrs. Bentley's mind; of course I cannot say whether she would say the truth or lies.
3944. Have you had any occasion during that time to think that Mrs. Bentley did tell lies? Well, some things we have heard; the other girl and I —
3945. With this exception of this Bentley case, as it is called? Mrs. Bentley's case.
3946. Have you any reason to suppose that Mrs. Bentley is a person who is not truthful in her general life? Well, I do not know.
3947. Have you known her tell lies to yourself? There have been some cases —
3948. About what? Some things have been said to the other girl and I.
3949. About what? About a person going out to Newtown.
3950. You have been with Mrs. Bentley nearly two years? Yes.
3951. During that two years, from what you know of Mrs. Bentley, have you reason to believe that Mrs. Bentley respects the truth, or does she absolutely tell falsehoods? I do not know.
3952. As far as you know? As far as I know—in some cases; I cannot say exact what Mrs. Bentley —
3953. As far as you know? As far as I know; of course Mrs. Bentley tells the truth in some things.
3954. In everything? There have been some things that —
3955. *By Mr. Leary:* Remove from your mind the whole of the matters about the Bentley affair—about the letter; remove from your mind all the conversations about the letter, and say then whether Mrs. Bentley's general character is a truthful one? Yes, in some things—in some things, as far as I know—there have been some things —

Mary Ryan.  
2 Dec., 1862.

- Mary Ryan. 3956. Has Mrs. Bentley always appeared to be a truthful woman, excepting in this matter reflecting upon herself about the Exeter case? Yes.
- 2 Dec., 1862. 3957. In all other matters? Yes.
3958. *By the Chairman*: Have you heard anything relating to some letters—about something that transpired at Exeter? Yes, I have heard in relation to it.
3959. What did you hear in relation to it? Mrs. Bentley told us—the other girl and I—that when she was a child, going home from school, a gentleman used to speak to her, and at first he never spoke anything to her on religion at all, but that he always was very kind to her, and always she liked him; and that he—she had no reason—at least —
3960. Go on; do not be at all afraid? Well I cannot; unless the questions are proposed to me I cannot answer.
3961. Cannot you tell us what Mrs. Bentley used to tell you about this case at Exeter? At first she told us he never spoke about religion at first, but if her parents were unkind to her there would be a person waiting for her to take her away if she felt uncomfortable at home.
3962. Did she say anything else? Yes; she said she saw the person after.
3963. Did she say anything else—did she say where she saw him? Yes, passing I think it was Liverpool, or some place—I forget the exact place. I know it was passing some place she seen him.
3964. Did she ever see him in Sydney? No, she never said she had seen him in Sydney.
3965. Did she ever tell you of any conversation she had had with any priest in Sydney? Yes.
3966. What priest? I do not know the name of the priest.
3967. What did she tell you about that priest? She said the priest used to meet her going out to Newtown.
3968. How did he meet her—in what way? He first met her in an omnibus; he used to talk to her.
3969. What did he say—did she tell you? Well she used to tell us that sometimes she used to meet him twice a week, and more times once a week; some weeks not at all.
3970. Did this priest meet her by appointment—do you know? Make appointments?
3971. Did she say he met her on purpose? She said he knew the times she used to go out to Newtown, and that he used to meet her.
3972. Did he expect to meet her? Yes; she used to say she wondered would she see that priest again going out.
3973. When did these conversations occur? When she was going out to Newtown in the morning, and in the afternoon when she came back.
3974. When did she tell you—at what time? I do not know the time.
3975. Cannot you remember any particular time? I think it was about the time that Mrs. Bentley was going to play at the concert.
3976. *By Mr. Johnson*: Not the first concert? No, the last one.
3977. *By the Chairman*: What did the priest say? The priest was after her in the concert-room coming out.
3978. That was after the concert? Yes.
3979. Was it the same night she told you? Not the same night; it was afterwards.
3980. Do you remember what night it was? I do not remember.
3981. Was it night at all? I do not remember whether it was night or day she told us.
3982. Does Mrs. Bentley often talk to you about these matters? Yes, but not lately.
3983. Was she in the habit of talking about it at the time of that concert? Yes, but not lately.
3984. Did she frequently? Yes.
3985. Have these conversations taken place more than once? Yes.
3986. What did she say about this priest? She said this priest knew her brother at Home, and knew her brother's children.
3987. Anything else—do you know Mr. Camphin? Yes.
3988. Do you know Mr. Sanderson? Yes.
3989. Do you know Mr. Clark? Yes.
3990. What are they? Detectives.
3991. Have you seen anything of any of those three lately? No, I have not seen them lately.
3992. How long ago is it since you saw any of them? Mr. Camphin I have not seen him to speak to since he fetched a letter to our house to Mr. Bentley. I might have seen Mr. Sanderson in the street pass me, but not to speak to him; and Mr. Clark I did. He came to our house once for something he left; when he came to our house I have not seen him since.
3993. Have you seen Mr. Harrison? I think I seen him once or twice pass me in the street.
3994. He has not had any conversation with you? No.
3995. Have you heard of any other person seeing Mr. Camphin lately? Yes.
3996. Who has seen him? The other girl has seen him.
3997. No one else? I do not know anyone else.
3998. Do you know a person of the name of Mrs. Hynes? Yes.
3999. What is she? The other girl's aunt.
4000. What else is she? I do not know; she keeps a boarding-house.
4001. Has she had any conversation with you about this matter? No, she has had no conversation.
4002. Has she never spoken to you about this matter at all? Sometimes there has been words said.
4003. What has she said? Of course it was a mysterious thing, and —
4004. And what? And that it was a pity the people were not found out that did it.

4005. Did she say anything about the priest? The priest—anything about the priest? Mary Ryan.
4006. Yes? She said nothing about the priest. 2 Dec., 1862.
4007. Mrs. Hynes never mentioned the priest? No, she never mentioned it.
4008. Did she mention Camphin? No; Mrs. Hynes did not mention Mr. Camphin to me.
4009. Did you hear his name mentioned at all? Yes, I have heard his name mentioned.
4010. Who by? His name mentioned by the other girl.
4011. What did she tell you about it? She told me she had seen Mr. Camphin.
4012. Did she tell you what she had told Mr. Camphin? Yes.
4013. What did she tell you? She told me she had seen him the night of the concert; she asked him if there was a priest in the room came out after Mrs. Bentley, and he said no.
4014. *By Mr. Johnson:* State all you have heard Mrs. Bentley say has taken place between her and this priest, or supposed priest? I do not think I could remember everything I have heard, for I have a bad memory.
4015. *By the Chairman:* Tell us as much as you can remember that Mrs. Bentley has said has taken place between her and this priest, or supposed priest? She said, after Christmas—after midnight mass—this priest met her, and looked round to see if she was there.
4016. Was it not that the priest told her that at the midnight mass he had looked round to see if Mrs. Bentley was present at that mass? Yes.
4017. And that Mrs. Bentley told you that? Yes.
4018. That the priest had told Mrs. Bentley? Yes.
4019. That he had looked round for her? Yes.
4020. When did Mrs. Bentley tell you this? I do not know.
4021. Was any more than you present? I do not remember whether the other girl was present.
4022. Have you had more conversations with Mrs. Bentley about the priest? Yes, we have.
4023. Was it you or Mrs. Bentley who began the conversation? I do not know.
4024. Did Mrs. Bentley ever tell you about being intimately connected with a priest? Yes; she said that at Home she was very intimately connected with a priest.
4025. In what way? When she was going to school at a convent.
4026. She went to school at a convent? Yes.
4027. Where? In England.
4028. In what part? I do not remember what part.
4029. Did she mention anything about this convent? To us?
4030. Yes? She did; she said she was going there three years to school.
4031. Did she say whether she was a Catholic at that time? She told me she was a Catholic for four years when she was going there.
4032. Did she say she was a Catholic going to this Catholic school? She said at first when she went they told her papa they would not interfere with her religion.
4033. Did they interfere with her religion? After she said she was a Catholic, she made of course her first communion, and she used to go to confession once a week.
4034. Mrs. Bentley told you this herself? Yes.
4035. When did she tell you this? I do not know the time it was she told me.
4036. Did she tell you anything else about the priest—did she say anything about the Jesuits? Yes; she said she knew the head of the Jesuits.
4037. Did she say anything more about the Jesuits than that? She said some of them was very good, and more of them of course that they would like to do anything to get money for their society; not that they would do it for themselves, but do it to get money for their society.
4038. *By Mr. Johnson:* Will you state everything, as far as you can remember, that Mrs. Bentley told you had occurred between her and this priest that used to meet her when she went to Newtown? Yes.
4039. You have told us that she said he used to go in the omnibus with her, and that she wondered whether he would be there again; that she saw him at the concert, and that she saw him upon the occasion when he said he had looked round at the midnight mass to see whether she was present—now did she tell you that he had met her at any other time or under any other circumstances, or that anything else had occurred between them? She said she recommended him books to read.
4040. Anything else—can you remember any other remarks? I do not.
4041. Did she say that he ever gave her any books? No, she never said that he gave her any.
4042. Or that she gave him? No, she never said that she gave him any books.
4043. Anything else? Yes; she said he wanted her to take a piece of music from him one day.
4044. Anything else? Well, I do not remember anything else.
4045. Try and think—did she tell you that she had offered him a piece of music? No, she did not say that.
4046. Or anything else? No, I do not remember.
4047. Or that she offered to do anything for him? Yes, I think she did; to make him a pair of braces.
4048. Tell us what she said about that? She said she was coming home up Market-street, and went into a shop there to buy some wool for making a pair of slippers, and this priest went with her; she said if she made him a pair would he not wear them, and he said they would be too grand, or something like that, for him.
4049. *By the Chairman:* What else occurred—what did he say about the braces? She said she would make him a pair of braces.
4050. Do you know if there is a shop of that kind in Market-street? Yes.



- Mary Ryan. 4051. Where is it? Down below Castlereagh-street a little, I think.  
 4052. Who keeps it? I do not know who keeps it.  
 2 Dec., 1862. 4053. *By Mr. Morris*: What do you mean by below Castlereagh-street—do you mean nearer Pitt-street, between Castlereagh and Pitt Streets? Yes.  
 4054. *By the Chairman*: Do you remember anything else that Mrs. Bentley told you about this priest—was he good-looking? Yes, good-looking—young.  
 4055. Black hair? She did not say he had black hair.  
 4056. Was it curly hair—had he fine teeth—did she describe his nose or eyes? No, she did not describe them.  
 4057. Did she say anything about his hair? I do not remember.  
 4058. *By Mr. Johnson*: About his height? Not his height either.  
 4059. Have you told all that you recollect you have heard Mrs. Bentley say about him? Yes; she said she met him another time, just after he came back from Brisbane.  
 4060. Did she say what took place then? No, she did not say it.  
 4061. Did you understand from Mrs. Bentley that these meetings were by appointment with herself, or that he took advantage of her going regularly to Newtown to meet her? Sometimes Mrs. Bentley said to us that he would go in the omnibus that Mrs. Bentley was going in, and sometimes he would look in to see if she was there, and if she was not he would not go.  
 4062. Did she represent these meetings as taking place with her own concurrence, or as taking place by his taking advantage of her going to Newtown twice a week? At one time she said she did not want him out there with her, but that he said he did not care about any one; he would go.  
 4063. The priest said that to her? Yes, he did not mind what people said.  
 4064. Was it at the time he offered her music, she said she did not want him with her? I do not know what time that was; it was about the first time she said she did not want him there, but he would go.  
 4065. When your deposition was read to you, how was it you said nothing about the priest? I believed from Mrs. Bentley that it was true.  
 4066. There was nothing in this deposition that mentioned this priest? No.  
 4067. Why did you not tell Mr. Johnson what Mrs. Bentley had said about the priest? I believed Mrs. Bentley—that it was all true.  
 4068. Mr. and Mrs. Bentley were not present when Mr. Johnson read the deposition to you? Mrs. Bentley was.  
 4069. Were you afraid to contradict anything that was wrong when Mrs. Bentley was there? No, I was not afraid; as far as I knew, what was read was quite true.  
 4070. Was there anything about the priest? No, nothing; only something about the Jesuits, that some one had said.  
 4071. Was there something about the Jesuits? Yes.  
 4072. *By Mr. Johnson*: Did not I see you at one time when Mrs. Bentley was not present—did I not speak to you in her absence at one time—did I not ask her to leave the room on one occasion? I do not remember that.

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WEDNESDAY, 3 DECEMBER, 1862.

Present:—

MR. MORRIS,		MR. COWPER,
MR. HART,		MR. W. FORSTER,
	MR. WILSON.	

DANIEL CAMERON DALGLEISH, Esq., IN THE CHAIR.

Mr. Johnson appeared for the Petitioner.

Mr. William Camphin called in and further examined:—

- Mr. William Camphin. 4073. *By the Chairman*: About these entries in this detective duty book: tell the Committee all you know about how these Bs, and any additions that may appear supplementing your own entries, came there, as far you know? I was called into Mr. Harrison's office one day by  
 3 Dec., 1862. Mr. Harrison, and he referred me to some entries of mine connected with the Bentley case, and asked me was that correct, and marked a B down there.  
 4074. Did he mark anything else but the B? Well, I could not say.  
 4075. How many entries did he allude to? What I was connected with in the house.  
 4076. How many? The three days I was there.  
 4077. Only three days? I am not aware of any more—there might be.  
 4078. Did he ask questions relating to any other days excepting these three days? I am not aware that he did.  
 4079. Can you say whether he did or not? Not for a certainty, I could not.  
 4080. Can you not fix in your own mind, as to whether you know any more than three of the entries you have made yourself in this duty book were altered or marked off, with your own knowledge and consent—Did you indicate to Mr. Harrison where you were and how you were employed? I do not remember any others.  
 4081. Then I presume you are in a position to say there were no others? I believe not, but I would not say for a certainty. I cannot remember if there were.  
 4082. During the time you were employed in this case, did you make any report to Mr. Harrison

Harrison of the progress that had been made, or of what you had done? Anything that took place I reported to him. Mr. William  
Camplin.

4083. On what occasion—how and when? One night that I was in Mr. Bentley's house, I reported to him about seeing the small gate at the top of the stairs leading from the yard into the verandah—I told him that I saw that open, and that I spoke to Mr. Bentley about it. 3 Dec., 1862.

4084. *By Mr. Morris*: Did he make a note of that? I am not aware.

4085. *By the Chairman*: Let us put the case in this way;—that you were at Mr. Bentley's to-night, or last night, would you on the following morning see Mr. Harrison at the police office, and make a report to him of what had transpired? Well, if nothing occurred, of course I would say all was right.

4086. Were you in the habit of making a report to Mr. Harrison on the following morning? I would say all was right if nothing had occurred.

4087. Where did you say this? On one occasion I remember he said—"What time did you leave Mr. Bentley's house?" and I told him about half-past 12. That is the only remark of the kind that was made at the time.

4088. Where were you when that remark was made? In the office.

4089. What part of it? I cannot tell what part.

4090. There are a good many parts in the office? No, only two rooms.

4091. Was it in Mr. Harrison's room, or Mr. M'Lerie's room, or where? Captain M'Lerie has not got a room in the detective office. There are only two rooms—a front room and a back room.

4092. Is one of them Mr. Harrison's room? Yes.

4093. Do you go into that room to make reports to Mr. Harrison? It depends upon where I meet him.

4094. Do you go into that room to make reports to Mr. Harrison? Sometimes.

4095. Is it any part of your duty to go into that room to make reports? If Mr. Harrison is there, I go into the room and speak to him there.

4096. Is it any part of your duty to go into that room to make reports? If Mr. Harrison is there, of course it is our duty to go to him and report to him, there or elsewhere that we may see him.

4097. Is there any definite rule about making reports to your superior officer? ———

4098. *By Mr. Cowper*: Are you required to report daily, or at any particular time, or under any particular circumstances? Any particular circumstance that occurs, of course, or anything that we see, that we think it necessary to bring under his notice

4099. *By the Chairman*: Is it any part of your duty, to report to your superior officer the occurrences of the day? The occurrences, most decidedly.

4100. Either the occurrences or the want of occurrences—either what has occurred, or, if there is a day on which nothing particular has happened, do you make a report to that effect? Of course we would say all right, when we came in. If all is right, of course nothing has occurred.

4101. Who do you say all right too—the door post? Mr. Harrison, or the clerk, if Mr. Harrison is not there.

4102. Then it is part of your duty to make a report every day? Yes, we report ourselves; we report all occurrences. I do not understand your question properly.

4103. When you do not understand the question, you were told yesterday to state so—Is it your duty to go into Mr. Harrison's room to make these reports? If he be there.

4104. When you make these reports, does Mr. Harrison enter them in any book? Not that I am aware of—not without it is something very particular.

4105. If it is something very particular, does he enter it into a book? For instance, in a case like this, if I reported a circumstance to him he might enter it.

4106. Enter it in what? Anything he chooses. I cannot tell what books he keeps.

4107. I do not ask you what books he keeps. Just answer this question—Did Mr. Harrison enter these particular circumstances in a book, or in any paper of any kind whatever? I am not aware.

4108. Did you ever see him write, when you were making reports? I have seen him writing.

4109. Did you not say, yesterday, you had seen him make entries in a book? I have seen him writing in a book.

4110. Did you not describe what kind of book it was? I said he wrote in a book.

4111. What kind of book? The book was open—I could not say what kind of book it was.

4112. What size was it—was it this size (*shewing Mr. Harrison's diary*)? It is possible.

4113. Is it probable? It was a book laid open; I saw him writing, but I could not say what it was.

4114. This is a diary which purports to be Mr. Harrison's diary—that is the detective duty book—was it a book like either of these? It might have been something similar to that (*the diary*).

4115. When you saw the book open before him, was it a book of that size? Something similar.

4116. You are quite sure of that? I believe so—I am not quite sure; I believe it was a similar book to that.

4117. Are you a good judge of size? If I took particular notice, of course I could give some account of the size of it; but not thinking I would ever be asked questions about it, I took no particular notice.

4118. Have you a note-book of your own? Yes. (*Produced.*)

4119. Was it a book of that size that Mr. Harrison wrote in? No; that is a peculiar sort of book.

4120. What is the peculiarity of it? It is a peculiar shape—it is a pocket-book.

4121.

- Mr. William  
Camplin.
- 3 Dec., 1862.
4121. About three inches by five, is it? About five or six inches.
4122. By how much in width? About three inches or three and a half.
4123. Can you describe the size of this other book, said to be the diary of Mr. Harrison? That is about nine inches by seven inches, I should say.
4124. And the other book—what do you think the size of that is? I should say that is about fifteen inches long by twelve broad, or something of that sort.
4125. What was the size of the book that you saw Mr. Harrison write in? I did not take particular notice, but it was not as large as that (*the detective duty book*).
4126. But you think it was the size of the medium sized one? About that; I could not say positively, because I did not pay particular attention at the time. Of course if I had known I would have been asked about it, I would have taken notice, and would have been able to answer about it.
4127. When you made reports to Mr. Harrison, did he write at all times? I did not say he wrote, at the time I made the reports to him, at all times.
4128. Did he ever write, when you made reports, at the time you were making them, as if committing your report to writing? I am not quite clear—
4129. *By Mr. Morris*: Did Mr. Harrison write with a pen or a pencil on these occasions? With a pen, when I saw him writing.
4130. *By the Chairman*: Then you have seen him writing? Yes; but I do not know what about.
4131. Have you seen him writing when you have been making your report? I cannot say at the time I have been making my report.
4132. Will you look at this entry of the 14th April, in the detective duty book—is that your signature? Yes.
4133. Is this the B you alluded to? Yes.
4134. Did you see that B written? I saw that.
4135. When you saw that written, did you see anything else written? I am not certain.
4136. Are you certain whether anything else was written or not? I am not.
4137. If it had been written, could you have seen it? I may have seen it, or I may not.
4138. If it was written at the same time you gave the information that caused that B to be placed in the margin, would you not have noticed anything further that might have been written there? I might have noticed the B particularly, and something else might have been written and I might not have noticed it.
4139. There were the entries for three successive days against which these B's were placed on that occasion? Yes.
4140. When he had put down the first B, did Mr. Harrison turn over the leaf and go to another leaf? When he had finished one he turned over to another.
4141. You saw him finish one before he went over to the other? I saw him turn the leaf over and go to the next one.
4142. Then, if he had written anything on that leaf at that time, you would have seen it? I do not know that he did; he may have written something else without my noticing it. I might have been looking round and he might have added it.
4143. Is that your signature? Yes. (*Referring to entry of 15th April.*)
4144. Was anything else added there on that occasion except this B? I am not certain. There was something written—"Inside B's house," I think; but I noticed particularly the B; I paid particular attention to it.
4145. What makes you think he would write, "Inside B's house"? Because I was inside Mr. Bentley's house.
4146. When I removed the blotting-paper from the former entry I was questioning you on, did you not see the words "Inside B's house"? I did not.
4147. On the 16th April—you see that—is that your writing? That is my writing.
4148. Was anything added to that, on the occasion we have been speaking of, excepting the B? The B was written then; whether anything more was written at the time I do not know.
4149. Is it likely these three B's could be entered, while you were standing looking on, from information you gave yourself, and at the same time you would not know whether anything further was written or not? I did not pay particular attention, only to the B's.
4150. You write well yourself? Pretty well.
4151. When any one was writing in your sight, you would know, from the very action of his hand, whether anything more than one B was written? If I paid attention I would.
4152. Did you or did you not pay attention? I paid attention to the B.
4153. Nothing else—were these written all on one day? All that I noticed.
4154. Who was with you in Mr. Harrison's room at the time? Sanderson.
4155. *By Mr. Morris*: Was the clerk there? No, not the time I went into the office.
4156. *By the Chairman*: There was no further entry that you gave any information of except these three? Not that I am aware of.
4157. Then, if the B's were added to other entries when you were present, they must have been added without your knowledge? I do not remember any others. He made B's in connection with Sanderson's entries at the same time.
4158. Were you engaged at Mr. Bentley's on any other occasions? Yes.
4159. What occasions? I was engaged going to Newtown and at the Philharmonic concert.
4160. Have you any memoranda of these occasions? No.
4161. Did you shew any memoranda to Mr. Harrison, when you told him where you were and how you were employed—had you any memoranda to refresh your memory, at the time you furnished Mr. Harrison with the particulars of where you were and how you were employed? No, I had no memoranda.

4162. *By Mr. Morris*: Can you remember the day of the month, or the month, when you were called up to assist Mr. Harrison in making out the times that you were employed in the Bentley case? I could not say for a certainty; I think it was in the early part of May; I am not certain; I could not say.

Mr. William  
Camplin.

8 Dec., 1862.

4163. If it has been said that these B's were entered in the book from day to day as the duty was put down there, would that be true—if it has been stated before this Committee that the B's were entered in the margin of the detective duty book from day to day, and not at one time, would that be true? I do not know; I cannot answer for others.

4164. Would it be true as regards yourself and Sanderson? No; mine were put down all at one time.

4165. I asked as regards yourself and Sanderson? I do not know; Sanderson may have been called in twice.

4166. Did you not say, just now, that when the B's were placed opposite your duty, they were also placed opposite Sanderson's duty, and that Sanderson was present? Sanderson was present, but Sanderson may have been called in more than once; I only speak of a particular day.

4167. How many B's did you see put opposite Sanderson's duty? I do not know; I only paid attention to my own.

4168. *By the Chairman*: Did you see any? I saw some.

4169. Put down to Sanderson's duty? Yes.

4170. On the same day as your own? Yes.

4171. This is your signature to an entry of the 14th of April? Yes.

4172. Which part of this writing is yours—Read as far as it is yours? (*Witness reads*)—"Came on duty at 9 a.m., patrolled the city till 1 p.m. Special duty from 7 to midnight."

4173. Will you look at this addition to that entry—Does anything strike you with regard to that addition—does it appear to have been written at two distinct times? I cannot say that.

4174. Does the ink appear to be different? It appears as if there has been a blot here.

4175. Does there appear to be any difference in the ink? There is no difference in the ink. The B is thicker. That appears to have been written with a quill pen, and that may have been written with another pen, or else the back of the same pen.

4176. One appears to have been written with a quill pen, and the other with a steel pen? No, I do not say that; it may have been the back of the same pen.

4177. Is there any difference in the colour between the words "in at B's house," and the "first time"? That appears to be thicker.

4178. Is there any difference in the colour? No, they are both black.

4179. Is there any difference in the shade of colour? This does appear thicker than that—thicker writing.

4180. Is there any difference in the shade of colour? Well, there is no difference in the colour; it is the style of writing.

4181. This (*turning to another entry*) is the 15th April—how much of this entry is yours? All except "in at B's house the 2nd time."

4182. Has that "2" been altered? It appears like it.

4183. Is this "st" above the "2"? It may have been meant for "st."

4184. What do you take it for? I should take it to be "st."

4185. Can you account for this apparent addition, in the one instance, of the words "the first time," in a thicker ink, as you say, and this alteration, in the second instance, of the "1" into "2"? I cannot account for it.

4186. You were not called in upon a second occasion to make the alteration? I was not called upon more than one occasion.

4187. And not asked any question that caused the alteration to be made? Not that I remember.

4188. Does it not strike you as peculiar, that these alterations should exist first on one page, and then as corroborative evidence on the other? No.

4189. Have you known the books altered before? When a mistake has been made it has been altered.

4190. Can you point out any such alteration? No, because I do not keep the books.

4191. On the occasion when you were inside Mr. Bentley's house, did you ever leave Mr. Harrison behind you when you came away? No, he always went before me. I was there on three occasions, and I remained until about half-past 12.

4192. *By Mr. Hart*: Have you any entry in your own note-book, of your being at Mr. Bentley's house on the 14th, 15th, and 16th of April? No, only in the detective book.

4193. You stated just now that you keep a note-book? Yes, this one.

4194. For what object do you keep that? In case I apprehend a person, for instance, I put it down. When I was engaged in Mr. Bentley's house I had no idea I would be called upon hereafter, or else I would have made notes.

4195. Was it not a part of your duty to enter everything, in your note-book, in which you were concerned? No, I told Mr. Harrison if anything occurred.

4196. How long have you had that note-book—it seems comparatively new? Since about the 1st of March.

4197. You stated, yesterday, you were acquainted with or on terms of intimacy with Mr. Bentley's servant girls? I am acquainted with them.

4198. Did you meet either of them last night? Yes.

4199. Where? Coming out from St. Mary's Seminary.

4200. Did you meet her according to appointment? Yes, a previous appointment.

4201. Was there service there? No, I believe it was a singing class.

- Mr. William  
Campbin.
- 3 Dec., 1862.
4202. What was her name? Maria Bradshaw.
4203. For what purpose did you meet her? For the purpose of giving her an opportunity of giving me any information connected with the Bentley case.
4204. Of comparing notes? No, we did not compare any notes.
4205. Were you not present here yesterday when she was examined? I was.
4206. Did it not strike you as being highly improper, knowing this inquiry was going on, to meet a witness whose evidence had been partly given, and who you knew was to be examined again? No, it was not improper; I did not consider it so.
4207. Did you tell Inspector Harrison you were going to meet her? No.
4208. Did you report to him this morning that you had met her? —
4209. Why do you hesitate in your answer? I am not certain.
4210. You do not remember what happened only this morning? No, I am not certain whether I told him or not.
4211. Now tell the Committee, explicitly and without reserve, whether you did tell him or not? I am not certain; I think I did tell him; it was my intention to tell him.
4212. Do you not recollect occurrences that took place this morning, or is your memory so bad that you cannot recollect? I believe I told him; I do not recollect for a certainty. I had a conversation with Inspector Harrison this morning, but I do not know whether I told him that.
4213. Where did you meet Inspector Harrison, and what passed between you and him? At the detective office. I spoke to him yesterday afternoon, previous to my seeing her.
4214. *By Mr. Johnson:* You said you did not tell him you were going to meet her? No.
4215. *By Mr. Hart:* Will you answer the question I have just put to you—you have answered one part of it, by saying you met him at the detective office—now I want you to tell us what took place between you and him? I told him I had given evidence, and that the girls had been examined yesterday, and I told him also that the Committee seemed to be displeased with the manner in which I gave my evidence, because I could not answer the questions that were asked me direct.
4216. Well, go on? I told him the substance of what I said.
4217. Proceed? Well, that is all. Of course he told me, what questions I could answer to answer them directly without any reserve.
4218. Did you or did you not tell him that you met this girl, Maria Bradshaw, last night, and what passed between you? I believe I told him during the conversation; I could not be certain.
4219. Did he ask you if you had met either of these girls? No, he did not.
4220. Still you say you believe you told him? Yes.
4221. If you believe you told him, will you state the circumstances that induce you to that belief? Because it is a circumstance that I think I would tell him. I know it was my intention to tell him, but whether it slipped my memory or not I am not certain.
4222. Are you not wilfully keeping back from the Committee what passed between you and Mr. Harrison at that interview this morning—Do you not recollect well and faithfully, but you will not inform the Committee? No, I will inform you of anything that takes place.
4223. You state you believe you told Mr. Harrison that you met this girl last night? Yes.
4224. Tell the Committee why you think so? Because I know it was my intention to do so. When I met the girl last night it was my intention to tell Mr. Harrison, this morning, that I had been speaking to her, and I had a conversation with Mr. Harrison this morning, and I believe I told him. If I did not do so I will do it.
4225. Did you lay out for yourself any course to pursue when you met this girl, with the view of eliciting any facts connected with the case? No.
4226. What passed between you and Maria Bradshaw last night—what did you say to her? I stood against the stump at the Colonial Architect's, and I saw her coming up. I said—"Is that you, Mary?" "Yes," she said. I asked her how she felt—whether she felt nervous or not? She said no, but she was nervous before the Committee; and she asked me the names of the Members of the Committee. I told her Mr. Dalgleish, Mr. Morris, Mr. Wilson. She said—"Did they ask you the same as they asked me?" I said, "Yes." "So," I said, "you spoke the truth, and nothing but the truth, and you never need be afraid of telling the truth, because it will carry you through anywhere."
4227. Then she asked you if the Committee had asked you the same as they had asked her; and you said, yes? Yes.
4228. And you told her to say the same as you said? No, I did not.
4229. Did you not speak the truth? Yes.
4230. And you told her to speak the truth? Yes.
4231. Was not that telling her to say the same as you? I said she had spoken the truth, and by speaking the truth it would carry her through anywhere—that she need not be afraid of any one; and I bid her good night.
4232. Are you in the position of adviser to this girl? Not that I am aware of.
4233. Do you take it upon yourself, as a member of the detective police, to tell persons what evidence they are to give before Committees of this House? I advised her to tell the truth.
4234. Do you ever tell falsehoods in the course of your duty? If I went to apprehend a man, I might say I did not want him, if I thought that by doing so I could get information where he was. The ends of justice might be defeated if I did not.
4235. Nevertheless you advise persons always to speak the truth? Yes.
4236. But you do not follow that rule yourself? Yes, I do.
4237. You have stated just now that you do not? I say I would tell what you might call a "trade lie"—the same as persons in business do, when they recommend an article as first rate when they know it is not so.

4238. Privately you speak the truth, but in your public capacity you feel it your duty to tell falsehoods? A small lie to attain a good object—for the purpose of apprehending a criminal. Mr. William  
Camphin.
4239. In fact, you think the end justifies the means? Well, in a slight degree. 3 Dec., 1862.
4240. Why do you qualify it? Because I consider that if I could go and apprehend a notorious thief, by representing to a person, who could tell me where he was, that I did not want him, and thereby ascertain his whereabouts, I think I would be justified in saying so.
4241. How long have you been in the Colony? Since 1857.
4242. Have you ever been in trouble since then? What sort of trouble?
4243. In gaol? No.
4244. You have not? I have not.
4245. You say that positively? Yes. In gaol as a prisoner, do you mean?
4246. Yes? No.
4247. You have heard it stated in the House of Assembly—have you not read the report where it was stated that you have been? No; no one would dare to say so.
4248. In the debate on the vote for the detective police? No. If any one would tell me I have been in any sort of trouble, I say it is false.
4249. I am glad to hear you have not been, but it has been so stated? It is a falsehood, whoever said so. It is an unmanly thing to stab a man's character behind his back. Let those who say so come forward and state it openly. I can produce testimonials from Home, and this Colony also. There is a character I have got (*throwing a paper on the table*).
4250. Put it up again, and keep a respectful demeanour towards me. In your evidence, yesterday, you stated that one of these girls had told you that a Roman Catholic priest had occasionally seen Mrs. Bentley? Yes.
4251. Did she state the name of that priest? No.
4252. Did you ask her? I asked if she knew him, and she said she had made inquiries to ascertain if she could find out, and she could not.
4253. Have you ever been secreted in Mr. Bentley's house, by order of Mr. Harrison? I have been in Mr. Bentley's house on duty. Of course I have not been secreted unknown to Mr. Bentley.
4254. During the time you were there, did anything occur which would lead you to suppose that persons could or had obtained access to the house, unknown to the Bentleys? No.
4255. You say your attention was drawn to the gate at the top of the landing being open one night? Yes.
4256. Was it broken open or had it been opened after you had seen it fastened? I did not see it fastened.
4257. Then what induced you to report that it was open? Because I saw it open. I asked Mr. Bentley if it had been fastened.
4258. During what time were you in Mr. Bentley's house? Three nights.
4259. At what period of the night? One afternoon I went in about half-past 4, another night about 6 I think, and another between 4 and 6.
4260. Until when did you remain? Until about half-past 12 each night, or it might be twenty minutes past 12.
4261. Before you took up your position, did you see the doors and gates properly closed and fastened? No, I did not look at anything—only watched the door in the room.
4262. You were in a back room, and you saw the door closed? Yes, the door leading off the verandah was closed.
4263. What was your object in placing yourself there? To see if anyone came into the room. I was placed in the room, I understood, to see if anyone came there or attempted to get in.
4264. Would not anyone coming into the house, naturally get into the passage or up-stairs instead of coming into that room? I do not know. I was placed in that room to see if anyone came to that part. I acted according to the instructions I received.
4265. And you had no instructions to watch outside the premises? No.
4266. *By the Chairman*: Can you explain to the Committee upon what duty you were employed on the 27th of May? I can tell you if you allow me to refer to the duty book.
4267. Can you tell without? No.
4268. Look at the detective duty book then? (*Witness referred to the book.*) That was one of the nights of the concert.
4269. From 7 o'clock till 12 you were on special duty? Yes.
4270. Did the concert last till 12? No; only I received orders to be early at the concert, and I put it down from the time of my coming on duty in the evening to going off again.
4271. *By Mr. Morris*: Did you inform the Committee, yesterday, that you had an appointment with Anna Maria Bradshaw? I was not asked, or I would have said so.
4272. *By the Chairman*: Can you tell the Committee where you were on the 2nd of May, by looking at this book? Yes, that was at the Philharmonic concert too, I believe.
4273. Can you tell the Committee where you were on the 13th of May, by referring to the detective duty book? On special duty to Newtown.
4274. Are there any other entries in this book, in the same way, in reference to the Bentley case? Yes, there are others about Newtown.
4275. Can you explain to the Committee why they are not marked with a B, the same as others are? No, without it was that I entered the duty after the B's were marked.
4276. Then you think the B's were marked before this date? I cannot say for a certainty. Of course I do not know.
4277. With this to assist your memory—can you remember whether the B's were marked before or after this date? No.

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4278. *By Mr. Morris*: Do you not think you ought to have informed the Committee, yesterday, that you had made an appointment last night with Anna Maria Bradshaw, without being asked the question? I would have done it if I had thought of it; I did not think of it at the time; I did not wish to keep it a secret.

4279. *By Mr. Johnson*: When did you make the appointment? On the Sunday morning previous.

4280. *By the Chairman*: Did I not ask you distinctly what was the last appointment you made with Maria Bradshaw? No, the last time I saw her.

4281. I asked you the last appointment you made with her, and you said it was made on Saturday, to meet on Sunday—that you were with a prisoner, and that you met Maria Bradshaw—and I asked you if you had any further appointment with her, and you said no? I am not aware that I did.

4282. You do not remember that? No; if I had been asked I would have spoken of it.

4283. *By Mr. Johnson*: Do you know when these alterations were made in this book—just look at this entry of the 2nd of May—you say you were at the concert that night? Yes.

4284. What makes you say you were at the concert that night? Because I see here that I was “on special duty from 7 to 12, by order of H ——” that means Mr. Harrison.

4285. How does that indicate that you were at the concert? I believe so.

4286. Is it true or not that you were at the concert on the 2nd of May? I was at the concert; I would not swear to the date.

4287. Can you take that book and tell the Committee positively what duty you performed on that day? According to this entry, I was on special duty from 7 to 12.

4288. Can you tell what that special duty was? I believe it was at the concert.

4289. Why do you believe it was at the concert? Because it is entered special duty there, and the concert took place between those hours.

4290. How does it indicate that the concert took place on the 2nd of May? Because the concert took place, and I do not remember being employed on special duty at any other place between those hours.

4291. Did you not tell Mr. Hart, just now, that you had been engaged between 6 and 12 on one day, between 4 and 12 on another day, and between 4 or 6 and 12 on another? That was in the house; I was certain of it, because it is marked “inside the house.”

4292. Not marked by you? No.

4293. We want to know how it is that somebody else’s memorandum indicates where you were, and not your own? Of course if I had been aware that it would be asked about afterwards, I would have entered it more fully.

4294. I want to see how you can tell me what these things mean—you say you went through the book with Mr. Harrison? With respect to the times I was in the house.

4295. Was your memory then clear as to the particular duty you performed, in reference to the Bentley case, on the various days on which B’s are entered? Yes, I was clear so far.

4296. Is your memory clear now? Not so clear as it was then; the thing was fresh in my mind then.

4297. What duty were you doing on the 23rd of May—can you tell that without looking at the book? No, it is impossible for a man to remember so long what duty he was doing, without referring.

4298. Can you remember where you were on the 23rd May? No, not without referring to the book.

4299. Do you make daily entries now in a book like this? No, we have got no book to enter them in—the book is here.

4300. Have you no substitute? No, I have not entered any since the book came here.

4301. Do you now keep a diary yourself, from which you can refresh your memory a few months hence, as to what you are doing day by day? No.

4302. Look at this 2nd of May again—you see there is no B put against your entry of the 2nd of May? No, I see not.

4303. How does that happen? I do not know.

4304. Were you doing duty in the Bentley case at all that day? I believe so, in consequence of seeing this entry—“Special duty from 7 till 12”—the concert took place between those hours.

4305. What day of the week did the concert take place? Either a Monday or a Tuesday—the first concert.

4306. Can you not see that is neither Monday nor Tuesday? No, I have not looked.

4307. Are you sure the concert took place on Monday or Tuesday? I would not be certain—I believe it did; I cannot say after such a length of time positively.

4308. Why do you say that entry which is nothing but “special duty”—which has no B against it—had anything to do with the Bentley case? I believe it had, in consequence of seeing “special duty from 7 to 12.”

4309. *By the Chairman*: Are there not other entries in that book where special duty is named, before the Bentley case was in hand at all? Yes, there is special duty marked in the book.

4310. And between particular hours and on particular occasions? I do not know whether the hours are stated or not.

4311. Would such an entry as that belong to the Bentley case, before the Bentley case was ever in the hands of the police? No. The person entering it would have an idea what duty it was.

4312. *By Mr. Morris*: Were you employed about the concert-room, in the Bentley case, at the concert that occurred about the 2nd of May? Yes, I was—I was at two concerts.

4313. Then, I apprehend, the entry in the book will indicate special duty on the night of the concert? That is what I believe it to be.

4314. *By Mr. Johnson*: Would there not be a B. put against it in that case? I do not know. Mr. William  
Camphin.
4315. Tell me what this entry means—look at this entry of the 29th April—your own entry—and tell me what that means? (*Witness reads*):—“ Came on duty at 9 a.m.; attended the Water Police Office till 11 a.m.; returned to office at 1 p.m.; resumed duty at 7 p.m.; “ patrolled till 12 midnight.” 3 Dec., 1862.
4316. Does that mean that you were in the streets of the city, patrolling—looking after thieves? Yes.
4317. It does not mean that you were at the concert? No.
4318. Are you sure of that? Yes.
4319. Look at the 27th of May, and tell me what you say you were doing that day and night? (*Witness reads*):—“ Came on duty at 9 a.m.; patrolled the city till 12:30; remained in the office till 1:30; resumed duty at 7 p.m.; patrolled the north end of the city, in company with detective Elliott, till 12 midnight.” \*
4320. Were you at the concert that night? I do not know; I might have been.
4321. What do you call patrolling the north end of the city? Patrolling the streets.
4322. Does it mean going to the concert? No. It is possible I might have been there, and not entered it.
4323. And it is possible that you were also patrolling the north end of the city with detective Elliott till midnight? Not if I was at the concert.
4324. If this entry is true, you were not at the concert? Yes.
4325. You either were not at the concert, or that, that is not a true entry? Yes.
4326. *By Mr. Wilson*: You have already stated that all the entries there are true entries? I believe them to be true.
4327. *By Mr. Johnson*: Is there any doubt about the truth of your entries? Sometimes we might be two or three days in arrears of our duty—that is, that we would not enter it for two or three days; for instance, I might be engaged somewhere that would prevent me from entering it, and then when I did enter it, I might possibly make a mistake.
4328. Why—did you not go every day to the detective office, to make these entries? I might go there, but not make an entry.
4329. Why not? I might neglect it.
4330. Must that not occur with all the other constables also; because if not, they would get into another day before you made your entry, and then you would have no room to enter it at all?
4331. *By Mr. Wilson*: Suppose you are detained, and cannot make your entry, on a particular morning, of your duty on the previous day, is it the custom to leave a space for you in the centre of the page? They would leave a space in the page.
4332. Answer my question. I do not want to be fencing with you in this way. Is it customary for them to leave a space in the centre of the page? It is customary to leave
4333. Give me an answer, yes or no. Is it customary for the other detective constables, when you have not made your entry, to leave a space for you, in the centre of the page, to make your entry? It is customary to leave a space somewhere on the sheet.
4334. Answer my question if you please. Is it customary for the other detectives to leave a space for you to make your entry, in the centre of the page? Not on the centre of the page, but wherever it may occur. Will you allow me to explain?—For instance, if there are five of us, and we all wish to enter a day’s duty, four men might enter their duty down here, but they would not leave a space for me in the centre.
4335. I ask whether it is customary for the other detectives to leave a space in the centre, for you to make your entry afterwards? It is, not customary.
4336. Did you ever know them do so? Yes, I have done it myself.
4337. For what reason? For instance, if I was out patrolling with a mate, I would wish him to enter his duty next to mine, and therefore I would mark a space off, and the next man would begin there.
4338. What would be the object in having his entry next to yours? Merely because he is a mate, and goes out in company with me.
4339. How do you know the requisite number of lines? I guess it.
4340. And consequently he is obliged to make his entry according to the space you have given him? He would write it accordingly; we generally give plenty of space.
4341. How are you to know what is plenty of space—are the entries all of the same length? No, but I have a good idea of what space a man can put his duty in.
4342. How do you know what space it would take another man to put his duty in? If he is a mate of mine, and has been employed on the same duty, I can tell pretty well.
4343. You say it is not customary to leave a space in the middle of a page? Not customary.
4344. Then we may take it for granted that, whenever there is an entry of yours in the centre of a page, you have made that entry at the proper time? No, I will not say that; space has often been left for me.
4345. I am asking, when an entry of yours occurs in the centre of a page, are we to take it for granted that you have made that entry in the regular way, and at the proper time? No, because spaces have often been left for me.
4346. *By Mr. Johnson*: Then the Committee are not to understand that you can say that any of these entries were made on the day on which they bear date? I could not say positively; I believe it is the case.
- 4347.

\* Note:—On subsequent inspection, it appeared that this entry was read by mistake, being dated 28th May. Camphin’s entry of 27th May states that he was “on special duty from 7 p.m. to 12 p.m.”



- Mr. William  
Camphin.
- 3 Dec., 1862.
4347. There is no regular system by which you can say what entry was made on the day on which it bears date? No further than that book.
4348. Is there anything in this book to shew when you made the entries? The date at the head of the page.
4349. Does the date shew that the entries were made on that day? No, because I may have been in arrears in the entries of two or three days' duty.
4350. I ask you, is there anything on the face of this book that enables you to say, on looking at it, when you made the entries? Generally they are entered on the days; but, as I said before, oftentimes two or three days might get into arrears.
4351. Do you mean that the entries oftentimes get in arrears, or that you have oftentimes said so? No, it often happens.
4352. What means have you yourself, on looking at this book, of answering the question, as to what date a particular entry was made on? Only from the dates there.
4353. You say these dates will not assist you, because you might have been oftentimes three or four days in arrears? Well, of course, you may naturally suppose a man would recollect for that length of time what duty he had been on.
4354. I am asking you how you could point out to the Committee, with respect to any one entry, on what date it was made? I could not speak positively; there might be mistakes in the entry.
4355. I am not asking as to mistakes in the entry. Can you state with certainty the date when any one of your entries in this book was made? Not for some time back I cannot, only by referring to the dates. Of course, if you look at recent dates, I might be able to remember the duty I was on.
4356. The ascertainment of the fact depends upon your memory, which is daily getting worse and worse—is not that so? I do not know that it is getting worse and worse.
4357. Did you not tell me just now, that the circumstance of your having omitted to make your entry for three or four days might account for the entry not being correct? Yes, that is possible.
4358. Then these entries may have been delayed so long that your memory has failed you on the subject? They are never delayed more than three or four days. It is possible I have made a mistake.
4359. Was not that the reason you gave yourself, for some apparent inconsistency? I cannot account for it any other way.
4360. *By Mr. Wilson*: Can you recollect any particular occasion when your entries were delayed three or four days? I cannot recollect such an occasion, only I know such a thing has occurred.
4361. Can you remember, on these particular occasions, the reason of the delay in making the entries? Yes, I remember. I have been employed elsewhere, and I may have delayed making the entries.
4362. Where do you mean by elsewhere—at Burrangong? No, about the city; I may have been busy; sometimes I have been out night and day.
4363. Have three or four days at any time elapsed that you have not been in the office? Yes.
4364. Has that circumstance happened often? No, not often.
4365. How often do you suppose? I have been at Newcastle twice for three or four days.
4366. I am not alluding to when you have been out of town or in other parts of the Colony, but at the time you were employed in Sydney—have three or four days ever elapsed without your being in Sydney? Not while I have been in Sydney.
4367. And while you have been in the office, had you not time to make the short entry in the detective duty book? Yes.
4368. Why did you not do it? I must have neglected it.
4369. Is there no supervision—who superintends you? The clerk in the office keeps a book of his own.
4370. Is there any person who takes any superintendence of you, to see that you do your duty in making these entries? Yes.
4371. Who is it? Mr. Harrison.
4372. Does Mr. Harrison see that these entries are made? I do not know whether he looks at the book or not.
4373. You do not know whether he ever gets any information from you, or examines the book in your presence? I give him information as to what I have been doing.
4374. Does he examine the book in your presence? I have seen him look at the book often.
4375. Is he in the habit of looking regularly at the book in your presence? No.
4376. How often does he do so? I cannot tell.
4377. Does he do it three times a week? He may do; I do not notice what books he looks at.
4378. How long have you been in the detective service? Since the 1st of March.
4379. Are you not aware how the business is conducted in the detective office? I cannot give details of how the business is conducted.
4380. Are you aware how the business is conducted in the detective office? I cannot say.
4381. You do not know? I cannot explain —
4382. I want an answer to a simple fact? I do not know.
4383. *By Mr. Morris*: Has Mr. Harrison ever censured you for neglect of duty, in not entering the particulars of your daily duty in the detective duty book? No.
4384. Never censured you once? No, not that I am aware of.
4385. Not that you are aware of? No.
4386. *By Mr. Johnson*: May he have censured you, and may you have forgotten it? No; I think I would remember a thing of that sort.
- 4387.

4387. Have you ever been examined in a court of justice? Yes.
4388. Often? Yes.
4389. *By Mr. Wilson*: Do you think that you are bound to give evidence in a more truthful manner when you are on your oath than when you are not? No.
4390. Would you prevaricate as much when on oath as when you are not? I would be asked questions there that I could give direct answers to; I cannot give direct answers to what I do not know for a certainty.
4391. *By the Chairman*: Will you say whether you would or would not remember the circumstance, if you had been severely censured by your superior officer since the 1st of March? I would remember it.
4392. Then if you do not remember such a circumstance, the Committee may take it for granted that you have not been censured? I have not, that I am aware of.
4393. We want to know whether you have or have not, as a matter of fact? No, I have not been censured.
4394. *By Mr. Johnson*: Look at the entry of the 27th May, and tell me what duty you were doing then? (*The witness read the entry as follows*):—"Came on duty at 9 a.m., patrolled the city till 1 p.m. Special duty from 7 p.m. till 12 p.m."
4395. What was the special duty then? I cannot remember for a certainty.
4396. When did you first go on duty in the Bentley case? When I went to Mr. Bentley's house.
4397. That was on the 14th April—I suppose I must tell you instead of you telling me—I asked when you first went on duty in the Bentley case? When I first went to Mr. Bentley's house, on the first day of the last week in Lent.
4398. Just look at your entry of the 14th April—that was the first time? Yes, I believe that was the first time.
4399. When was the addition to your entry, "in at B.'s house first time" added to it? I do not know the day.
4400. How long after you made your own entry? As I said before, I think it was some time in May.
4401. May consists of thirty-one days—can you say whether it was the beginning, middle, or end of May? I believe it was the beginning; I did not pay particular attention to the time. Of course if I had had any idea that I would have been required to give evidence about it, I would have taken notice of it.
4402. You have told us that often enough already? I cannot say; I do not know.
4403. Are you sure it was in the month of May at all? I am not certain.
4404. Are you sure it was not before the month of May? No.
4405. Might it have been after the month of May? It is possible it might.
4406. Is the whole of that addition to the entry in Mr. Harrison's handwriting? I believe it is.
4407. *By Mr. Hart*: Will you look in your note-book and see if you have any entry there of the 14th April? (*The witness referred to his note-book.*) No.
4408. Have you any objection to allow me to look? None whatever. (*Note-book handed to Mr. Hart.*)
4409. I see these entries are not made consecutively? No.
4410. There is an entry dated September 5, 1862, following one dated March 12? —
4411. *By Mr. Johnson*: Have you any entries in that note-book of your own, of any duty you performed in the Bentley case? No.
4412. Or in any other book, or any written memoranda of any kind? No.
4413. Or anything whatever to refresh your memory except this detective duty book? No.
4414. Will you state whether that word "house," in that addition to the entry, is not your own handwriting? No, it is not.
4415. Whose writing is it? I believe it is Mr. Harrison's.
4416. In whose handwriting are the two following words, "first time"? I believe Mr. Harrison's.
4417. The words "first time," as well as the word "house"? I believe so. I never make an "h" that way.
4418. What was the next duty you performed? I went to Mr. Bentley's house the following day.
4419. What was the next duty? I went to his house again the following day.
4420. What was the next duty you performed in connection with the Bentley case? I think the next duty was the concert.
4421. Will this book tell you—(*Witness referred to the book*)—There is one entry you are passing over? I believe that was one; I believe that was the night of the concert.
4422. What date is that? The 2nd of May.
4423. Was that the first concert you were at? Yes.
4424. What was the next duty you had? The next time was to Newtown.
4425. Next to the 2nd of May? After the 2nd of May.
4426. What is the date? "Special duty from 12 to 3, Tuesday, 6th May."
4427. You were at Newtown—does it say so? It does not say so, but I believe I was there that day.
4428. What was the next? Friday, 9th May, I went to Newtown.
4429. The next? Tuesday, 13th May, special duty to Newtown. I went to Newtown only three times.
4430. What else had you? I went to another concert.
4431. When was that? I believe it was Tuesday, 27th May.
4432. Were these all the occasions you were employed on the Bentley case? That is all that I was specially employed.

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4433. I ask, have you now specified all the occasions on which you did duty on the Bentley case? No; there was one occasion when I went to Mr. Bentley with a note, and another occasion when I went to Mr. Bentley's house, inquiring for Mr. Harrison.
4434. When were they? I do not remember the dates; I remember the circumstance.
4435. Who was the note from? Mr. Harrison.
4436. Now, have you told us everything you did, special or common, in any way, in the Bentley case? Yes, I believe that is all I had to do with it—all that I remember.
4437. You do not consider these interviews with that girl —? Of course they are known already. If you wish me to state them —
4438. I want you to answer my questions? Of course I have been concerned as far as meeting this girl.
4439. Anything else. I do not limit my question. I am asking you everything? No, I never remember being concerned in any other way with it.
4440. With any other persons, or in any other manner? No.
4441. During those days on which you were employed on the Bentley case, did anything special come under your observation, during the whole time? Yes.
4442. What? The night that I was in Mr. Bentley's house—one of the three nights—I think the second night—I walked to the window and I saw the wicket gate, at the top of the stairs, leading from the yard on to the verandah, open. I spoke to Mr. Bentley, and asked him if it had been left open.
4443. What did he say? I think he said he did not know, and he went and spoke to Mrs. Bentley; at least he went up-stairs —
4444. Did he tell you if he had spoken to her? Let me see; wait a moment. When he came down the reply he made to me, I believe was, that Mrs. Bentley said it was closed.
4445. Is that a belief or a certainty? That was the substance of what he said.
4446. Are you sure it was the substance? I am sure it was the substance.
4447. What was the next special circumstance? I was at the concert —
4448. The first concert? At the first concert, I think, I did not take any particular notice of anything.
4449. Then it was the second concert? Yes.
4450. What took place at the second concert? I believe it was the second; I would not be certain.
4451. What was the circumstance? Mr. Boulanger came to me and spoke to me. He said—"Take notice of that man," pointing to a man that stood near the platform; he said I was to watch him, and of course I did so.
4452. Were you in the concert-room on that occasion? I was.
4453. Cannot you remember whether it was the first or second concert? I rather think it was the second.
4454. Was it the occasion when Mrs. Bentley did not play when she was expected to play? Yes, that was the occasion.
4455. Mr. Boulanger told you to take notice of a man he pointed out standing near the orchestra? Yes.
4456. Was there any other special circumstance? I watched the man as he told me, and of course I saw him walking up and down there; he walked sometimes down the passage.
4457. Do you know who that man was? I have seen him since.
4458. Do you know now who he is? I do not know his name. I saw him one day, as I stood at the corner of Pitt-street—Tierney's corner. I saw him pass by with an old gentleman, and I spoke to a person and asked if he knew him, and I think it was Captain Mallam, he said his name was. I saw him afterwards at the Club House in Bent-street, near the old Brigade Office.
4459. Have you now related all the special circumstances that occurred during your employment on the Bentley case? No. One night I was in King-street, and I observed a man standing against the post; I thought it looked suspicious, and that he might have posted letters, and I went and reported it to Mr. Harrison.
4460. Was anything else done that night? Yes. Detective Clark was told to be at the Post Office the following morning, to see if any letter had been posted; but previous to that I went up to Mr. Bentley's house, to ask for Mr. Harrison.
4461. That is the occasion that you have before spoken of, as having gone to Mr. Bentley's to inquire for Mr. Harrison? Yes.
4462. *By Mr. Hart*: You say this letter-receiver was in King-street? Yes.
4463. *By Mr. Johnson*: When did that occurrence take place? I do not know.
4464. Have you no means of reference? I did not make a note of it, because I never heard anything more of it.
4465. Can you mention any other circumstances that occurred while you were employed on this duty? The day I took the note to Mr. Bentley's house, I met the girl Mary at the door.
4466. Mary Ryan? I do not know her other name. I asked her if she would give that to Mr. Bentley. She said, "I saw you at the office one day, passing." "How is it you did not speak?" said I. "I was afraid you would put me in gaol," she said. I said, "You need not fear, if you have done nothing wrong"; and then she made some remark like this,—"I can bore holes better than Maria"; she was speaking in a laughing manner, and might have said it in a joke.
4467. That was when you gave the letter at the door? Yes.
4468. Can you remember the day? No.
4469. Can you fix it within any limits? No, I can merely remember the circumstance.
4470. Have you anything more to report? I remember, at the concert on the last occasion, I took notice to Mr. Montagu and another man laughing and clapping at the concert.
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4471. Did you report that circumstance to anyone? Yes, I believe I told Mr. Bentley when Mr. Harrison was present. Mr. William  
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4472. I want you to tell the Committee all that came under your observation—have you finished now, or have you got any more to tell? That is all I remember. 3 Dec., 1862.
4473. How were you engaged on the 21st of April? Will you allow me to refer to the detective duty book? (*Witness referred to the book.*)
4474. Had you nothing to do with the Bentley case that day or night? No, not that I am aware of.
4475. Did you see the tool chest at Mr. Bentley's house, in that room where you were? I never remarked one.
4476. How many interviews do you say you have had with Anna Maria Bradshaw about this case? Let me see. I think five. I wish to correct myself in one particular—or at least to state further, not correct myself—I saw her on the Friday also, the first week; I saw her on the Wednesday and on the Friday also.
4477. *By Mr. Morris:* You mean on the Friday after you received the letter appointing a meeting on the Wednesday previous? Yes.
4478. *By Mr. Johnson:* You first saw her on the Sunday when you say her aunt came and fetched you? Yes.
4479. What Sunday was that? The Sunday previous to receiving that letter.
4480. That would be the 9th of November, I think—When did you next see her? On the Wednesday.
4481. When did you next see her? On the Friday.
4482. Of the same week? Yes.
4483. After that? Then I was to see her —
4484. When did you see her? I saw her in George-street, when I was just going to get into an omnibus, but not to have any conversation with her.
4485. When did you next see her after the Friday? I saw her in George-street, let me see what day it was. I think it was the week before last, one day that I was going up to the Barracks; I was just going into an omnibus.
4486. You had no conversation with her whatever on that occasion? I think I bid her good morning.
4487. Anything more than good morning? No, I told her I was going in the omnibus to Paddington.
4488. Was any appointment made then? No, I do not remember. There was an appointment made that I did not keep, but whether it was made on the Friday evening I cannot say.
4489. On this occasion when you say you only saw her, you cannot tell whether you made an appointment? I do not believe I did.
4490. What day was this? I think it was on a Tuesday or a Wednesday.
4491. *By Mr. Wilson:* Could you not see it in the detective duty book? I do not think so.
4492. *By Mr. Johnson:* When did you next see her after the time you were going to Paddington? On the Racecourse, on the Saturday morning—last Saturday.
4493. That would be the 29th? Yes.
4494. Did you not see her to speak to her on the subject of this case, between Friday the 14th and Saturday the 29th November? No. I had an appointment to see her, but I did not see her.
4495. *By the Chairman:* When did you make the appointment to see her? I believe it was on the last occasion, on the Friday, that I was speaking to her.
4496. *By Mr. Johnson:* Friday, the 14th, that would be? Yes, the Friday after I received the letter.
4497. *By the Chairman:* When did you appoint to meet her then? I think the appointment was for the Sunday or the Tuesday—I do not know which—in the following week.
4498. Then you did not see her? No.
4499. *By Mr. Johnson:* That appointment lapsed? Yes.
4500. When do you say you saw her after that, after failing to keep the appointment—when did you next see her? I think the next occasion I saw her was in George-street.
4501. Did you make any appointment then? No, the appointment was made.
4502. After the appointment which you did not keep had passed, when did you next see her? On the Racecourse, last Saturday.
4503. Then you did not see her on the Friday? Not after the Friday I speak of.
4504. Not on the Friday immediately preceding last Saturday? No.
4505. *By Mr. Hart:* Did you meet accidentally, or was it an appointment on Saturday? There was no appointment; she was on Hyde Park, near the cab-stand, crossing over the Park from Elizabeth-street.
4506. *By Mr. Johnson:* Did you make an appointment then? Yes.
4507. When for? The Sunday morning following—that was last Sunday.
4508. You saw her on that occasion? I did.
4509. When did you next see her? Last night.
4510. The 2nd December—When did you make the appointment to meet her last night? On the Sunday morning.
4511. Did you make any appointment last night? No.
4512. Have you any appointment now to meet her again? No.
4513. Have you told all that took place last night between you and her? Yes.
4514. Your conversation last night, then, was principally composed of statements as to what took place before this Committee during the day? And how she felt—how her health was; I asked how she was—she is naturally nervous—how her nerves were; and she said she was nervous before the Committee.

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4515. Your conversation was confined almost, according to your statement, to what took place before the Committee? Yes.
4516. She asked you what you had been asked? She said—"I suppose you were asked the same as I was asked?"
4517. She asked if you had given the same answers? No.
4518. Did she ask if you agreed with what she said? That was all the words she made use of.
4519. *By Mr. Morris*: Will you be kind enough to look at this entry, and say who scratched that out? I scratched that out. That was originally "a female."
4520. *By the Chairman*: When did you cross it out? On the Monday morning.
4521. That entry relates to the first meeting you had with Maria Bradshaw? Yes.
4522. *By Mr. Wilson*: And Maria Bradshaw is the "female" alluded to there? Yes.
4523. *By Mr. Johnson*: The words "a female," now erased, refer to her? Yes.
4524. These conversations with Maria Bradshaw were almost entirely confined to the subject of what she told you Mrs. Bentley had said about being followed by a priest? That was the principal thing.
4525. What else? We were speaking about where I came from, and where she came from, and matters of private business, but principally about the priest in connection with the Bentley case.
4526. What else beside the priest in connection with the Bentley case? She said Mrs. Bentley had told her that the author of the alleged persecution in Exeter was a man named Ryan or Ryall; that the way that that took place—I cannot exactly relate the words, but I will relate the substance—she said that Mrs. Bentley had told her that when Mrs. Bentley was young she was preparing for confirmation with her sister, and that when she was about to be confirmed, the minister raised some objection to confirming her in consequence of her not having been baptized, and it caused some unpleasantness to arise in the family, and caused her to be uneasy at home; and she said she then became acquainted with this Mr. Ryan or Ryall, and that he was the only person who expressed any sympathy for her; and she said he proposed that if she was troubled at home she should go into a convent.
4527. I want to know whether there was any conversation as to Mrs. Bentley's statements, except in reference to this priest that she talked about following Mrs. Bentley? Yes; she said Mrs. Bentley had said something to her at one time about writing to a German gentleman, and that she represented herself as a German lady, and that she received an answer from him.
4528. That was some man who undertook to delineate people's characters from their handwriting? Yes.
4529. Have you told us all that took place at every one of these interviews? What I can remember; I may not have related all.
4530. Do you now remember anything more than you told us yesterday? ———
4531. *By Mr. Morris*: When did you shew the letter you received from Maria Bradshaw to Mr. Harrison? I believe it was the same evening.
4532. That you received it? Yes.
4533. And you communicated to him that you had made an appointment with Maria Bradshaw? Yes, I told him I was to see her.
4534. *By Mr. Johnson*: On the subject of the Bentley case? Yes.
4535. You told this girl you were going to be examined here? Yes. I remember something more. She made a remark to me that she heard Mr. Johnson say to either Mr. or Mrs. Bentley, that this affair would cost about £400, and, as his character was at stake, he would bear the expense.
4536. She said I made that remark? Yes, I believe it was you she said made that remark; it was between you and Mr. and Mrs. Bentley.
4537. Are you sure she mentioned that sum? Yes.
4538. Anything else? And she said you made some remark about a Mrs. Lindsay having seen a man leaving the house about 2 o'clock in the morning; and that you said—"Oh! she says 5 now"—something to that effect.
4539. *By Mr. Hart*: Five men? No; 5 o'clock in the morning.
4540. *By Mr. Johnson*: Did she say she overheard that conversation, or that the subject was mentioned when she was present? She said she heard it; she did not say it was mentioned when she was present.
4541. Well, have you told the whole story now that she told you? She said that Mr. Boulanger was there a week ago last Sunday, and Mrs. Bentley was crying in the verandah.
4542. That you told us yesterday? Yes.
4543. I want to know whether the Committee have got everything? That is all I can remember. Something else might come to my mind shortly.
4544. Were you at both concerts—were you inside the concert room? Some parts of it; I was outside occasionally.
4545. *By the Chairman*: That is to say, you were not fixed in that particular spot? Not all the time; I came out sometimes.
4546. When you went inside was any other detective at the door? Mr. Harrison was there sometimes; he was absent a great part of the time from the door I was at.
4547. Were you both absent together from the door you were at? Yes.
4548. So that anyone could have gone out without your knowing it? Yes.
4549. You say Mr. Harrison was not constantly at the door? No; he was away several times.
4550. Did he come to visit you at the door you were at? Yes.
4551. Did he stop long? Sometimes he might stop five or ten minutes or a quarter of an hour.

4552. So that anyone could have gone out from the door where he was stationed without his knowing it? He went from one door to another; he did not appear to be stationed at any particular door. Mr. William  
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4553. *By Mr. Johnson:* How often did you see Mr. Harrison writing in any book at all when you were making reports to him? I cannot say I exactly saw him writing in a book while I was making a report, but afterwards; I have seen him writing in a book in his room, it might be on three occasions; I could not say to a certainty. 3 Dec., 1862.

4554. You do not absolutely recollect ever seeing him write at all when you were making a report? Not at the time I was making the report; I do not recollect him entering it at the time, except making the B.'s there.

4555. You can only speak to three times seeing him writing in a book at all? I have seen him writing in a book; I could not say what book it was.

4556. How often have you seen him writing in a book? It might have been three times.

4557. Can you speak to more than three times, in any book whatever? I could not say, because I did not take particular notice of what he was doing.

4558. Did you pay no attention to the book at all? No, I did not.

4559. Did you see how it was covered? No.

4560. Or what was the colour of the cover? No.

4561. *By Mr. Wilson:* Was it ruled? I could not say that even.

4562. *By Mr. Johnson:* Did you ever see him put the book away? I cannot say that I have.

4563. Where is that detective duty book kept? It is kept in the office.

4564. Is it kept in a particular room? Yes, in the front room.

4565. *By the Chairman:* Is that known as Mr. Harrison's room? No, Mr. Harrison's room is at the back.

4566. *By Mr. Johnson:* Were you, Sanderson, and Clark, all called in together, to go over that detective duty book and see what entries related to the Bentley case? I never was in with Clark.

4567. Were you in with Sanderson? Yes.

4568. Were all the B.'s made at that time? I do not know; the B.'s connected with my duty were made at that time.

4569. Were the additions to your entries made at that time? I cannot say; I did not notice them.

4570. *By the Chairman:* Did you see the B.'s made? I did.

4571. *By Mr. Wilson:* Did you hear Sanderson at that meeting asked any questions as regards his duty? Yes.

4572. And were the B.'s marked against his entries? Yes.

4573. You are sure of that? Yes.

4574. *By Mr. Johnson:* What did you say was your motive for meeting Maria Bradshaw last night? Because it had been a previous appointment.

4575. What for? If she had anything to say to me, to give her an opportunity of saying it.

4576. Had you not an opportunity on Sunday;—did you make another appointment? No.

4577. Why not? Because I did not think fit.

4578. You did not think it necessary on Tuesday? Well, I did not do it. No doubt I could see her if I wanted, by going to Church.

4579. You go to the same Church? I do; I go to St. Mary's.

4580. At your conversation last night, did Maria ask you if Mary had been examined? No.

4581. Did you tell her whether she had or not? No, I do not believe Mary's name was ever mentioned.

4582. Are you sure of that? Yes.

4583. And you have told us all that took place? Yes, all that I remember. She may have said something more to me that I cannot remember. I think I have related all as near as I can.

4584. You do not think it inconsistent with propriety, to make false statements when you have a particular end in view—to state things as true which are not true, in order to carry out your objects? I think it is wrong.

4585. Why do you do it? When do I do it?

4586. Did you not tell Mr. Hart that you might tell a small lie to effect a good object? In the case of apprehending a thief I say —

4587. You do not consider it inconsistent with propriety to tell lies of that sort? To a certain extent.

4588. Who is the judge how far you are to go? I would not do it to injure a person, but for the good of society, to enable me to get information of a notorious thief, I might do it, in the way I have mentioned before.

4589. Provided it were for the good of society, you would not mind even though it injured an individual? If I thought it injured anyone I don't know that I would do it.

4590. What do you mean by saying you don't know? I would not injure any person knowingly.

4591. Then, if the good of society would be promoted, you think it justifiable to state as facts what are not facts? In that particular instance, if I thought I could go and apprehend a robber by saying to a person that I did not want him, or was not looking for him, and he would tell me where he was —

4592. In that case you think the end would justify the means? Yes.

4593. And, of course, you have to exercise your own judgment how far you may resort to that kind of statement, according as you yourself think the end will justify it or not? Yes, I should exercise my judgment that far.

4594. During the time you were in Mr. Bentley's house, had you much opportunity of seeing Mr. and Mrs. Bentley? I saw Mr. Bentley pretty often; I did not see Mrs. Bentley so often; I heard her up-stairs. 4595.

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4595. Was she much engaged with her children? I do not know what she was engaged with.
4596. What book is it you say the clerk keeps at the detective office? A book that he enters the duty in, for his own information and the information of the office. That (*referring to the book on the table*) is for the men themselves; no one else interferes with it.
4597. Does it contain entries of the duties performed, or said to be performed by the various detective officers? Yes—what they are supposed to look after.
4598. Is it a record of the duty assigned to them, or of the duty which has been performed by them? Of the duty they are expected to go after, or that they are supposed to be looking after.
4599. Do you know from what materials the clerk makes these entries? He knows pretty well what we are going after, and enters it accordingly.
4600. How does he know it? If a report of a robbery comes in, he might say, you had better look after this, you and so-and-so.
4601. Who is the party you speak of? Mr. M'Martin.
4602. Does not Mr. Harrison set your duty for you? He tells us what to go after.
4603. How does Mr. M'Martin know that? Because he knows all the reports that come in.
4604. How does Mr. M'Martin become acquainted with the matters he enters in that book? From the reports of robberies that come in.
4605. Does he learn from Mr. Harrison who is to do the duty? If Mr. Harrison is not there when the report of any robbery comes in, if I am in the office, I might say I will take this in hand.
4606. Have you, in fact, ever seen that book yourself, to read the entries? I have seen it.
4607. Do you know whether there are any entries in it about the Bentley case? I do not know.
4608. *By Mr. Wilson:* What is the book called? The detective duty book; I believe that is written on the back of it.
4609. Is it the same as this one? About the same size.
4610. You have stated to the Committee that, under certain circumstances, you consider it is justifiable in you to tell lies for the good of society —? To a certain extent.
4611. I say to a certain extent. Do you think you would be justified in trying to win the affections of any girl for the good of society? No, I would not attempt it; I would not wish to gain the affections of anyone without I wished to return them.
4612. Do you think you would be justified in attempting to seduce a girl for the good of society? Decidedly not.
4613. Then you think any detective who attempted to do such a thing very culpable indeed? Yes, most decidedly.
4614. Are there any police regulations which allow you to tell lies for the good of society? Not that I am aware of.
4615. These things are left entirely to your own discretion—how far you are to go with these lies? I don't know that we are supposed to tell them at all.
4616. Are there any regulations about them, about what may be called police lies? No, not that I am aware of.
4617. *By Mr. Morris:* If you were convinced in your own mind that a certain party was writing anonymous letters, do you think that you, by any ingenuity, could discover, after the time, that you knew this person was the writer of the letters, if he wrote and posted letters to any extent? I scarcely understand the question.
4618. You knowing that a party was in the habit of writing anonymous letters—being convinced in your own mind that this person did write anonymous letters—do you think you could discover whether he posted these letters, if he continued to write them, you knowing that he wrote them? If he posted them himself, it is possible that you might not.
4619. Even if you had at your disposal the whole strength of the detective force? It is possible he might evade it.
4620. Do you think it possible he could elude you, you knowing he was the writer of the letters? Yes, I do. You do not know how many agents he might have employed.
4621. Would you try to detect him, or any person connected with him? Yes, if I knew the person to be the writer of the anonymous letters, and knew that he posted them, or had an idea that he posted them, I would try and discover when he did so.
4622. In fact, that would be the main object you would have before you—to detect him in posting them? Yes, I would employ all means I could to detect him.
4623. In posting them? In every way.
4624. *By Mr. Wilson:* Do you ever employ persons not connected with the police force to assist you? Yes.
4625. What sort of persons? Any sort of persons I think can give information.
4626. How do you pay these persons? Sometimes I might "shout" for them, give them a shilling, and so on.
4627. Is that with the view of giving you particular information, or getting them to perform certain services? With the view of getting information from them.
4628. Do you ever employ persons to do certain duties in the way of detection? No.
4629. Do you never go further than getting information? No.
4630. Are you aware whether it is the custom of any members of the force to do so? No.
4631. Were you connected with the case with Mr. Harrison in the Domain, when he apprehended a person for trying to extort money? I was.
4632. Was there not some person then employed? Yes, two young men.
4633. Who employed these two young men? I think Sanderson got one and Mr. Harrison the other.

4634. Do you not consider, that employing persons out of the detective force to perform services — ? It was merely done gratuitously by them. Mr. William Camphin.
4635. I asked you the question simply—do you not consider that it is improper to employ persons unconnected with the detective force to perform services in the detection of offenders? 3 Dec., 1862.  
I understood you to mean paid persons.
4636. I do not wish to know anything about the payment at all? There were two employed on that occasion.
4637. How do you know they were not paid for their services? I know from the character of one of them that he was not; of course what is done behind my back I do not know. If such a thing did occur I did not know of it.
4638. What did you know of the other? I am not acquainted with him, only by seeing him riding about on horseback; he is a collector for some one.
4639. What is the position of the other party? He is also a collector, and foreman of a store.
4640. It is merely from their position in society that you say they were not paid? I believe they were not paid.
4641. You have no certain knowledge of the fact? No.
4642. Still you admit their being employed, to your knowledge, in duties belonging to the detective police? They were employed; they volunteered their services.
4643. How do you know they volunteered their services? Because I was present when one did so.
4644. Which one? The one Sanderson engaged.
4645. Did he make overtures to Sanderson? The way it occurred was this: I think Sanderson told him we were going in the Domain, and this young chap—he is a man who often speaks to us, and he seemed anxious to go, and of course he was allowed to go.
4646. Had he ever been in company with the detectives before? Yes.
4647. On similar duty? No; he has accompanied us when on duty.
4648. *By the Chairman*: What do you mean by a collector? He collects accounts.
4649. Was either of these the man that has run away from Mr. Tooth's employment? No.
4650. What do you know of his character? I am acquainted with him, and never heard anything against his character.
4651. *By Mr. Wilson*: Would there be anything against a man's character in taking payment for services performed? No. To shew that he went voluntarily, I mentioned that he is a man in a good situation; he merely went perhaps from curiosity or the novelty of the thing. I went dressed as one woman, and he went dressed as another woman.
4652. When I commenced my examination on this point, it was not so much with a view to cases of this kind as to the employment of thieves and men of bad character to perform services in connection with the detective police, and you state that they never perform services? Yes, we often get them to give information.
4653. You never engage them with the view of detecting crime? If they can assist me they may, but I never engage them.
4654. Did you ever hear of the case of a person named Cockerell, where a blackguard named Grant was employed by the police? Yes, I have heard of it.
4655. Have you heard of any similar cases? I have heard reports of men of very bad character being employed.
4656. *By Mr. Hart*: Are women employed also? Not that I am aware of. Of course if a woman can give information well and good.
4657. It was principally with respect to your detective duty that you placed yourself in communication with Maria Bradshaw, and not from any private friendship that may exist between you and her? No, I had no other motive than that.
4658. *By Mr. Wilson*: Do you ever change your place of abode with a view of more efficiently carrying out your duties? Not without I go out of town.
4659. Do you never go into any of the boarding-houses? No.
4660. You are not aware of any of the other detectives doing so? No, not in my time.
4661. *By Mr. Hart*: Is this entry of yours made on the 9th of November, 1862:—"Came on duty at 6:30, and patrolled the Racecourse with — till 10 p.m."—correct? I was not on the Racecourse all the time.
4662. Then the entry is not correct? So far as that goes it is not; we walked on the Racecourse and round Woolloomooloo.
4663. Is that the only duty you were engaged on that day? That is all.
4664. *By the Chairman*: When did you meet this girl, Maria Bradshaw,—did you meet her at 7? About 7; I met her coming out of Church.
4665. *By Mr. Johnson*: You recollect being at the first concert? Yes.
4666. Did not Mr. Boulanger, after coming out of the concert-room, tell you that a man was dogging his heels ever since he left the concert-room? No.
4667. Did not Mr. Bentley tell you—did he not find you and tell you, and point out the man that Mr. Boulanger referred to? Mr. Boulanger pointed out a man.
4668. What did he say about that man? He said keep an eye on that man; he thought there was something suspicious about the man.
4669. Did you follow Mr. Bentley and Mr. Boulanger at a distance? Yes, I believe I followed them home.
4670. Were you called in that night at Mr. Bentley's to follow Mr. Boulanger home, or to accompany him? I was called in to follow him one night after coming from one of the concerts; I believe that was the night.
4671. Were you not asked on that occasion whether you had seen people at the concert making signs? Yes.



- Mr. William  
Camphin.  
3 Dec., 1863.
4672. Who were the people? There was Mr. Montagu and another jew, named Simmons, I think; when Mr. Boulanger was playing, each would look at the other and nod their heads, and laugh, and Montagu would clap and applaud him.
4673. *By the Chairman*: I would like to be very clear about the way that your duty is set out—Is Mr. Harrison in the habit of apportioning the duty to the detective officers in the morning, before they go out? If there is anything particular to go after he would say, go after that —
4674. Never mind the anything particular—just answer my question? If there is anything particular to go after —
4675. I intend to ask this question till you answer it, if it is all day—Is Mr. Harrison in the habit of apportioning the duty to the detective officers, in the morning, before they go out? I say in answer to the question, he does not send us out on duty every morning — (*Question read by the shorthand-writer, by the direction of the Chairman.*) No, he does not; oftener not. Perhaps you will allow me to explain. When we go in in the morning, if there is any particular case to go after, for instance, if a robbery occurs the night previous, some of us will be told off to go and look after it particularly; and if the others have nothing particular to do, of course they take it as a matter of course that they go out into the streets to see if they can catch anything—general duty—for the purpose of catching thieves, or anything that may come under their notice.
4676. Is Mr. Harrison in the habit of putting down on slips of paper the particulars of the duty that you have to perform? He may do it to the clerk.
4677. That is not the question? Well, I do not know.
4678. Is Mr. Harrison in the habit of writing down the particulars of the duty you have to perform, on a slip of paper? If he wants any particular man—if there is any particular duty for him to go after—he will leave his orders there, and if you do not see the paper, or whatever orders he may leave, the clerk tells you.
4679. I have asked about the habit? Yes, he does make a practice of it in that way.
4680. Does he make a practice of sending the men on their different duties? Not without it is particular duty.
4681. Because Mr. Harrison has stated that he is in the habit of sending the men to their duties for the day, and that he is in the habit of writing down the particulars of what duty they are to perform for the day, on slips of paper. Have you received such slips of paper? I cannot say I have received them into my hand from him; but they have been left there with the clerk.
4682. I ask if you have received them? I have received slips that came from him; he might not be in the office to hand me orders.
4683. *By Mr. Forster*: You seem to have rather a bad memory? The fact of the matter is I was not aware —
4684. I do not ask you what you are aware—I want to know whether you have a bad memory or not, naturally? I cannot say I have.
4685. You have confessed, in the course of this examination, to not recollecting things that have occurred very lately? I could not remember them distinctly.
4686. Do you consider that you have a good memory generally? As good as the generality of people.
4687. Do you recollect who is your superior officer immediately over you? Mr. Harrison.
4688. You have admitted, in your examination, that you occasionally deviate from the truth, for the public benefit, in the performance of your duty? Yes, I have done so in the way I have stated.
4689. Has that been the case frequently? No.
4690. When you have done so have you done it by the orders of your superior officer, or on your own suggestion? I have acted on my own judgment and discretion.
4691. Is it part of the duty of a detective officer to deviate from the truth on his own judgment? No, it is not his duty to do so.
4692. Did you ever gather from any regulations or orders from your superior officers, that it was ever your duty to deviate from the truth? No, I never did so from any orders I received, only using my own discretion.
4693. How long have you been a detective? Since the 1st of March.
4694. How did you ascertain, in the first instance, what your duties as a detective were? I had been in the uniform police before that, and understood a little of the duties.
4695. Did nobody ever give you instructions? There is a book of regulations.
4696. Did you gather your duty entirely from the regulations? No, from experience.
4697. Then you ascertained from experience, and not from regulations, that it was your duty to deviate sometimes from the truth? I did not say it was my duty; I have done it occasionally, in such a case as I have named, because I considered that I should be doing good.
4698. It was your duty to do good? Yes.
4699. Then it was your duty to deviate from the truth in particular cases? It is not considered to be my duty to tell a lie.
4700. You considered it your duty? I considered it would be judicious.
4701. Did you not consider it to be your duty, when you deviated from the truth, in this way? I did not consider it to be my duty.
4702. Why did you do it? Because I considered it the best.
4703. Is it not your duty to do the best? Yes.
4704. Then it was your duty? It is not a duty laid down for me by the regulations.
4705. How did you ascertain whether it is right or proper? I did not say it was so.
4706. How did you ascertain that it was your duty? I did not say it was my duty.

4707. You said you did consider it right? It is merely a matter of opinion; another person might be of a different opinion. Mr. William  
Camplin.
4708. Was it your opinion that it was right? I think it is in a small way—to a certain extent. 3 Dec., 1863.
4709. Have you ever heard anything from Mr. Harrison, or your other superior officers, to induce you to believe that they agree with you in this opinion? No, such a subject never came under consideration between us.
4710. Would you always tell the truth to your superior officers? Yes.
4711. And in giving evidence before this Committee—? I would speak the truth.
4712. You would not deviate from it in the least particular? I would speak the truth as far as I know it.
4713. What are the particular cases in which you would think it right to deviate from the truth? If I could go and apprehend a bushranger—for instance, if I went, to you and asked you was such a man in such a place; knowing I was a policeman you would say, “Do you want him?” and I would say, “Oh! no, I do not want him,” in order to get you to tell me where he was.
4714. To do a great right you would do a little wrong? I would not do a person an injury by it.
4715. You would not carry this practice into private life? No.
4716. After these cases of deviation from the truth, have you ever felt uncomfortable at all—did you ever think about it afterwards? Sometimes.
4717. Do you think it is impossible to carry on the detective service without these deviations from the truth? I do not.
4718. You think it possible? I think it could be carried on.
4719. Is it necessary for a policeman generally to deviate in this way from the truth? He can do without doing it.
4720. Do you not think it would be better if he always did without doing it? In the case I mentioned the person he wanted might get away if he did not do it.
4721. Did you make any entries into that book? Yes.
4722. Are you sure you did not carry that principle out in making entries in that book? Not that I am aware of; I may have made mistakes, but not wilful mistakes.
4723. Were you ever placed on watch over Mrs. Bentley or Mr. Bentley in the house? I have been in Mr. Bentley's house, but not to watch over them.
4724. What was your opinion—did you agree with Mr. Harrison that Mr. and Mrs. Bentley had anything to do with writing these letters? I did not form any opinion.
4725. Did you ever know that was Mr. Harrison's opinion? Not until recently.
4726. When he expressed his opinion to that effect did you agree with it? I do agree with it.
4727. I thought you said you did not form any opinion? Not when I was in the house.
4728. When Mr. Harrison altered his opinion you altered yours? When I heard the circumstances about the affair in Exeter, and what appeared in the paper, of course it caused doubts to arise in my mind.
4729. After that you came to the conclusion that you agreed with Mr. Harrison that Mr. and Mrs. Bentley knew something about these letters? I believe they know something about them.
4730. Did it ever occur to you what motive they had? I could not charge them with a motive.
4731. I suppose, as a general rule, you agree with your superior officer? Oh! no.
4732. When you came to this conclusion did you alter your mode of watching at all? I always acted according to orders; I did not change only when I was ordered.
4733. Were you told to watch Mr. and Mrs. Bentley after this suspicion had occurred? I was sent to Newtown, after I had been watching in the house, to watch Mrs. Bentley, and of course I did as I was ordered.
4734. *By Mr. Hart:* Was it according to orders that you made assignations with Maria Bradshaw? It was at her own request I went to see her.
4735. Was it according to orders? Not on the first occasion. Of course my superiors were acquainted with the fact.
4736. *By Mr. Wilson:* Was your second interview with her according to the orders of your superior officers? It was with the knowledge of my superior officers.
4737. And with their sanction? They acquiesced of course.
4738. *By Mr. Forster:* When you were told to communicate with this girl were you desired to get all the information you could from her? Anything she chose to say to me.
4739. May you go to any lengths—use any sort of inducements—in regard to young women, that you think will draw information out of them? I never received any particular orders about seeing any young woman.
4740. Are you a married man? No.
4741. Any information that you would get from young women in that way would you make use of it for the public service? I would make use of no improper conduct.
4742. I am not speaking of improper conduct. It is quite possible a young woman might tell you things that she might not communicate to another? It is possible.
4743. In that case would you hold it to be your duty to communicate with your superior officers? Yes, in connection with a case like this.
4744. Supposing a girl told you things in strict confidence—supposing Maria Bradshaw told you confidentially matters relating to Mr. and Mrs. Bentley, would you communicate them to your superior officers? Yes.
4745. Even though the girl told them under the seal of secrecy? She did not do so.

- Mr. William  
Camphin.  
3 Dec., 1862.
4746. Supposing the girl told you things she would not have told to anyone else? All connected with the case I would have told.
4747. Would you use any inducement—I do not say improper inducement? I would use no improper inducement.
4748. Whatever the girl told you, in relation to a case of that kind, you would communicate to your superior officers? Yes, I would consider it my duty to do so.
4749. Have you done so in this case—was there anything told you that you thought proper to communicate? I do not understand you.
4750. Did you find anything out? Only what I have stated.
4751. When she told you these things did she understand that you were going to tell them again? Yes, she came to me for the purpose of communicating these things.
4752. Did you bring her to Mr. Harrison? No, I did not.
4753. But you repeated what she had said? Yes.
4754. Mr. Harrison did not examine her? No.
4755. Did the girl make any statement to you of any familiarities having existed between Mrs. Bentley and anyone? No.
4756. She had no reason to believe that anything of the sort existed? No, she never mentioned any such thing.
4757. Did the girl tell you anything which corroborated your suspicion of Mr. and Mrs. Bentley having been concerned in writing these letters? Nothing further than what I have stated.
4758. Did she state to you that it was her belief? She did not state directly it was her belief, but she said she thought it was very strange. She began to entertain doubts of Mrs. Bentley, in consequence of the statements Mrs. Bentley had made to her, and then seeing the letter in the *Empire* paper with respect to the Exeter affair.
4759. The *Empire* letter had great effect with her? Yes, it caused suspicions.
4760. Had this letter in the *Empire* any effect with you? It caused me to entertain doubts.
4761. Was this letter in the *Empire* the first circumstance that induced you to entertain doubts? I do not know.
4762. Are you sure you did not suggest doubts to the girl? No, I did not.
4763. Did Mr. Harrison suggest doubts to you, or did they arise in your own mind? They first arose in my own mind.
4764. Did Mr. Hanson, the editor of the *Empire*, ever suggest anything to you? I never spoke to him.
4765. Were you never at the *Empire* office to give information there? No.
4766. Had you at any time any suspicion of Signor Cutolo or Mr. Montagu for writing the letters? I had suspicions so far as this, that I heard the detective police were watching them; I had no reason further than what I heard.
4767. You did not maintain any opinion of your own in their case? No, I had no grounds for suspecting them; I did not know anything of the circumstances at that time, no further than that there was something about anonymous letters.
4768. *By Mr. Morris*: Did Maria Bradshaw complain to you that Clark attempted to kiss her? No, she said she objected to Clark coming any more.
4769. Because —? I think she said he said he was a single man; she did not assign any cause; she said she objected to Clark being sent any more.
4770. Were you not a single man as well as Clark—would not that objection apply to you as well as Clark? No.
4771. That objection did not apply to you? No.
4772. Why not? Perhaps my appearance was better.
4773. You did not attempt to kiss her? No, I never made any freedom with either of them; in fact I spoke to them very little.
4774. *By Mr. Wilson*: She objected to Clark calling at Bentley's house because he was a single man? No, she said she objected to Clark being sent there.
4775. Because he was a single man? No, not because he was a single man, but it was a vague remark that he said he was a single man.
4776. She had no objection to patrol Hyde Park and Woolloomooloo with you, though you were a single man? No.
4777. *By Mr. Morris*: During these long walks have you ever had your arm round her waist? No.
4778. Never? No.
4779. *By Mr. Forster*: I think you said you did not consider it your duty to take any freedom with her? No, she never even put her arm inside mine, but always walked at a little distance; she is a very prudent modest girl I think from what I have seen of her.
4780. *By the Chairman*: She did not whisper these communications to you? No.

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Mr. Charles Edward Harrison called in and further examined:—

4781. *By the Chairman*: Are the Committee to understand that you have never kept any other book or diary than the diary which you have produced before the Committee? Never at any time, not for years.
4782. Have you been in the habit of making entries in that diary daily, and day after day, from the reports of the detective officers employed in the Bentley case? I do not well understand you. (*Question read.*) Perhaps not from their reports more than from the instructions I have given them to do certain things—more with regard to their duty in the house

house and with regard to their duty out of the house. I may have entered that they were Sub-Inspector on such a duty at such a time, but not from what they have told me; I may have seen them there. As regards myself I made the entries as I became interested in this case; before I C. E. Harrison.

3 Dec., 1862.

4783. With regard to the detective officers, when they give you their reports, the mornings after they had been on duty, in your own office, have you had a book before you? Yes, I may have had. I kept my diary during that time, sometimes in the office, and sometimes at my own house. I may have kept my diary at my house for weeks together, or I may have kept it at the office for weeks together.

4784. I ask if you were in the habit of making entries at the time the detective officers made their reports to you on the mornings after they had been on duty? Not generally, because I have not had the diary at the office for some months now.

4785. Was there any other book in your possession, in any way similar to it, in which you made entries, when the detectives were giving you the particulars of their duty? Never.

4786. Were the different detectives, who have been employed on the Bentley case, present at the same time when you made these B.'s and the other additions to their entries in the detective duty book? Yes, as I have stated, one or two or more at the time, I called them. I have no recollection of making any entries except on that one occasion. I called them in and they were present, perhaps not altogether, but it was on the same day. I cannot recollect whether all, who were employed in the Bentley case, were in the room at the same moment.

4787. I ask you distinctly whether the different detectives, who have been employed in the Bentley case, were present at the same time when you made the alteration in the margin of the book, and made the additions to their entries? I believe so, but I cannot say; I would not be positive whether at the time I made the B. to a particular duty performed by a particular man, whether at that time that man was near me, because if they were on the duty in pairs I may have taken what the other man said in regard to his companion's duty. I had them there and questioned them about this, and they shewed me the particular duties they had done, but whether one man shewed me the duty that had been done by another man, who was with him at the time, I cannot say. I made the entries all at the same time. I have no recollection of making any entries, except at this particular time.

4788. I understand you are quite certain that you did not enter these B.'s on the morning that the report of what had taken place was made to you? I have no recollection of making any entry in that book, except on this particular occasion.

4789. If you had made these entries day by day — ? I should have recollected it.

4790. *By Mr. Morris*: Was this book (*Mr. Harrison's diary*) in this cover from the time you got it? No.

4791. How long ago is it since you put this cover on it? Mrs. Harrison put that cover on some months ago.

4792. How many months ago? Four or five months ago.

4793. Before the Bentley case? Since the Bentley case. I had another cover on it, and then I took the cover off and kept it without one till it began getting marked with finger-marks and ink-spots. That was the reason why I had another cover put on it.

4794. Have you had any conversation with Sanderson, with regard to the evidence he has given before this Committee? I had some few words with him about it when I saw him at the office that afternoon—some casual remark.

4795. Was it on the subject of your diary? No, I do not think the diary was mentioned. It was with regard to the entries in this book (*the detective duty book*); Sanderson made some remark, that he did not recollect my making all these B.'s at one time. I told him he had made a mistake if he did not, for I had no recollection of their being made at any other time. Mr. M'Martin, the clerk in the office, recollects the circumstance particularly. I had forgotten that circumstance till he called my attention to the fact last Saturday.

4796. *By the Chairman*: Did you have any conversation with Camphin, before he came to this Committee, with regard to the Bentley case? No, not particularly. Remarks may have been made in connection with the Bentley case and other police matters; but I have had no special conversation with any of the detectives about it; in fact I have rather avoided talking with them on the subject. I do not know that I ever asked whether they had formed an opinion upon it.

4797. Did you ask Camphin about the entries in this book, if he remembered anything about them? Yes, and he told me he could not recollect; he recollected being called in, but he could not recollect what it was for—whether I made any B.'s, or what it was.

4798. Was that before or after you had the conversation with Sanderson? This was on the same day; I referred to the book—to one of the entries in the book—to see the B.'s that were made.

4799. Before Sanderson was examined? Yes.

4800. Did you have any conversation with Sanderson on the subject? I simply asked whether he recollected being called in, but I do not think I asked whether they recollected my putting particular marks.

4801. Which of the two men has the best memory, according to your knowledge of them? I consider them both very good men.

4802. Which of them has the best memory? I cannot say. I know they are both very good men—very steady men—and I place every confidence in them.

4803. *By Mr. Hart*: Which is the most accurate in his statement of facts? I always looked upon Sanderson as being the most matter-of-fact man.

4804. *By the Chairman*: Do you know that Sanderson, without looking at any book, can state particularly the dates when he was engaged on the Bentley case, and whether he was inside or outside the house? I think Sanderson could.

4805.

- Sub-Inspector 4805. If Camphin could remember nothing about the matter, which would you consider had the best memory? Well, Sanderson. I know, with regard to Sanderson, that if I put him in the witness-box to give evidence in a case, he will not only repeat the name of every street he has been in, but mention every house in it, and every window he looks in at, and even every book in the window, if it is a stationer's shop—he is too minute in his particulars. I do not know if that is any proof of memory.
- C. E. Harrison.  
Dec., 1862.
4806. If he has stated that these B.'s were made in the margin on the succeeding morning of the very day he was on duty, he is not very likely to be mistaken? He was wrong if he did say so.
4807. Would he be likely to be mistaken? I can only state for a fact, as positive, that the B.'s were made at one time, and, as I said before, I have no recollection of making another entry in the book.
4808. If he says he was never called up in company with other detectives to furnish you with this information——? He is wrong again.
4809. So that if this man, with a good memory——? I cannot help it Mr. Chairman; I have given you my opinion about his memory. This is the only time I have any recollection of making it, and I am satisfied I am correct. I will not say I have not called a man in on some other occasion.
4810. Are you in the habit of apportioning the men's duties before they go out in the morning? Yes.
4811. Just describe how you do it? There is the report of crimes and offences committed—some duties the men have had assigned to them some days previously, and when I tell the men off I ask—what duty have you on? Such and such an inquiry, or the execution of such a warrant, the man will say; very well, you proceed about that. To another—what is your duty? So-and-so; you proceed about that. To another—have you anything in hand? Nothing; then take the City for it.
4812. Do you tell them what part of the City to go to? No; they have the whole fling of the City, from end to end.
4813. Do you give them instructions every morning? No, because sometimes I am employed and do not see them. They do not wait at the office to receive instructions from me; they take them from the clerk in the office——
4814. Does the clerk give them instructions if you are not there? I cannot say. I sometimes give the men instructions the clerk knows nothing about.
4815. Are you in the habit of giving them a written slip of paper, containing the duties they are to perform during the day? I am not.
4816. Are you aware that you have stated you are? No, I never stated so.
4817. I find this in the report of your evidence on a former occasion:—"I am in the habit, "at the office, of giving the men their duties to perform for the day, and likewise in the "habit of putting down on slips the particulars of the duties"? No, that is not what I meant, that I am in the habit of putting down on slips the duties performed by the men during the day; I have no object in it; I never do so, unless with regard to some particular information they bring me in; but with regard to particular cases, I may then put it down on a slip, but as far as for keeping slips or making memoranda, when the men come in, of what they have done, I have not done it.
4818. *By Mr. Morris*: I think the slips there referred to, refer to duty to be performed? Duty to be performed?—I very often give it on slips, or leave it in the office for the men if I am not there, but I do not make a habit of entering it on slips or in a book. I have very little time for putting down all these matters, when I am sometimes left with only two or three men to do the whole detective work of this City, and only one clerk.
4819. *By the Chairman*: Does the clerk keep a book? He keeps twenty or five and twenty books, I dare say.
4820. Does he keep a particular book for duty? He does keep a particular book for duty.
4821. Similar to which? Simply a book in which the men's names are entered, as they work in pairs, with their hours of duty—that is to say, such and such men from 9 in the morning till 1, from 3 till 5, and from 9 in the evening till 1 or 2 the following morning; then the next two from 9 in the morning till 1, then off till 7, and then coming on at 7 and remaining till 1 or 2 in the morning.
4822. Is the duty on which they are employed, or are to be employed, written in that book? No.
4823. Then it is only a time-book? Only a time-book.
4824. Then there are no particulars with regard to duty entered in that book? I do not think it; I will not positively say it is not so, because it is a book I have not looked at for a long time. The clerk may put down such and such a man employed on special duty, or making inquiry about so-and-so. I would leave a memorandum in the office to that effect if it was a particular duty.
4825. *By Mr. Morris*: Did Camphin inform you last night that he had an appointment with Maria Bradshaw? I do not think he did.
4826. When did he tell you about the meeting he had, or was to have had, with her last night? I really cannot say whether he told me at all.
4827. Did he not tell you this morning that he had a meeting with Maria Bradshaw last night? He cannot have given me any particulars about it.
4828. *By the Chairman*: Did he have an interview with you this morning? He simply walked down the street with me, going to the Police Office, and we were talking about police matters. What conversation there was, was something very trifling in connection with this case.

4829. You would not be likely to forget if it was mentioned? Yes, the Bentley case was mentioned, and he made some remarks to the effect that his evidence had not given satisfaction, and that he got a real jacketing from yourself. That was the effect of what he said, but he did not give any particulars.

Sub-Inspector  
C. E.  
Harrison.

3 Dec., 1862.

4830. *By Mr. Hart*: Had he mentioned the name of Maria Bradshaw you would be likely to recollect it? I think he did mention her name, but I cannot say whether it was yesterday afternoon, when he was speaking about the girl, or whether it was this morning, when we were going up to the office. I was not paying any attention to the particulars.

4831. *By Mr. Morris*: Did you think it quite right to conceal from the Committee that you were still carrying on investigations in the Bentley case, through your detectives, with Maria Bradshaw? I was not carrying on investigations. Camphin told me he had received a message from one of Mrs. Bentley's servants, on one particular occasion. I told him that it would be better not to have anything at all to do with it; that I looked at it with a great deal of suspicion, and did not know what motive there might be in one of Mrs. Bentley's servants coming up to seek an interview with him. I did not know but what he might have been on terms of intimacy with the girl, as he was a single man and she a single girl; but I told him to be cautious, and not to ask the girl any questions.

4832. Nevertheless he told you of all she told him? He told me the girl had given him certain particulars about some statements of Mrs. Bentley's, about the police being disguised at the concert, and he was going to see the girl again.

4833. Did he tell you anything about priests? Yes, he said something about Mrs. Bentley meeting a priest in an omnibus, and his being at one of the last concerts.

4834. Would you not expect him to tell you everything that this girl told him bearing on the Bentley case? Yes, if I had asked him, but I might not have asked him. I do not know whether at the time I was in a position to listen to him; I might have been too busy at the time, and the matter went out of my head.

4835. You look at the entries in this (*detective duty*) book from time to time? No, I have not opened the book for a long time.

4836. Then it is needless for me to draw your attention to the cases in which Camphin states that he was engaged on special duty in connection with the Bentley case? I know nothing about it.

4837. Have you perfect control over these men, or is there any one behind the scenes that directs them? No one; I am there all day, and often the best part of the night, and I give them their instructions.

4838. *By the Chairman*: Do you enter their reports down? I do not.

4839. In any book? I do not. They report to the Inspector General sometimes; and the Inspector General, in my absence, perhaps sends out a particular man to a particular duty, but I am always made aware of the fact.

4840. Do you allow the officers who make these entries to make erasures at their own option? If a man told me he had made a mistake I would allow him to correct it.

4841. If it was not a mistake would you allow the alteration? No, because if it was not a mistake, and I was aware some alteration had been made, it must have been done for some object; but it would not strike me, seeing the erasure there (*referring to a particular entry*), that it was a matter of consequence; in fact I might pass over the entry and never take notice of it.

4842. What erasure is that? (*Witness read an entry of 9th November.*) If I had been looking over the book and had come to that, I should have sent for Camphin, and inquired into the particulars.

4843. *By Mr. Morris*: How do you know whether your detectives perform the duty assigned to them or not? By the work they bring in.

4844. How do they bring it in? The arrests they make. For one inquiry there are 500 criminal matters.

4845. With regard to this entry of the 14th April, are these words, "first time," in your handwriting? Yes.

4846. Is "in at B.'s house" your handwriting? Yes.

4847. Has it been written with the same pen? I told you the other day it has not the appearance of being written with the same pen. That looks as if written with a quill pen, and that with a steel pen; I may have put down one pen and taken another. It does not appear to be written at the same time, but it is.

4848. The ink appears to be different—does it not? No, I think the ink is the same. I may have blotted that with paper as I turned over the leaf.

4849. Will you look at this entry of the 15th April—Is that your handwriting, "in at B.'s house the 2nd time"? It is.

4850. Has that "2" been altered from a "1"? Yes.

4851. Has that been the "1st," with an "st." above the "1"? Yes.

4852. Does the word "time" appear to have been added? It appears to have been altered from a "1" to a "2," but with that exception it appears to have been all written at the same time; without that exception, or with it, I know it was all written at the same time.

FRIDAY, 5 DECEMBER, 1862.

Present :—

MR. COWPER,		MR. PIDDINGTON,
MR. HART,		MR. W. FORSTER,
MR. WILSON,		MR. MORRIS,
MR. LEARY,		MR. LUCAS.

DANIEL CAMERON DALGLEISH, Esq., IN THE CHAIR.

Mr. Robert Johnson appeared as Solicitor for the Petitioner.

Miss Mary Ryan called in and further examined :—

- Miss Mary Ryan.  
5 Dec., 1862.
4853. *By the Chairman*: Do you remember the occasion of Mrs. Bentley being attacked at Newtown the first time? Yes.
4854. Do you recollect Mrs. Bentley fainting on the evening after that occurrence, when Mr. Harrison was present? Yes.
4855. Were you in the room at the time she was in a state of insensibility? Yes.
4856. Were you assisting in recovering Mrs. Bentley? No.
4857. Did you see any undue familiarity at that time towards Mrs. Bentley by Mr. Harrison? No; he was very kind to her, and stopped in the room until she recovered and was able to go up-stairs.
4858. Was Mr. Bentley ill at that time? He was not very well at that time.
4859. You were present during the whole of this time Mrs. Bentley was fainting? I was not in the room all the time. I was in and out.
4860. You were in and out? Yes.
4861. Getting remedies I presume? Yes, whatever was required I was getting it. I was up and down stairs; I was not in the room all the time. I assisted her up to bed.
4862. Do you think Mrs. Bentley was shamming a faint at that time? No, I do not think that.
4863. Have you seen Mrs. Bentley faint before? Yes, several times.
4864. You have seen her faint before? Yes.
4865. Previously? Yes.
4866. When there were any visitors present or when she was alone or with Mr. Bentley? When she used to faint sometimes she used to faint off without any of us being present. She would sometimes go off while sitting on a chair eating her dinner.
4867. So you had not the faintest idea that Mrs. Bentley was shamming a faint at that time? No.
4868. You say that Mr. Harrison's attention at that time was nothing more than what would be expected from a gentleman under the circumstances? Nothing. He was very kind to her when she was fainting.
4869. You have been present at the faints Mrs. Bentley is subject to—has she a twitching of the fingers? Yes, very much. She almost puts her nails through her hands sometimes. We used to try to put a pocket-handkerchief between her fingers and her hand in case she might hurt herself.
4870. If Mr. Harrison has said that Mrs. Bentley was shamming a faint, and that Mrs. Bentley was, whilst in that state, communicating to him by signals by pressing her fingers or hands, while he held her hands, he was mistaken? That he was mistaken?
4871. Yes, in thinking that Mrs. Bentley was shamming a faint, and making signals to him by pressing his hand? Oh! no, I do not think that at all.
4872. That is to say, you do not think Mrs. Bentley was shamming? I did not think she was shamming them.
4873. If Mr. Harrison has said that this was the case—that Mrs. Bentley was shamming—do you think he was telling the truth? Well, you know, I am not a doctor—I could not say; but as Mrs. Bentley appeared to me she seemed very ill indeed, and very much in pain. She seemed as if she was in most awful agony.
4874. Did you sit up late at night when the detective officers were in the house? Yes, until 11 o'clock some nights.
4875. Do you know if Mr. Harrison was in the habit of sitting up late with Mrs. Bentley? Yes.
4876. When Mrs. Bentley alone was up in the house? Yes, he used to sit in the drawing-room with Mrs. Bentley.
4877. Were you in and out at those times? Yes, with whatever was required.
4878. Did you ever see Mr. Harrison with his arm round Mrs. Bentley's waist? No, never.
4879. Were they in the habit of sitting on the same sofa? Yes, sometimes. Mrs. Bentley was very ill and very weak.
4880. And Mr. Harrison used to sit on the same sofa? Yes, I have seen him sit on the same sofa—perhaps to see to the fire or something, or I might be asked for something.
4881. Was Mr. Bentley there at the time? No; sometimes Mr. Bentley was there when they have been sitting on the sofa together, as near as I can remember. They might not be sitting on the sofa then. Mr. Harrison might be sitting on a chair, and Mrs. Bentley on the sofa.
4882. But you used to be in and out at all times? Yes.
4883. And you never saw any familiarity on the part of Mr. Harrison? Never.

4884.

4884. Could you believe that Mr. Harrison would be allowed to sit with his arm round Mrs. Bentley's waist? No.

4885. Or that he would be allowed to kiss Mrs. Bentley? Oh no! I could not believe such a thing of Mrs. Bentley.

4886. Do you know if Mr. Harrison was ever there until 2 o'clock in the morning with Mrs. Bentley? I do not know. I used to go to bed, and Mrs. Bentley and Mr. Harrison used to be in the room. I do not know; but he used to stop there late at the time the detectives were in.

4887. Had the detectives the run of the house at that time? Yes, they had.

4888. That is to say, they were allowed to go out and come in as they thought proper? I did not know at the time that they were allowed to go in and out, but one time, when the girl came down to get some bread and butter for the children, she heard a noise, and called me up, and one of the detectives was sitting on the sofa; we were alarmed, and thought it might be somebody else. He said something, that we need not be frightened. The next morning Mr. and Mrs. Bentley said they thought we knew that they were allowed to come in and go out when they liked.

4889. Did any of the detectives at any time take any liberties with you? Oh no! They did not take any liberties with me.

4890. Did one of the detectives attempt to kiss you? No, they did not attempt to kiss me.

4891. Did you hear of their attempting to kiss anyone? The other girl told me he did try.

4892. Do you know his name? I think it was Mr. Clark.

4893. Who was the other girl he tried to kiss? Maria Bradshaw. He may have only been trying the girl.

4894. She complained of the attempt? Yes, to Mrs. Bentley.

4895. Do you know whether you were ever suspected by the detectives to have any part in this matter? Whether we were?

4896. Yes? Well, yes, we found it out after. We did not know at the time that we were suspected at all; but the other girl heard it from somebody. We never knew that we were suspected when they were in the house. The other girl heard it outside, and told me.

4897. Do you remember the occasion of being knocked up sometime early in the morning, in order that the house might be searched? I was in bed when I heard the rattling of the bell. I was awake by the noise.

4898. But you did not get up? No, I went to sleep again.

4899. Did you ever see Mr. or Mrs. Bentley carry bricks from the garden into the house? No.

4900. Do you believe that they could have carried bricks from the garden to the loft without being seen? No, I do not believe it. Well, you know, I could not say that exactly, because, of course, I have been in and out and about. I have not been always down stairs for a continual thing; I have been in and out, and about, and that.

4901. Do you think that could have been done without either you or the other servant knowing it? Do I think it could have been done?

4902. Yes? I do not know. The other girl has been about just the same as I have been.

4903. There has generally been one of you in the house? There has been always one of us in the house, unless I was out, and something very particular was required, and the other girl was out too.

4904. Was it you that saw some person following you one night when you went for medicine? No, it was the other girl.

4905. Did you ever see anyone of suspicious character hanging about the house, or in the neighbourhood of the house? No, I have not.

4906. Where were the detectives placed when they were in the house? They used to be up in Mr. Bentley's study.

4906. Where is the study? The back parlour.

4908. On the ground floor? Yes. The first time I saw one in was when I was going through the passage; at least I was going in, and the other girl said there was a man in the room, and that he would be in for some time to watch. The two were down stairs sometimes, and sometimes there was one up and one down, and sometimes one outside the door. There was one in the kitchen, and one outside the door sometimes.

4909. Were they placed on the roof of the house sometimes? They were not placed there to watch, but they have been there to see. They have never been up-stairs sitting in the roof watching; at least I do not know that they have.

4910. Did you ever see an aboriginal native about the house? No, never.

4911. You are not aware of one having been there with Mr. Harrison at any time? No, the only one I have seen with Mr. Harrison is Mr. Clark, the day they went up-stairs to examine.

4912. Did you ever hear of an aboriginal native? I think Mrs. Bentley said that they were to bring a tracker—a native tracker—to see.

4913. But you never heard that such a person was brought? No, I did not hear that he was ever there, as near as I can remember. I do not remember it.

4914. Did you know that the detectives were in the habit of letting themselves in and out of the house at their own pleasure? I heard afterwards that they were allowed to take the key, and come in and go out when they liked.

4915. So that they might be in the house at any time without the knowledge of the inmates? Yes.

4916. Had you the slightest suspicion at any time that Mr. or Mrs. Bentley was the author of the anonymous letters, or in any way concerned with the persecution to which they have been subjected? No Sir, never.

Miss  
Mary Ryan.  
5 Dec., 1862.



Miss  
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4917. Do you remember the occasion of the verandah door being broken open? Yes, it was at the first time they attempted to come in. The other girl told me, and of course I have been very timid and that; but they kept the things dark, and did not tell us; but the other girl told me that some one was trying to come in, and that they had sent for a detective, and that he was in the room.

4918. The other girl seems to be better informed than you? Yes, she was more courageous than I. I am very timid.

4919. On the occasion of that door being broken open, do you remember whether there was any detective policemen about the premises? When it was opened?

4920. Yes? As near as I can remember I do not think anyone was in the house until they were sent for.

4921. Were you called up on that occasion of the door being broken open? Yes, Mrs. Bentley called me by name, and asked me if I had thrown some music about (that was the first time), and I said I had not. The other girl was called up too, and made some remark.

4922. You were both called up and asked if you had had anything to do with the tearing of this music? I was called. I do not know whether the other girl was or not. I told her. Whether I sent her up to see I do not know.

4923. Were you asked any questions about the door, as to whether the door had been left open? Yes, Mr. Bentley asked me about the front door, to be always careful to shut it.

4924. Did you ever find that door open, when it could not be accounted for by any member of the family? No, I do not think it, as near as I can remember. It wanted a strong push to shut it. If you did not give it a good push you might think you had closed it, and it might not be, and some one might open it. As near as I can remember I found it open once, but as near as I can remember I do not know that I ever found it wide open. It was easy to be left open if you did not give a good push. You might think it would be closed, and it would not.

4925. Is there any other way into the house beside by the front door? There is a cellar with a grating over it.

4926. But is there any other door to obtain entrance to the house beside the front door? Only the back door.

4927. Is there any communication to the back door, from the street or back lane? There is a back door between our yard and Miss Johnson's, and then another back door between the other house and ours again.

4928. So that you could get from Miss Johnson's to your place? Yes.

4929. And into the back door and house in that way? Yes.

4930. Did you, at any time, find anyone in the house on any pretext, as, for instance, to sell articles, without you having been called up to give them admittance? No, never.

4931. You never knew anyone get admission to the house without you having been summoned, or the other girl having been summoned to admit them? Never, unless Mr. Bentley might. If we were about and busy, and Mr. Bentley was convenient, he might open the door.

4932. Or Mrs. Bentley? I do not think Mrs. Bentley was in the habit of going to the door at all; but if we were not convenient, Mr. Bentley, if he was there, would open the door.

4933. What was the first time you heard about the priest? Well, as near as I can remember, it was before the concert—it was sometime about then that I heard it. Mrs. Bentley said there used to be a priest go up in the omnibus to Newtown with her, and that at first he called her "Miss," and then when he went again he called her Mrs. Bentley.

4934. Who told you of this first? Mrs. Bentley.

4935. You did not hear it from any other person in the first instance? No.

4936. It was not your fellow-servant that spoke to you about it? Oh! no.

4937. And what was the next time you heard about the priest? The next time again I think it was just in the same way; he met Mrs. Bentley in the omnibus again.

4938. Was that the first or the second concert that you alluded to when you spoke of the concert? The last.

4939. The concert where Mrs. Bentley did not play? Yes.

4940. Was it long before that concert that you heard this conversation? I cannot say; I have got such a bad memory. I never thought of that—that I should have to retail such a thing over again.

4941. Do you think it was a month before? I cannot say how long it was.

4942. You have not any idea? I have no idea of it at all.

4943. Are you sure that it was not a month after? A month after the concert?

4944. Yes? Mrs. Bentley told me the priest knew she was going to play, and that if he could he would be there to hear her.

4945. You are sure that Mrs. Bentley spoke to you about the priest before the concert? Oh! yes.

4946. What did she say to you? She said that the priest would try to be there and hear her play; that he was very fond of good music; and that there was a piece of music he was very fond of, but that it would not do to play along with this piece that she was going to play, as the piece she was going to play was not a very lively piece.

4947. Where were you? I really forget whether it was in Mrs. Bentley's bed-room or in the dining-room. I cannot say.

4948. How long a time did it take to tell you? Sometimes Mrs. Bentley, when she would be having her dinner, or dressing to go out, or when she had come home in the afternoon, would talk to me. I might be with Mrs. Bentley and draw the conversation first, or Mrs. Bentley might speak to me.

4949. Were you not fond of talking about priests? Yes; I used to talk to Mrs. Bentley the same as she would talk to me.
4950. You liked to get into conversation with her—she was a kind mistress? Yes; I thought there was no one like her. I never have found anyone so nice in her manner to live with as she has been.
4951. And you used to endeavour to draw the conversation about priests? Mrs. Bentley herself liked to talk about the priest to me and the other girl, and sometimes I would speak. I was not very clever at speaking much I know myself, but the other girl —
4952. She was very clever at speaking? Yes, she could understand what she said better than I could.
4953. Had she used to tell her about the priests? Yes; she could explain better than I could.
4954. And she took a great deal of pleasure in it? I do not know.
4955. Did she appear to do so? Sometimes she might like talking about them.
4956. Did the other servant ever ask Mrs. Bentley to go to St. Mary's? I do not know. I used to say myself that she ought to go to confession. I used to say that to Mrs. Bentley sometimes.
4957. And what did Mrs. Bentley say? I dare say the other girl too might say something about the same to her.
4958. And it was when you were talking in this way that Mrs. Bentley said she had been to confession? Yes; when we commenced at first to talk about it, she said she had been, and that if she had a priest she would like to go to, she should not mind going.
4959. That if there was a confessor there that she could take pleasure in confessing to, she might not mind going? She would not mind if she had one that she could depend upon.
4960. Did you ever recommend one? I used to say that such a one was a nice one to go to confession to, and that the Bishop was a nice one to go to confession to.
4961. And did the other girl ever recommend one? She used to say the person she used to go to confession to was a nice one.
4962. What was the description of this priest—was he a young one? Yes, he was rather young.
4963. Had he brown hair? Sandy hair.
4964. Was it curly? I think it was rather curly.
4965. What height was he? I do not know.
4966. Did you ever see him? Yes.
4967. Was he as tall as Mr. Johnson? I cannot say exactly what size he was.
4968. Do you think he is as tall as that gentleman at the foot of the table (*Mr. Piddington*)? He was of the middling size.
4969. With brownish red curly hair? Yes.
4970. And the girl Anna Maria Bradshaw used to recommend this particular person? Yes; that she found him very nice to go to as a director.
4971. And when Mrs. Bentley used to speak to you about going to confession, she used to do it in a jocular way? She seemed very serious when she used to talk to me about going to confession.
4972. It was a serious subject? Yes.
4973. And you used to introduce it seriously? Yes.
4974. Did Mrs. Bentley never laugh while you were talking about it? Yes, and we too, of course.
4975. Is it a mark of seriousness to laugh? Sometimes you may talk seriously, and laugh over it too.
4976. Would you not have thought it was a liberty to talk to Mrs. Bentley seriously about going to a priest or going to confession? Well, that would depend upon the way she was speaking to us—how we spoke to her.
4977. So that if Mrs. Bentley had wanted a bit of fun or pastime to while the time away while you were dressing her hair, or otherwise waiting on her, she might enter into a jocular conversation with you? I do not know; of course at the time Mrs. Bentley used to be very serious in talking to us.
4978. Did you ever know Mrs. Bentley to go to a Roman Catholic Church? She told me she had been once to St. Mary's, with Mr. Bentley, to see it, and she said she should not mind going up there to see it again, or going to mass, but that would be too remarkable—as things were, it would not do to go up there.
4979. You never heard her say that she had been there by herself? No; I used to see plenty of Protestants. Many go to St. Mary's for nothing but just to hear.
4980. You remember the Exeter letter that appeared in the newspaper? Yes, I read it.
4981. How did that letter come under your notice? Well, I think I saw it on the paper in the dining-room, when I was taking away the tea things. I lifted it up and read a few words, and Maria, the other girl, told me that Mr. Bentley said something about it. I could not get the paper to read it all, and I borrowed the paper from the girl next door, and read it in that.
4982. When you read that letter —? I thought it was very different from what Mrs. Bentley spoke to me about it.
4983. It made a very serious impression upon your mind? Yes, I thought it was not at all likely, what Mrs. Bentley said to the other girl and me.
4984. You thought it unbecoming in Mrs. Bentley to speak about the priesthood in that way? No; I thought when Mrs. Bentley spoke to us about this Exeter affair, that what she told us was different—that what appeared in the paper was not at all like what Mrs. Bentley had said to us.

Miss  
Mary Ryan.  
5 Dec., 1862.

Miss  
Mary Ryan.  
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4985. Do you know whether that Exeter letter was true? What Mrs. Bentley said to us, and that was not true.

4986. Did you ever ask Mrs. Bentley? No, I never asked her; I said the night that gentleman came round.

4987. Which is the gentleman that came round? I think that (*Mr. Morris*) is the gentleman that came round—

4988. *By Mr. Morris*: When I came round? Yes, the evening you came to Mrs. Bentley's there was something said about putting a head on the block and chopping it off. I heard the words about the chopping off of the head, and I said to Mrs. Bentley, "If I was you, and them to be like that, I would hate the Catholics."

4989. Did Mrs. Bentley ever make the slightest difference in her behaviour towards you since that time? She has been very careful; she has never spoken to us as she used to do in regard to any conversation. I asked her one morning when we were to be examined, and what we were to do with the children. She said it would only take about five minutes, and that we would not have to go together. Mrs. Bentley said nothing more to me.

4990. Don't you think it would have been wrong if Mrs. Bentley had told you how you were to be examined, and that so-and-so would be expected of you? Yes, it would have looked as if she was putting us up to something.

4991. Don't you think that under the circumstances it was quite right to keep everything dark from you, so that you could come here and speak the truth without any prompting? We knew we had to come, and that we should have to be examined, and it was all about the same thing. If we had known that we were to come here, and—

4992. Is it not far better that you should come just unprepared, and state what you know without any preparation? It is all the same thing—we have only to say the truth.

4993. Since the time when you were up here before—on the same day that Maria Bradshaw was here—have you seen any of the detective officers at or near Mr. Bentley's? No, I have not.

4994. Have you seen them anywhere else? No, I have not.

4995. Has your fellow-servant told you that she has seen any of them? She said that she had seen one.

4996. Did she say what passed between them? No, she did not tell me.

4997. He is known to be a young man, that detective officer? Yes.

4998. Would you understand that he has any other object in view than obtaining information about the Bentleys when he comes there? I do not know. I do not know the young man's mind.

4999. What do you think—do you think he had any intention to make the acquaintance of your fellow-servant? I do not think he has.

5000. That he "keeps company" with her? No, I do not think that at all; I do not think he does.

5001. You think he has no other object in coming than to spy on Mr. and Mrs. Bentley? He does not come to the house.

5002. Then he has no other motive in meeting your fellow-servant than spying on the Bentley family? I cannot say what his motive is—I cannot tell his mind.

5003. If you do not think he is keeping company with your fellow-servant, and if he is in the habit of making appointments with her and meeting her, what do you think, under those circumstances, any person would want? I do not know what he would want; I cannot think what the young man's mind might be.

5004. But if a young man visited you—met you on the Racecourse, and walked over that course with you; if he met you at Church, and so on, would you think that he had any serious intentions towards you, and desired to become better acquainted with you? I should think he had some intentions in meeting me, certainly; but I could not think what his motive might be for doing it.

5005. But if his motive was not to make your better acquaintance—to become better acquainted with your mind, perhaps with a view to ulterior steps—do you think he could have any other motive than that of spying on the Bentley family? Well—

5006. If he asked you about the family? I heard the other girl say that he never asked her anything at all.

5007. Did you ever meet this young man at mass, or after mass? I have been once at mass at 11 o'clock, when I remember seeing this young man come out, but I never spoke to him.

5008. Did he ever advise you what to do? I made a mistake as to the first day. I did see him at Mr. Harrison's office, and I was speaking to him then, but I never had any conversation with him, as—

5009. Do you remember the part of the deposition Mr. Johnson read over to you, that concerned yourself? That concerned me?

5010. Yes? It is some time ago. Unless the thing is asked me I do not think I can remember every word that Mr. Johnson read to me concerning myself.

5011. You heard it at that particular time? Yes, and would no doubt remember it if I heard the words said.

5012. But you are quite sure that everything you heard read at that time, and which you afterwards swore to, was perfectly true? Yes, as far as I knew. There was only one thing that was altered, and that was about the other girl and me; those words were altered.

5013. Did you ever see any gentleman of any kind, or of any rank in life, either detectives, or officers, or any other person, take any undue familiarity with Mrs. Bentley since you have been in the house? Never.

5014. Did you ever see anyone approach Mrs. Bentley with anything but respect? No.

5015. Have you ever seen Mrs. Bentley drink brandy and water? Yes, I have given her brandy and water myself. When she was in these swoons we used to try to force it down

her.

her. Mrs. Bentley has never been in the habit of taking it except she has been in a faint. When she was in great agony we used to give it her to try and banish the pain, and that; but we would only give her what was necessary for her to take.

Miss  
Mary Ryan.

5016. Have you been in the habit of seeing females smoke much? No; I do not know that I have seen females smoke.

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5017. Have you ever seen Mrs. Bentley smoke? No, I never have.

5018. Have you ever heard that Mrs. Bentley smokes? Never.

5019. *By Mr. Morris:* For the toothache? Oh! yes. Mrs. Bentley said she did smoke, once, a box of cigars for something that was the matter with her. I have heard that; but not that she has smoked out here.

5020. *By the Chairman:* Mrs. Bentley herself has told you that she smoked? Yes.

5021. Did you ever see Mrs. Bentley drink much brandy and water? I never saw her drink it unless she was very bad from some inward pain.

5022. Have you seen other people drink brandy and water at different times? Yes; I have seen a great many people drink brandy and water.

5023. Did they seem to enjoy it? Yes.

5024. They did not require to have it forced down their throats? No.

5025. Did Mrs. Bentley drink brandy and water in that same way which you have seen other people drink it? No.

5026. She took it as a medicine? She took it as a medicine.

5027. You say you have heard the other girl ask Mrs. Bentley why she did not go to Church? Why she did not go to Church?

5028. Yes—you said you had heard her ask her to go to confession? Yes.

5029. They have to go to Church then—have they not? Yes.

5030. Have you ever asked her? Yes; I have asked her several times to go to confession, and she said she would not mind if she had one that she would like to go to.

5031. I think you said that this priest that Maria Bradshaw recommended Mrs. Bentley to go to was one with reddish brown curly hair? Yes; she said he would be a very good one to go to confession to.

5032. But that is the description? Yes.

5033. Reddish brown curly hair? Yes.

5034. Rather tall? No, of the middling size.

5035. Young? Yes, rather young.

5036. And fresh coloured? Well, he looks pale; he is not very fresh looking.

5037. And the priest that Mrs. Bentley said she had met—what kind of a priest was that? I cannot tell you.

5038. What kind of a priest did she say he was? A young priest, rather good looking, tall; but his hair was not that colour I know. I made the remark, from what she said, that his hair was something the colour of Mrs. Bentley's own hair.

5039. What colour is that? Well it is rather dark.

5040. Your hair is dark? Yes, rather dark.

5041. Is your hair the same colour as Mrs. Bentley's? Yes, about the same.

5042. That is black? My hair is not black.

5043. Then it is a very good imitation—it was very near black hair that Mrs. Bentley said? Yes.

5044. Don't you remember what colour she said? No; she did not tell me the colour. She would not tell me what he was like, exactly.

5045. I thought you said she had? I told her about the hair, and she said "yes." She would not tell me what he was exactly like. I was making the remark myself.

5046. Did your fellow-servant get up on that night when the detectives came in the morning and roused Mr. and Mrs. Bentley, and a search was made all over the house? No.

5047. Did they go into your room? No, I had my door locked.

5048. You and your fellow-servant slept in the same room? No.

5049. Were the detectives in her room? I cannot say.

5050. Have you heard of them being in her room at any time? They have gone into, and looked at it sometimes perhaps.

5051. Have you heard that they have been there? I cannot say. They might have gone in sometimes without us knowing, and they might have looked into the room before we went to bed.

5052. Have they gone up with you and your fellow-servant, on going to bed, to make sure that there was no one there? No.

5053. Your rooms were not examined before you went into them for the night? Mr. Bentley might have examined them before we went to bed.

5054. Have you heard that the detectives have been in your fellow-servant's room before, or when she retired, or have you heard that they have searched her room? Mr. Bentley was the only one in the habit of examining about the place to see that it was right before we would go to bed.

5055. Do you sleep up-stairs or down-stairs? I sleep down-stairs.

5056. Does your fellow-servant sleep down-stairs? No, she sleeps in the room next to Mr. Bentley's. I slept in the drawing-room.

5057. Did she sleep in the nursery? Yes.

5058. Did she sleep in the room where the holes were bored through the roof? Yes.

5059. Did you hear anything about it? I think it was Sunday morning that I heard it.

5060. Did you not tell one of the detectives that your fellow-servant could bore holes better than they? I said, you have not found us out; long as you have been watching us you have never caught us making holes in the ceiling.

5061.

- Miss Mary Ryan. 5061. What did he say to that? I do not know. I said, you see we are cleverer than ye. You have never caught us making the holes yet.
5062. Did you ever hear your fellow-servant express an opinion as to how that hole was bored in the roof? No; I used to say that if I was her I would be afraid to sleep there, and to have a hole made in the room I slept in.
5063. Were you ever in the garret? Yes, I have been up there for wood—sometime before that.
5064. For wood? Yes, for some little bits of wood. It was before ever there was any talk about anything like this.
5065. When were you there for wood—before Mr. Harrison was in the house? Long before I heard anything about this.
5066. Was your fellow-servant in the habit of going there? No, not in the habit.
5067. Were you in the habit of going to the window? Once, after I had got the wood, and after the holes were made I went up there to see.
5068. Was there not a nice view from that window? I did not stop there long. I just looked—you could look out into the street.
5069. The air there is nice and fresh? Yes.
5070. Were there many cobwebs? I did not look.
5071. But would you not have to wipe away all the cobwebs before you could see through? Oh, no; I just lifted up the glass and looked out.
5072. You just lifted up the window and looked out? Yes.
5073. So that if there had been any cobwebs there you would have knocked them off when you lifted the window up? No.
5074. You would have made footsteps in the dust—would you not? Yes, I might; but that was a long time ago.
5075. You would have disturbed the dust? Yes; if there was anyone —
5076. Had you to stoop to pick the wood up? Yes.
5077. Do you wear crinoline? Yes.
5078. Then, if you stooped to pick up the wood, —? I did not take my crinoline up there. I could not get up with it.
5079. If you stooped to pick the wood up, would not your clothes, rubbing on the joists, disturb the dust, as a matter of fact? I was very careful. I held my clothes up tight. I did not let them go down in the dust like that.
5080. *By Mr. Morris*: Was there any dust? I did not notice.
5081. You did not see any dust? There may have been some, but I did not notice it.
5082. If you had picked the wood up from the floor, the place where it had lain would certainly shew a mark. There would be a place left bare of dust? It was only little chips. I was short of wood. I do not know what made me go up for it. I went and took up a few little bits and brought them down.
5083. And you say your fellow-servant has been up there too? Yes, but I think it was after the holes were bored that she went up to see, and I did too.
5084. How long was it after the holes were bored that you went up? I cannot say.
5085. Was it the same day? No, I do not think so; but I have such a bad memory I cannot tell you.
5086. Do you remember Mr. Bentley going up? Yes.
5087. What was the first time you have ever known him to go up there? I think it was after the holes were made that he went up.
5088. What kind of matches do you use in your house? We use the German matches.
5089. What do you call the German matches? Those coloured matches.
5090. Wax matches? No, wood matches.
5091. Did you ever see any wax matches there? Yes, the white wax matches. I have bought some myself.
5092. Have you had any in the house during the last twelve months? Yes.
5093. Had you any in the house at the time this examination was taking place? I do not know. I do not remember.
5094. But you were in the habit of using wood matches? Yes, we have been in the habit of using that kind of matches.
5095. Did you hear any of the detective officers making any observation about finding wax matches in the roof? No, I do not remember them making any observation to me.
5096. Did any of the detectives smoke? I do not know.
5097. Did you ever see them smoke—did Clark smoke—did you ever see him light his pipe? He might smoke when we were in bed.
5098. Did you ever see Sanderson light his pipe? No.
5099. You do not remember any of them smoking? Yes, that young man got matches to —
5000. Camphin? Yes, he got matches to light his pipe from the other young man.
5101. They smoked? He smoked; I cannot answer for the rest.
5102. Did I understand you to say that your fellow-servant, Maria Bradshaw, has not informed you that since she was examined she had had an interview with Camphin, the detective? No, she said she had seen him that night.
5103. Did Maria Bradshaw tell you that she had overheard a conversation passing between Mr. Johnson and Mr. and Mrs. Bentley? Did she tell me?
5104. Yes? No, she has not told me that she has heard any conversation. If she were passing in and out she might hear voices, but not the conversation.
5105. Did she never tell you that she had been listening at the door, and had heard some conversation with regard to the expense this matter would be to the Bentleys? No, she never

never told me that. We knew the expense, because Mrs. Bentley had told us about what the expense would be. When they knew, they told us themselves what the expense of their lawyer's bills would be.

Miss  
Mary Ryan.

5106. *By the Chairman*: What did they say it would be? I think £250 Mrs. Bentley said, as near as I can remember, and that she had thought it would be about £150, as near as I can remember.

5 Dec., 1862.

5107. *By Mr. Morris*: Who informed you first that Mr. Harrison was said to be on very familiar terms with Mrs. Bentley? I never knew it until I have been asked these questions.

5108. Did you never hear it before from anyone? No, I never heard it before.

5109. Not from your fellow-servant? No. I think it was yesterday morning she said something to me that there had been some very nasty suspicions about. I think it was yesterday morning she said that.

5110. Did she tell you how she learned it? She did not tell me any more about it, as near as I can remember.

5111. Who has called to your recollection when you read the letter with regard to the Exeter business, that Mrs. Bentley gave a different account of it to you and to your fellow-servant? I could see it myself from what I read in the paper and from what Mrs. Bentley told me. I could see it myself that it was very different; and of course the other girl and myself said it between us that it was different from what she said to us.

5112. I suppose you compared together your different recollections? Yes; I said of course what she said, and she said the same to me—that it was very different.

5113. Did Mrs. Bentley ever tell you that her sister had been educated in a convent? Yes, she did—her sister that is dead.

5114. *By Mr. Lucas*: Her sister and herself? Yes.

5115. *By Mr. Morris*: That they were both educated at a convent? Yes.

5116. On what terms did you observe Mr. and Mrs. Bentley to be the one with the other? As far as I could see I thought I never did see anyone like Mr. and Mrs. Bentley in every way. We have always found them upright and honest.

5117. How did they behave the one to the other? They always behaved very kindly to each other. I never saw anyone behave more kindly.

5118. You never saw them quarrel? No.

5119. You never knew them to quarrel? No; I never knew them to quarrel.

5120. Mrs. Bentley never made any remark to you that her husband did not treat her kindly? No, she never did; only once, one morning—I think it was about the time of the concert—Mrs. Bentley said she was writing, and Mr. Bentley said something to her that made her cry; and she said a little thing like that would hurt her feelings more than anything. I forget now what it was—it was, she said, something very simple or silly; but she said it hurt her feelings, and she cried.

5121. *By Mr. W. Forster*: You have been in Mrs. Bentley's service ever since this matter began about the anonymous letters? Yes.

5122. Did you ever get any anonymous letters yourself? I took in two myself. I said to Mrs. Bentley ———

5123. Oh! those were letters for Mrs. Bentley? Yes; I thought I knew the writing.

5124. Have you seen all those anonymous letters—did you look through them? No.

5125. Then how did you know that these looked like the others? The first one I took in Mrs. Bentley told me was an anonymous letter.

5126. Did you take them at the door? Yes.

5127. From the postman? Yes; two of them.

5128. Did you know the writing? Yes; Mrs. Bentley told me.

5129. You did not see the letter? I did not see what was in the letter.

5130. Did you notice whether there was a postmark on the letter? I think I did. As near as I can remember I think I saw the postmark.

5131. You have no doubt that they came by post? No; the postman gave me the letters at the door.

5132. It was the same postman that you have been in the habit of receiving other letters from? Yes; I think he has been the same one that has delivered them.

5133. Did you ever notice a different person delivering letters? Yes; when the postman has been sick then there was another.

5134. He was a postman? Yes; he seemed like a postman.

5135. What I meant to ask at first was—did you yourself get any anonymous letters addressed to you? No, never.

5136. Do you think Mrs. Bentley seemed really afraid and agitated and annoyed while these letters were being received? Yes, she used to be frightened. She used to seem to go off with a fright sometimes. She had these swoons.

5137. Several times? Yes.

5138. Do you think the swoons were caused by the receipt of these letters, and the agitation wrought in her mind about the whole affair? It seemed to me as if it did.

5139. Did you feel afraid of any danger? Yes, I felt frightened myself. I used to be afraid to go about the house at all. I would not go outside in the yard without the other girl.

5140. You felt glad to have the protection of the police? Yes, I felt very glad.

5141. You had full confidence in the police there? Yes; only there was one I said I should not like to be in the house with.

5142. Did you ever see any strange men come about the house at the time? No, I have never seen anyone.

5143. You never introduced anyone? No, I do not remember seeing anyone coming in or out, excepting the detectives, unless some one came to the door for something.

5144.

- Miss Mary Ryan.  
5 Dec., 1862.
5144. You did not notice any strange men going about the house at unusual hours? No.
5145. What time did you go to bed and get up—generally speaking? I think about 11 o'clock.
5146. You used to go to bed? Yes.
5147. And when did you get up? The other girl used to get up before me sometimes. Sometimes it was 7 and sometimes half-past 6.
5148. After you went to bed at night did you always remain in your room and not come out? Yes.
5149. Did the other girl sleep with you? No.
5150. You had a room to yourself? Yes.
5151. Did you ever wake in the night and hear disturbances—did you ever hear people going about in an unusual way? Only on the night that the men were in when I was awake by the rattling of the bell, and heard footsteps.
5152. That you have described yourself, already? Yes, I went to sleep again. I always sleep very sound.
5153. Did you ever find the house door open at unusual hours? At unusual hours?
5154. Yes, as if people had come in? No, I have not.
5155. And you have no reason to believe that people came in at unusual hours for any purpose into the house? I have never heard anyone in. I have never seen anyone in.
5156. Were Mr. and Mrs. Bentley in the habit of seeing a great many different people—strangers—as visitors? Not a great many strangers. I do not think there used to be a great many strangers come to see them at all, only those who used to come and take lessons.
5157. They would come in the day-time? Yes, in the day-time.
5158. Young ladies taking lessons? Yes.
5159. Mr. Harrison was a frequent visitor there, was he not, after this matter began? Yes.
5160. Was he an acquaintance of hers before, do you know? He was afterwards.
5161. He was treated like one on intimate terms? Yes.
5162. Mr. and Mrs. Bentley thought highly of Mr. Harrison? Yes, they seemed to do so.
5163. You have said that Mr. Bentley was in the habit of going to bed and leaving Mrs. Bentley and Mr. Harrison together? Yes.
5164. Was it in the drawing-room that they sat? Yes.
5165. Mr. Bentley used to go to bed? Yes; when his health was better he used to stop up very late.
5166. How late had he used to stop up? I do not know what time it was.
5167. He used to sit up until late at night? Yes.
5168. And then he went to bed? Then he went to bed.
5169. And he left Mrs. Bentley and Mr. Harrison together in the drawing-room? Yes.
5170. How far was his room from the drawing-room? It was over the drawing-room.
5171. Exactly over the drawing-room? Yes.
5172. Are you sure that Mr. Bentley went to bed on those occasions, or generally? When his health got bad he went to bed earlier.
5173. Do you state that he did go to bed when he left Mr. Harrison and Mrs. Bentley together? He went to his room.
5174. You do not know whether he went to bed or not? No.
5175. He went up to bed and he did not come down again? No.
5176. Did he go to bed before you? Generally he did.
5177. You went to bed afterwards, and you have no reason to believe that he left his room after that? No.
5178. Can you give the Committee any idea of how long Mrs. Bentley and Mr. Harrison used to sit together? I do not know; I used to go to sleep directly.
5179. Did you often leave them sitting alone when you went to bed yourself? I do not know how often.
5180. You left them sitting alone, and you went to bed? Yes.
5181. Was everybody in bed when you went to bed? The other girl used to go to her room too.
5182. Mrs. Bentley and Mr. Harrison were sitting alone in this way after everybody was gone to bed, frequently? They used to be in the room. Sometimes Mr. Harrison used to go early, and sometimes he used to stop late; sometimes I would hear the door shut.
5183. When you went to bed was the door locked? The drawing-room door?
5184. No, the house door? The house door was shut as usual.
5185. Was the house entirely shut up? Yes, unless the detectives were down-stairs, and then they saw to shut the back door or the front door as they went out.
5186. In what way was the door fastened—with bolts or with a chain, or in what way? It was fastened not so securely as afterwards.
5187. At the time Mr. Harrison and Mrs. Bentley used to sit up alone in this way, had everyone gone to bed? Yes.
5188. Do you know whether the house door was secured in the way you say it was secured latterly? I do not think it was. I think Mr. Bentley got the place made more secure when the detectives left off coming. For some time—I cannot say whether they came after it or not, but I know Mr. Bentley got the place better secured when they left off coming.
5189. *By Mr. Johnson*: Was it after they left that he got it secured? Yes.
5190. *By Mr. W. Forster*: At the time Mr. Harrison used to sit up with Mrs. Bentley the door was secured in the common way? Yes.
5191. It was locked and bolted? Yes.
5192. Did anyone take the key away? The key used to be in the door when the detectives were in; Mr. Bentley told us not to take the key out.

5193. I want you particularly to tell me—at the time Mr. Harrison and Mrs. Bentley were sitting alone in this way, used the door to be locked and the key taken out? I do not know whether the key was in or not.

Miss  
Mary Ryan.

5 Dec., 1862.

5194. When Mr. Harrison went away, after you had gone to bed, could he get out of the house without making a noise? I do not think he could get out without making some noise.

5195. Do you think he remained until the morning? Oh! no, I do not.

5196. He must have gone out before the morning? I do not think he ever did remain in the house until the morning.

5197. Then when Mrs. Bentley went to bed, and he went away, must he not have made a noise in leaving the house? I think Mrs. Bentley used to go down-stairs and fasten the door.

5198. At the time Mr. Harrison and Mrs. Bentley used to sit up alone—when Mr. Harrison went away before morning—would he not make a noise in getting out? Yes, if he went out at the front door and shut it himself.

5199. Then Mrs. Bentley must have gone to shut the door? Yes.

5200. He could not have gone out otherwise? He might have gone out and shut the door himself.

5201. Would not that make a good deal of noise? Yes, it would make a noise.

5202. Do you think you would hear it at any time? I might be asleep at the time.

5203. Do you think it likely that Mr. Harrison would have gone away under these circumstances repeatedly, after you and others had gone to bed, without your hearing the noise occasionally? I could not answer for me; I do not know about the other girl; I always go to sleep directly I go to bed.

5204. You are a very sound sleeper? Yes.

5205. Did you ever hear the other girl or anybody else say that they had heard Mr. Harrison go away when he was let out by Mrs. Bentley? I do not recollect.

5206. You do not recollect any occasion when you heard him go away? No.

5207. And you have no idea when he went away? I cannot say.

5208. Have you any idea whether, after they were left alone, Mr. Bentley used to walk about the house and watch them in any way? I never thought that Mr. Bentley, after he was once gone to bed of a night, came back again.

5209. I think you stated that you sometimes went into the room when they were together? Yes.

5210. How were they sitting? Mr. Harrison on the sofa, and Mrs. Bentley close to him.

5211. Not very close? No.

5212. Did they betray any sort of agitation or surprise at your going into the room? No.

5213. Or confusion? No, I never saw any confusion or agitation.

5214. Did you go in suddenly? Yes.

5215. And softly? Yes.

5216. So that they would not have heard you coming in? I went in as usual.

5217. You have no reason to suppose that they altered their position, or concealed the manner in which they were talking to each other? No, I have no reason at all to think so.

5218. Nothing awakened your suspicions of any improper familiarity, or unusual familiarity, between Mr. Harrison and Mrs. Bentley? No, never.

5219. You never thought of such a thing? No.

5220. Did you ever think of such a thing until it was put into your head here by the questions that have been asked you? It would be the last thing I should have thought of.

5221. *By Mr. Johnson:* Did you know Mr. Harrison's Christian name? I do not know it.

5222. Did you ever hear his Christian name mentioned in the house? I might. I think I have seen his pocket-handkerchief with his name on it. He left a pocket-handkerchief some time ago, and I think it had his name on, but I really forget it.

5223. What does Mrs. Bentley call her husband? Charley.

5224. *By Mr. W. Forster:* Does she call him "Charley" always? Yes.

5225. And what did she call Mr. Harrison? Mr. Harrison.

5226. Did she always say "Mr." Harrison? Yes, I think so.

5227. Did you ever hear her say "Harrison"? No.

5228. Did you ever hear her address Mr. Harrison by any other name than "Mr. Harrison"? I have not.

5229. She called him "Mr. Harrison" on all occasions? After Mr. Harrison set down in the paper that they did it themselves —

5230. That they did what themselves? When it was put in the paper that Mr. and Mrs. Bentley were the guilty parties, I think she said "Harrison."

5231. *By Mr. Johnson:* She dropped the "Mr." then? Yes.

5232. *By Mr. W. Forster:* That is, in speaking of him? Yes.

5233. She called him "Harrison" when speaking of him? Yes.

5234. Did you ever hear her, when speaking to him, say "Harrison"? No.

5235. Did you ever hear Mrs. Bentley address anyone familiarly, other than her husband? I have not. I have heard her say, "How do you do, Mr. so-and-so?"

5236. So far as you know, was her conduct quite proper in every respect? In every respect it was while I lived with Mrs. Bentley.

5237. *By the Chairman:* That was two years? Not quite.

5238. *By Mr. W. Forster:* You have said that they were very kind to you? Oh! yes, nobody could be kinder.

5239. They always treated you kindly? Yes, always.

5240. Mrs. Bentley used to talk somewhat confidentially to you—did she not? She used to talk freely.



- Miss Mary Ryan.  
5 Dec., 1862.
5241. You said she used to talk to you sometimes about the priests? Yes.
5242. Did you ever try to convert Mrs. Bentley? I used to say she would make a good Catholic, and that she would make a good nun.
5243. You thought she would make a good nun? Yes, she was so mild in her way.
5244. You thought she would make as good a Catholic as yourself? I am not a good Catholic.
5245. I suppose, as a believer in the Catholic faith, you would make a Catholic of her if you could? Yes.
5246. In order to save her? Yes.
5247. *By Mr. Hart*: Were you told by anyone to do so? No, I was never told by anyone to do so.
5248. *By Mr. W. Forster*: You were not told by any priest? No.
5249. Did any clergyman ever question you about your conduct in Mr. Bentley's house? Never.
5250. Or ask you any questions about Mrs. Bentley? Never.
5251. *By Mr. Morris*: Have you never consulted a priest with regard to this matter at all? No.
5252. You are aware that your fellow-servant has done so? I cannot say.
5253. Did she not tell you that she had consulted a priest? She has consulted a priest, but not as regards that. She would not tell me all she had consulted him about.
5254. Not at confession? I do not know.
5255. *By Mr. W. Forster*: Was Mrs. Bentley fond of her children? Always.
5256. She always shewed towards them the feelings of a good mother? Always.
5257. And was Mr. Bentley fond of the children too? Yes.
5258. On any occasion, when Mr. Harrison and Mrs. Bentley were sitting together at night, did you ever, on coming into the room, observe Mrs. Bentley in tears? In tears?
5259. Yes? No, I have not.
5260. You never saw her in tears? No, not when Mr. Harrison has been there.
5261. I need scarcely ask you whether you saw her with her head on Mr. Harrison's shoulder? I never have.
5262. I think you have admitted that there were some circumstances connected with the conversation between you and Mrs. Bentley in regard to priests, that you did not state in your deposition? Yes, I never stated anything of that.
5263. Why did you conceal that? I used to say to Mrs. Bentley—"What a good thing it is, as the Jesuits suspect you, that nobody has seen you with the priests! I am sure, with a thing like that, they would be glad to see you going with a priest, and that"; and she said "yes." I never stated that.
5264. You did not think it was your duty to tell that? Of course I let that go, and what Mrs. Bentley said to me.
5265. Did anyone advise or request you to conceal this? No.
5266. You did it of your own motive? Yes.
5267. And on your own judgment? Yes.
5268. Mrs. Bentley did not tell you? No.
5269. Nor Mr. Bentley? No.
5270. Nor any clergyman? No.
5271. Did you not feel, on that occasion, that you had not stated everything in reference to the matter? I stated what I knew, in the deposition, and I was told that anything that was wrong in that I was to correct it.
5272. Was not the examination you were subjected to on that occasion a very full one—were you not asked to state everything? In the depositions?
5273. Were you not asked to state everything connected with the case? What was done concerning me I had to answer that.
5274. Did not Mr. Johnson give you a full opportunity of stating everything? Yes, and he told me —
5275. To state everything? He said, if there was anything in that deposition not correct I was to tell him.
5276. And you admit that there were some things that you did not tell? There?
5277. Yes? There was nothing there I was to tell in the deposition.
5278. At the time you made the deposition, there had been some conversation between you and Mrs. Bentley, which you did not state in that deposition? I did not think anything about that; I thought no more of it.
5279. Do you mean to say that you did not think it was your duty to tell that? I thought it was true.
5280. You thought what was true? That the priest went with Mrs. Bentley like that. There was nothing about it in the deposition.
5281. Why did you not tell this when you were giving your deposition? It was not concerning that.
5282. Why did you not tell Mr. Johnson? It was nothing about that.
5283. You did not think it had anything to do with the case? No.
5284. You had no motive for concealing it? No; I did not think it necessary any more than what was down there. I had to say that, and no more.
5285. Are you sure you told all that you believed to be necessary for the sake of justice? Yes, all I was asked. I was to answer that, and if there was anything incorrect, Mr. Johnson said I was to make the remark—that if anything he was reading to me was wrong I was to correct it. And of course what Mr. Johnson did read to me was true as far as I know.
5286. But Mr. Johnson or Mr. Bentley did not tell you what you were to say? No, only Mr.

Mr. Johnson said that if there was anything wrong I was to correct it; and Mr. Bentley said I was only to say the truth—what I knew.

Miss  
Mary Ryan.

5287. If explanations had been asked you about these conversations concerning the priest, you would not have hesitated to have given the information? Of course if there had been anything about it I would have told it. 5 Dec. 1862.

5288. But you did not think of telling it? I did not think it necessary to do it.

5289. *By Mr. Johnson*: Did I not tell you not only to correct anything that was wrong, but also to add anything that you thought material? About that concern—that deposition—anything I was to say I was to say it to you.

5290. You knew, at the time this deposition was read to you, that Mr. Harrison had charged the Bentleys with being the authors of these anonymous letters? Yes.

5291. And that he denied the truth of her being met and assaulted at Newtown? Yes, I read it in the paper.

5292. You knew of that? Yes.

5293. Well, will you explain to the Committee why you omitted to tell me that Mrs. Bentley had stated that she was met by a priest when she went out to Newtown? I did not believe that it had anything to do with that deposition at all.

5294. But you knew it was a matter very material to the inquiry, in regard to the truth of her assertions that she was met by a man out at Newtown? Who assaulted her?

5295. Yes? I know that.

5296. And whether she was watched by the detective police? I said how unfortunate it was for the detective not to be there; and she said that if he had been there the man would not have struck her.

5297. Did it not occur to you that it was a singular thing that this priest was never seen by the detectives? Yes.

5298. Did you mention that to me? No.

5299. Did it not strike you as being a circumstance material to the case? I thought it was singular. Some of them would be glad to get the chance.

5300. *By the Chairman*: Did you think the Catholics were suspected for it at that time? Yes, at that time. I think Mrs. Bentley said herself that the Jesuits were suspected, but that she knew they had nothing to do with it.

5301. But she told you that a priest met her very often? Yes.

5302. Why did you not tell this to Mr. Johnson? I do not know. I thought I only had to say what was in that deposition; I would never have thought of it.

5303. It did not occur to you? It did not occur to my mind.

5304. You did not conceal it purposely? No.

5305. You never thought of it? No.

5306. During the time Mr. Johnson was asking you questions, did it ever come into your head that Mrs. Bentley had told you she met a priest frequently? I do not know. I was only paying attention to what Mr. Johnson was saying to me, and the questions I would be asked.

5307. Did Mrs. Bentley describe the priest to you at all? Yes, I used to say—from the kind he seemed like—that I thought I had seen some one like him.

5308. Can you tell us what he was like? She said he was a young priest, and rather good looking.

5309. That might be a matter of opinion? Yes.

5310. Was he well dressed? Yes.

5311. Tall? Rather tall.

5312. Thin? Not very thin.

5313. Was he a stout man? Stoutish.

5314. Did she say he was a stout man? Not a very stout man. I suppose he was about the ordinary size.

5315. Did she describe him? She never described him exactly.

5316. Did she describe the colour of his hair? She did not say it to me.

5317. Just answer my question, if you please? No, she did not describe it; but I said to her—"Is not the hair of this man—the one I knew, and used to think was something like the one that used to meet Mrs. Bentley at Newtown—is not his hair something like the colour of yours and mine"?—and she said "yes."

5318. Did she say anything about the colour of his eyes? I cannot say.

5319. *By Mr. Piddington*: Did Mrs. Bentley say anything about the colour of his eyes? No.

5320. *By Mr. W. Forster*: She described him to you in a particular way? I just made the remark, and said he was something like.

5321. You say that the description suggested a certain priest to you? I used to say —

5322. You thought there was one whom you knew that the description answered? Yes.

5323. Have you any objection to say who it was? I do not know him, except by sight. I thought the description might answer for that one.

5324. You know a good-looking young priest that answers the description? I have not seen him for some time.

5325. He has never been your spiritual adviser, or anything of that kind? No.

5326. You have only known him distantly? No.

5327. Have you ever heard him preach, or seen him at church? I think, some time ago, the one I thought like him I saw at church, assisting at mass—the one I was alluding to as likely to be the one that went with her.

5328. Did Mrs. Bentley seem to agree with you that you had hit upon the right person? She used to say he was something like that.

5329.

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5329. What did you think of this story of Mrs. Bentley meeting a priest—what did you think was the object? I thought it very strange that she should go out so constantly with a priest. I said to her—"He must have known you or have known your people, or he must be some relation, to take such an interest in you."
5330. Did she tell her husband? I do not know.
5331. Do you know whether Mr. Bentley was aware of this circumstance? I said once—"What would Mr. Bentley say if he knew?" and she said he would not like it.
5332. Would you infer that she did not tell him? It seemed to me so.
5333. Your impression is now, that Mrs. Bentley did not tell her husband? Mr. Bentley went sometimes to Newtown, and I said, "I suppose that priest was not there?" and she said of course she would not see him, like.
5334. Did she say, of course she would not see him? Yes—of course she would not pretend, like, to know him.
5335. Did she tell you that she would pretend not to know him? Yes.
5336. Be particular. This is an important part. Did Mrs. Bentley say "pretend"? Yes—that she would not pretend to know him.
5337. *By Mr. Piddington*: Do you mean to say that Mrs. Bentley told you that? Yes.
5338. *By Mr. W. Forster*: Do you say that Mrs. Bentley said to you, that if she met this priest when she was walking with Mr. Bentley, she would pretend not to know him? Yes; that is not the exact words, but they were something like it.
5339. It implied that? Yes, that she would not see him, like. She said she did see this priest once when she was with Mr. Bentley, and that Mr. Bentley said he had a good mind to take off his hat. He stared, or something of that kind.
5340. You say that Mrs. Bentley made use of some expressions to you, implying that if she met the priest when she was walking with Mr. Bentley, she would not recognize him? Yes.
5341. Did she say that to you several times? No, because Mr. Bentley used not to go with her very often.
5342. Did she, in conversation with you, make that remark more than once? She would not like —
5343. I am not asking you whether she would like or not. I am asking you whether she made that remark to you more than once? I do not think she did.
5344. But you know that she made it once? Yes.
5345. You are not sure that she made it twice? I do not remember.
5346. Was Mrs. Bentley in earnest, or was she joking? I do not know.
5347. Was she serious when she said it? She seemed to be serious.
5348. Now with regard to meeting the priest. Did Mrs. Bentley tell you that she had met the priest once when she was in company with Mr. Bentley? Yes, she said she saw him.
5349. That she saw him? Yes, and that the priest looked at her very hard, and that Mr. Bentley said he would take off his hat.
5350. What did she do then or say? I do not know.
5351. Did she tell Mr. Bentley to take his hat off? No, she did not.
5352. Did she tell you that she had told her husband anything about this priest? No, she did not.
5353. Are you sure she told you that she did not tell her husband? I used to say, "What would Mr. Bentley say, if he knew that there was a priest going out so frequently with her?"
5354. "With you"? Yes, to Newtown.
5355. Did she tell you why the priest went to Newtown with her? She told me she supposed that he wanted to convert her.
5356. How long did the priest stop with her? He stopped some time with her.
5357. How long in the course of the day? She used to say that he used to go out in the omnibus. She had to stop at Mr. Josephson's, and that the priest would meet her coming back again.
5358. Mrs. Bentley told you this? Yes, and that he used to hand her in and out.
5359. Are you sure that she did not know his name? She never told me what his name was.
5360. How did Mrs. Bentley know that he was a priest at all? By his dress, I suppose.
5361. Did she describe him as wearing a priest's dress? Yes; the other girl made the remark, and she said she knew what a priest was like.
5362. Are you sure he was not a person in disguise? I think he might have been.
5363. He might have pretended to be a priest? Yes.
5364. But you are sure of this, that Mrs. Bentley took him for a priest? Yes, because she said to us that she knew what a priest was like.
5365. Are you certain that she never told Mr. Bentley about meeting this priest? I do not know.
5366. She did not—to your knowledge? I do not know; I cannot say.
5367. But her conversation with you led you to believe that she did not tell Mr. Bentley? Yes.
5368. Did she talk to the other servant too in the same way about this priest? Yes.
5369. Did she talk to anybody else about it? I do not know.
5370. Did she tell Mr. Harrison about it? I do not know.
5371. Or any of the detectives? I cannot say.
5372. Then it was merely in confidence to you and this other girl that these remarks were made? I do not know whether it was in confidence or not.
5373. You said that Mrs. Bentley talked to you in a kind and confidential way? I could not say whether this was said in confidence, or only just for the sake of talking.
5374. Did anyone else ever talk to you about this priest? No.

5375. You know a detective named Camphin? Yes.
5376. Did he ever ask you about this priest? No.
5377. Did he ever tell you to say or not to say anything? No, I never had any conversation with the man at all.
5378. Now I want you to give me some information about Mrs. Bentley coming home after the assault—you say she fainted? She did not faint off exactly.
5379. I want to know when you first saw her after the assault—did you see her coming in at the door? Yes.
5380. She went into the parlour? Yes.
5381. And you asked her if she was going to faint? Yes.
5382. What made you do that? She turned so pale, and looked agitated like.
5383. You said she told you the story, and she did faint? No, I do not think she fainted then.
5384. She did not faint on that occasion? No, she had her dinner.
5385. Then nothing happened at that time? No, nothing.
5386. But two days afterwards—when was it that she fainted, and on what occasion? Mrs. Bentley?
5387. Yes, you say she fainted on some occasion, on account of the assault? She very often fainted.
5388. I do not want to know whether she fainted often. You opened the door? Yes.
5389. And she told you of the assault? Yes.
5390. Did she shew you the wound? Not then.
5391. She told you the story? Yes.
5392. Did she faint then? No.
5393. You thought she looked pale, and that she was going to faint? Yes.
5394. But she did not faint? No.
5395. How soon was it after that, that the first fainting fit occurred? I do not know.
5396. Was it that evening? I do not remember.
5397. Did not she faint soon after that? Really I do not remember; I cannot remember when she fainted.
5398. Well, what occasion was it when Mr. Harrison was very kind to Mrs. Bentley when she fainted? That was, I think—I do not know whether it was before or on the night of the concert that he was there.
5399. Oh! then the time that he was very kind to her was not the time of the assault? No.
5400. Did not you notice whether she fainted at all after the assault on account of it, or from anything connected with it? I do not remember when she fainted after that.
5401. You do not remember it? No.
5402. You stated that after the assault she shewed you the wound on her breast? It was the same evening, when they were going up to bed, that Mr. Bentley called me up and said, "See, the wretch has hurt Mrs. Bentley more than I thought, and will you make a poultice?"
5403. You saw the wound? I did not see the wound—I saw the blood.
5404. You are satisfied that there was a wound? Yes.
5405. There was a good deal of blood? Yes, the rags were stained with blood.
5406. Did Mrs. Bentley wear a very tight dress? I think she wore a jacket at that time.
5407. Was it very tight round her body? It was not tight, I think.
5408. I think you have stated that a medical man attended Mrs. Bentley on that occasion? No, there was no medical man came to see her on that occasion.
5409. You saw the wound once or twice—did you not? Yes; I took up the poultice myself, and put it to the breast of Mrs. Bentley.
5410. You are satisfied that it was a severe cut? I did not see the cut; I put up the poultice to it.
5411. Oh! you did not see the cut at all? No; I put the poultice up to the breast, and saw the blood on the rag.
5412. But you did not see any cut? No.
5413. *By Mr. Fiddington*: How did you account for not seeing the cut? I was rather frightened. Mrs. Bentley kept her hand under her breast, and I put the poultice up to it.
5414. *By Mr. W. Forster*: And you applied the poultice? Yes.
5415. You put it to the wound? Yes.
5416. Was there anything under the poultice? Nothing.
5417. And you say you did not see the wound? I did not see where the wound was.
5418. Did you see the blood? Yes, I saw the blood on the rag.
5419. Did you put the poultice over the rag? No.
5420. Was there a rag under the poultice? I think there was a rag—I think she had a rag to it herself, and that she took the rag from the breast, and I put the poultice to it.
5421. Did you put the poultice to the bare skin? Yes.
5422. And you say you did not look at the wound? I did not see the wound.
5423. Did you shut your eyes when you applied the poultice? No, but I did not see the wound at all; it must have been a small one.
5424. What did you do? I put the poultice to the breast, just; I was in a hurry to put it up to the breast when she said it was sore.
5425. Did you put the poultice to a place where there was no wound at all? No, I did not see the wound; I put the poultice to where the breast was sore.
5426. Did you see the sore? I did not see the sore; I do not remember seeing the sore; I just put the poultice up to the breast.
5427. *By Mr. Hart*: What part of the breast? I think it was under the nipple part. I just put it up to the breast; she was in pain, and that.

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5428. And were there no rags on the skin? Mrs. Bentley had a rag to the place.  
5429. *By Mr. W. Forster*: What did she take the rag off? Off the sore.  
5430. She took the rag off the sore? Yes.  
5431. Was there anything on the sore after the rag was taken off? Nothing.  
5432. How is it that you did not see it? I could not see it—I did not see it.  
5433. *By the Chairman*: Would you have had to stoop to see it? I think I should.  
5434. *By Mr. W. Forster*: What was it, then, when the rag was taken off the sore, that prevented you from seeing it? I suppose the blood was on the rag, and I could not see it.  
5435. The blood? The blood that was coming from her breast—Mrs. Bentley had a rag to it.  
5436. But you say that she took the rag off? Yes, she took the rag off.  
5437. And you say you did not see the sore? No.  
5438. Where was Mrs. Bentley? Standing.  
5439. Is Mrs. Bentley taller than you? Yes.  
5440. You were looking up to her? Yes, I was putting the poultice to the breast.  
5441. Your eyes were not on the breast? Yes; but I was in a hurry, and did it as fast as I could.  
5442. You saw a quantity of blood? The blood was on the rag.  
5443. Was there any blood beside what was on the rag? I do not know; I did not look into that then. In the next morning there was blood on the rag.  
5444. You took the poultice away the next morning? Yes.  
5445. And there was blood on the poultice? There was blood on the poultice then.  
5446. *By Mr. Wilson*: I think you stated that you did not look for the sore? No.  
5447. *By Mr. W. Forster*: Did you several times apply a poultice? I think that was the only time I did, as near as I can remember; but I think Mrs. Bentley had rags to it herself.  
5448. Did you ever assist to dress it afterwards? I do not remember. I asked her how the breast was; I do not remember after that.  
5449. You do not remember doing anything to it after that? No.  
5450. You only applied one poultice? No.  
5451. You never put another on? I do not remember that I did.  
5452. When you took it off, the next morning, what did Mrs. Bentley do? I took it away out of the room.  
5453. You did not see it taken off? No; I asked Mrs. Bentley how the breast was.  
5454. You do not know how it was dressed the next morning? No.  
5455. Did you take any more rags covered with blood, afterwards, from the room? I think it was once or twice.  
5456. Are you able to state whether Mrs. Bentley still continued to dress the wound for some days? I think for a couple of days she complained of it, as near as I can remember.  
5457. Did she appear to be in great pain? Whatever pain she was in she would not like to shew it, because she said Mr. Bentley was so delicate and that it would worry him; she tried to conceal her feelings.  
5458. But Mr. Bentley knew there was a wound? Yes.  
5459. But Mrs. Bentley did not tell him of the pain she felt? No, she did not tell him.  
5460. Did the other girl see the wound? I do not know.  
5461. Did the other girl ever dress the wound or prepare a poultice? I do not know.  
5462. You have been in the habit of preparing poultices? Yes, I am the chief one that has to prepare things of that kind.  
5463. You say that on a certain occasion when Mrs. Bentley fainted, that Mr. Harrison was very kind to her? Yes.  
5464. Was there anyone else present at this time when you say Mr. Harrison was very kind to her? The other girl came into the room. One night they told us to go out.  
5465. What did her fainting consist in? She was working with her hands, and her heart was beating so. She was kicking her feet on the ground with pain. She was in dreadful agony. I think Mrs. Bentley might have shed tears then when Mr. Harrison was there.  
5466. I want you to remember all you can about this fainting, and when you say Mr. Harrison was kind to her. When she first began to faint, where was she? She was downstairs in the dining-room.  
5467. Was she standing or sitting? I do not know where she was at that time; she was on the sofa when I went into the room.  
5468. You went into the room and found her fainting? Yes, she was on the sofa.  
5469. And Mr. Harrison was there? Yes.  
5470. And this other girl was there? Yes, she was in the room too.  
5471. Why did you go into the room? I dare say Mr. Bentley called me in to get something.  
5472. You do not recollect? No.  
5473. And you found Mrs. Bentley lying on the sofa, fainting? I do not know whether it was the other girl or I that was called to bring some pillows to put to her back on the sofa. The other girl and I were in the room, and whatever we were called upon to get we had to get.  
5474. You went in and assisted Mrs. Bentley when she was fainting? Yes.  
5475. You do not know whether Mr. Bentley called you or not? No.  
5476. Was she lying on the sofa? Yes, or sitting propped up.  
5477. She was kicking, you say, with her feet? Not at that time.  
5478. When you first went into the room was she lying on the sofa, insensible? No.  
5479. Were her eyes shut or open? They were shut, I think.  
5480. Did she look pale? Yes.

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5481. Was it then that you felt her heart beating? She was up-stairs at that time.
5482. You say she was on a sofa? She was off in a faint.
5483. Did she notice you? No.
5484. Did she speak at all? She did not speak to me.
5485. You say that she was kicking with her feet? That was not the time—that was up-stairs.
5486. What was done with her in this fainting fit—what did you apply? That was the time the other girl was sent out for something, and I was told to bring some brandy and water, I think it was, or sal volatile.
5487. Brandy and water—who told you to bring that? I do not know whether it was Mr. Bentley or Mr. Harrison.
5488. They were both there? Yes; they told me to take the light away.
5489. What was Mr. Harrison doing? He had hold of her hand, and was trying to put a handkerchief between her fingers; she used to clasp her hands so tight that her finger nails would run into her hands.
5490. I think you said that she became insensible and could not move? She used to work when she was insensible.
5491. Had Mr. Harrison hold of one or two of her hands? I do not know whether he had one or two.
5492. They were standing close too? Yes.
5493. What was done with her head? Her head was on the pillow.
5494. How long did she remain in that state? I do not know; sometimes she was an hour.
5495. I do not mean how long she used to be—but how long she was in that state on this particular time I am talking of? I do not know the exact time.
5496. But were you going in and out all the time? Yes, I was going in and out.
5497. You say she remained a long time on the sofa? Yes.
5498. And then she was taken to bed? Yes.
5499. Who took her to bed? I do not know whether it was I or the other girl—I cannot say; but I know that Mr. Harrison helped her up one time to bed. I do not think that that was the time; I think it was when she fainted in the drawing-room.
5500. Was there a time when Mr. Harrison took her up to bed? Yes, there was a time; and the other girl and I—
5501. Where was Mr. Bentley at that time? I think he went with us.
5502. He went with you? Yes, as near as I can remember; Mrs. Bentley was so bad.
5503. Then Mr. Harrison carried her up, did he? He lifted her; he put his hand under her arm.
5504. Did he help to put her on the bed? He just threw her in, like, on the bed.
5505. And did he then go away? He went away, and left the other girl and me with her.
5506. *By Mr. Morris:* Did he go away immediately? Yes.
5507. *By Mr. W. Forster:* He went immediately? Yes.
5508. Was that the only occasion on which you saw Mr. Harrison carry her up? Yes.
5509. You say he was very kind to her? Yes.
5510. Did you say that Mr. Bentley assisted to carry her up? Mr. Bentley came up after; he might have brought the light up.
5511. It was in the night? Yes.
5512. And Mr. Harrison carried her up? Yes.
5513. By your assistance? Yes; I thought that was the night Dr. Brereton came to see Mrs. Bentley. Mr. Bentley might have brought up the light after the other girl and I; he was in the habit of bringing up the light after us when Mrs. Bentley was so ill.
5514. I am talking of the time Mr. Harrison was carrying her up? That was the time, as near as I can remember.
5515. You say that he left her on the bed, and went away immediately? Yes; I think he came back to the doctor, as near as I can remember.
5516. To the doctor—did the doctor come? The doctor came one night.
5517. But this night that Mr. Harrison carried her up, did the doctor come? I think that was the night.
5518. Did Mr. Harrison come into the room again? Not after that.
5519. Did you observe whether he bathed her head at all on that occasion? That time I think he put eau-de-Cologne on her head; but it might not be that time.
5520. I wish you to remember the time. You said that Mr. Harrison came up and put her on the bed and left? He did not do anything to her there. It was in the drawing-room—
5521. That he was bathing her head with eau-de-Cologne? He might have done so on that occasion.
5522. Did you see him on some occasion bathe her head with eau-de-Cologne? Yes.
5523. Who was present? Mr. Bentley and the other girl.
5524. Did she put her head on Mr. Harrison's shoulder? I do not think she did.
5525. Did you ever see Mrs. Bentley put her head on Mr. Harrison's shoulder? If she was in a faint, and Mr. Harrison might be trying to keep her hand open, her head might fall on his shoulder. I cannot say.
5526. Do you remember a time when she ever consciously put her head on Mr. Harrison's shoulder? Never, consciously.
5527. You are sure of that? Yes, I am quite sure of it.
5528. And all the time Mr. Harrison was attending to her, Mr. Bentley was present, or moving about somewhere near? He was walking about the room.

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5529. Did Mr. Harrison come to inquire after her the next day at all? I think he did come to see how Mrs. Bentley was in the afternoon.
5530. Did she thank him in your presence for his kindness? That time he just inquired, and I said she was better, or something of that kind. I went up and asked her how she was, and I think Mrs. Bentley told me to say she was better, thank you.
5531. She did not see him? She was too ill, I think, as near as I can remember.
5532. You have stated that she was in great agony on one or two occasions? Yes.
5533. How'did she shew this agony? It was her heart.
5534. Did you put your hand to her heart? I heard them say her heart was beating violently.
5535. That she had a pain in the heart? Yes.
5536. She complained of pain in the heart, in your presence? Yes; her feet were knocking against the boards.
5537. Are you sure that these fainting fits were not pretended at all? As far as I know, I am certain they were not pretended.
5538. Have you seen other people faint? Yes.
5539. Then you know what fainting is? Yes.
5540. Did you ever faint yourself? No, I do not remember that I ever did.
5541. But you know what it is? Yes.
5542. You are sure that Mrs. Bentley was fainting on these occasions? Yes.
5543. Do you feel certain that she was in pain? Yes.
5544. Do you know what epileptic fits are? No, I do not know.
5545. Do you know what convulsions are—what hysterics are? Yes, I know what hysterics are.
5546. Was Mrs. Bentley in hysterics? I do not know; there may be screaming hysterics.
5547. Was it usual for her to scream? It was something like hysterics.
5548. *By Mr. Wilson*: Do you know if people always scream in hysterics? I have only seen one person in hysterics, and that one screamed.
5549. Can you draw a distinction in all cases between fainting and hysterics? I think fainting is insensible, and hysterics move about.
5550. You are not aware that in hysterics people move about also? In hysterics they do not know what they are doing always.
5551. You have only seen a person in hysterics once? No.
5552. You say Mrs. Bentley was in the habit of working her hands violently while she was in these fainting fits? Yes, and she used to complain of hurting herself when she got better.
5553. And you used to attempt to open her hands, to prevent her from hurting herself? Yes, and put something between her teeth.
5554. *By Mr. W. Forster*: You recollect, of course, the time the assault was committed on Mrs. Bentley—the time she spoke of it? Yes, it was about Easter, or Easter week, I think.
5555. How soon after that did you see Mrs. Bentley in a fainting fit? How soon after?
5556. Yes, that day or the day after, or the day after that again? I do not remember.
5557. Do you recollect two days after whether Mrs. Bentley fainted at all? Two days after—
5558. *By Mr. Morris*: Two days after the assault? She might faint in the night. She used to faint so often that really I cannot remember.
5559. *By Mr. W. Forster*: The day of the assault she did not faint, I think you say? Not that day.
5560. Did she faint that night? No, I do not remember that she did.
5561. Did she faint the next day? Well, I do not remember.
5562. You do not recollect? I know she used to faint very often, but I cannot remember the days or the times.
5563. Do you remember whether she fainted two days after? Two days after the assault?
5564. Do you remember whether she fainted while her wound was being dressed? While her wound was being dressed?
5565. Yes? No.
5566. Did she faint while there was a dressing on the wound? No, not while I was dressing the wound.
5567. She was for some days with the wound being dressed—she had a sore breast? Yes.
5568. And while she had a sore breast, all that time do you recollect whether she fainted? I think she did; as near as I can remember, I think she did faint.
5569. Soon after? It must have been soon after, but really I cannot remember.
5570. Do you remember Mr. Harrison calling at all, while she fainted after the wound was dressed? Well, I know he used to call sometimes to see her.
5571. And do you remember whether he called after and saw her? I do not; I cannot say really what time—how soon it was after that that he came.
5572. You say he called once and did not see her? Yes.
5573. Did he see her at all soon after the wound? Yes, he must have seen her, because in the evening Mr. Bentley went to see Mr. Harrison.
5574. Then he saw her several times after—soon? Yes.
5575. Do you remember, on any of those occasions when Mr. Harrison came soon after the wound was dressed, whether Mrs. Bentley fainted at all? Whether she fainted?
5576. Yes, whether she fainted soon after, when Mr. Harrison was there? Yes, I think she did when he was there soon after.
5577. When he was there soon after the wound? No, she was going to bed when the wound was dressed.
5578. I do not mean on the same day; I am not talking of the exact time; for two or three days after the assault occurred, she had the sore dressed? Yes. 5579.

5579. Well, during those two or three days, while she had the sore dressed, do you remember Mr. Harrison calling and seeing Mrs. Bentley? Yes.

5580. Do you remember it? He used to come in the evening.

5581. During the time she had a sore breast? Yes.

5582. He came then? Yes.

5583. Do you remember whether she fainted at all in his presence while she had a sore breast? I cannot say whether it was then that Mrs. Bentley fainted, or whether it was before or afterwards that he assisted her up to bed.

5584. I am not talking of that time; while she had a sore breast, do you know whether she fainted in Mr. Harrison's presence or not? I do not remember it.

5585. You do not recollect it? No.

5586. Can you tell how many times she fainted when Mr. Harrison was present? I cannot say; but when she has been very bad indeed I think Mr. Harrison has been there; when she has been very bad—that was twice.

5587. *By the Chairman*: Can you tell the Committee why you did not tell Mr. Johnson that Mrs. Bentley had told you that she had seen a priest at the concert? Why she did not tell Mr. Johnson?

5588. No, why you did not tell Mr. Johnson that Mrs. Bentley had told you that she had seen a priest at the concert? Of course I would not think of saying such a thing, because when Mrs. Bentley told me the priest went to the concert I thought there would be nothing more pass about it, and never such a thing came into my mind as to tell Mr. Johnson.

5589. But did you not say, on your last examination before the Committee, that when Mrs. Bentley came from the concert at which she did not play, she told you that she had seen a priest at the concert? Yes, but I do not know what time it was she told me, whether it was the next day or not. She did not tell me the same evening. Whether it was the next day or the day after that she told me, I do not know; but she did tell me that he was there, and that he came out after her in the concert-room.

5590. Did that priest say anything about it being a shame Mrs. Bentley did not play? Mrs. Bentley told me he said he was very sorry, when he saw her again, that she did not play, but that it was quite right of her to do what she had done—not to play.

5591. Did he not make use of any expression in the room—that if it had not been for his cloth he would have made a complaint? Yes.

5592. What did he say? That only for his gown —

5593. Can you tell exactly what Mrs. Bentley said about that priest—about his “soiling his gown,” and what a shame it was she did not play at that time? I do not remember.

5594. This is a very important matter; you have remembered it once—just try and remember it again? I do not remember what Mrs. Bentley said to me.

5595. You remembered it the other day, didn't you? I did not tell you then any conversation that had happened about it.

5596. Did any conversation happen about it? I do not remember what Mrs. Bentley said to me.

5597. Do you remember if she said anything about his soiling his cloth? That only for his gown —

5598. *By Mr. Hart*: He did not make use of the word “cloth,” but “gown”? Gown—something like that; I forget the exact words—his cloth, or something —

5599. *By the Chairman*: You do not know whether it was “cloth” or “gown”? Really I do not; it was something like it.

5600. Was it a threat that he made use of? Yes, it was a threat. He said he would do something, only for his cloth.

5601. What was it that he was going to do—something to Mrs. Bentley? Oh! no, he was not going to do anything to Mrs. Bentley.

5602. He was going to do something to Mr. Merewether then? I do not know.

5603. Did he say that if it had not been for his gown, he would have let Mr. Merewether see whether he should insult a lady or not—was that the purport of it? I suppose it was something of that kind.

5604. *By Mr. Piddington*: Was the name of Mr. Merewether mentioned in connection with the matter? I think it was.

5605. In connection with what the priest said? Yes, I think it was mentioned.

5606. *By the Chairman*: Did Mrs. Bentley say that the priest said he would do something to Mr. Merewether, if it were not for his gown? I think so, as near as I can remember, but I do not know whether it was that time or not. She said the priest “would give him a good talking,” or something of that sort—that he would see Mr. Merewether.

5607. That he would see Mrs. Merewether? No, that he would see Mr. Merewether—that he knew Mr. Merewether.

5608. *By Mr. Hart*: Did he say he would give him a good hiding? I forget the expression; there were some words said.

5609. *By the Chairman*: Did he say that he would give him a good talking to? Yes.

5610. You are sure it was not a beating? No, I do not think it was a beating.

5611. Are you very clear about this conversation? Am I very clear?

5612. Do you remember it particularly? I remember that.

5613. If you remember it, tell us what was said? About the conversation about Mr. Merewether?

5614. *By Mr. Piddington*: Yes, and the priest? That is all I can remember.

5615. *By the Chairman*: Tell us what you do remember? That the priest would give Mr. Merewether “a good talking,” and that he would see —

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5616. Just begin at the beginning, with what Mrs. Bentley said, as far as you can remember? I have told you how much I remember.
5617. How much is it? What I have told you.
5618. Well, begin again? That Mr. Merewether —
5619. Tell us what Mrs. Bentley said about the priest, and what the priest said about his gown, or in connection with his gown? Mrs. Bentley said the priest was behind her in the concert-room, and that when she was going out he came out after her, and she just heard the words—that only for his “cloth” or “gown” (I do not know which it is) what he would do; and she told me that he said to herself that he would give Mr. Merewether a good talking.
5620. *By Mr. Piddington*: That was after the concert? When she was going to Newtown.
5621. *By the Chairman*: Did she describe this priest—was it the same one that went before? Yes, the same one that went with her always.
5622. Now, seeing that this priest had used threats about this concert, why did you not tell Mr. Johnson of the matter when he was taking your deposition? I did not think there was any necessity for it.
5623. Is there anything else you know, concerning this matter, that you did not think it necessary to tell Mr. Johnson on that occasion? No.
5624. *By Mr. Piddington*: Are there any other interviews that Mrs. Bentley has told you of with other people? No, I do not think that there are any other interviews that she has told me of.
5625. *By the Chairman*: Who was the first person that talked to you about this priest? Mrs. Bentley.
5626. And who was the first person who talked to you about what the priest had stated at the concert? Mrs. Bentley.
5627. Are you sure that it was not your fellow-servant? No.
5628. Was she with you at the time Mrs. Bentley said this? I do not remember whether she was or not.
5629. Where were you when Mrs. Bentley told you? I do not know.
5630. Were you in the kitchen? I do not know.
5631. Were you in the parlour? I do not remember.
5632. Try to remember—were you in the bed-room? I cannot tell; I do not know.
5633. Just try to know? I do not remember what part of the house I was in when Mrs. Bentley told me. It is very likely it might be in the bed-room, while Mrs. Bentley was getting ready to go out.
5634. Did you or the other servant assist Mrs. Bentley in preparing to go out, as a rule? I used to get Mrs. Bentley's things, and so on, when she was going to Newtown.
5635. Used Mrs. Bentley to carry on a conversation with you, or your fellow-servant, at that time? Sometimes we were both in the room together.
5636. Did she speak once to you about this priest, and then turn to your fellow-servant and address herself to her, at the time this conversation was going on? She would address herself sometimes to Maria and sometimes to me.
5637. At the time she was telling you about this priest? Yes, if she was in the room.
5638. *By Mr. Piddington*: Was she in the room? I do not know whether she was in the room.
5639. You do not know anything further about it? I do not remember anything further.
5640. *By the Chairman*: Did Maria Bradshaw tell you of any conversation she had with Camphin about this priest? Yes; she told me that she asked him if there was a priest at the concert, that came out after Mrs. Bentley, and that he said no—he said there was no priest.
5641. Did he say how wicked it was for Mrs. Bentley to say so? No, I do not remember Maria saying that to me.
5642. What did she say? She did not tell me anything he said about that.
5643. Did she not tell you anything whatever about it? Yes, she said it was all a falsehood, and that there was no priest at all.
5644. And that Camphin told her that it was false? Yes.
5645. And did he not say that it was very wrong for Mrs. Bentley to say so? I do not know—I cannot say.
5646. Did you think it very wrong for Mrs. Bentley to say that there was a priest when there was not? I did think it wrong to say that there was a priest when there was not.
5647. *By Mr. Johnson*: Did Maria Bradshaw tell you how often she had had interviews with Camphin? Yes.
5648. Did Maria tell you how often she had had interviews with Camphin? Yes, she told me that the first time she saw him was on a Sunday evening; then, I think, she saw him on Tuesday night; then, again, on the Wednesday night. I do not know how many times, but she has told me every time she has seen him.
5649. Did she tell you, before she saw him, that she was going to see him? Yes.
5650. And after she has seen him, she has told you that she has seen him? Yes; and he was very cross with her at first, because he thought she might have come for Mrs. Bentley, like.
5651. Was not the first time you heard of her coming to meet Camphin after this Committee was appointed? Yes, I think it was.
5652. You heard nothing about meeting him before that? No, I did not hear her say she would go and meet him until then.
5653. Did you know of her meeting him last Sunday morning? Yes, I knew then that she had seen him.

5654. Do you know if she made any appointment to see him after that? After Sunday morning?—yes, I think on Tuesday night.

5655. On Tuesday night? Yes.

5656. Do you know if she has any appointment to see him now? No, I do not know that she has.

5657. *By Mr. Wilson*: Is Maria a sweetheart of Camphin's? Not that I know of.

5658. *By Mr. Johnson*: Do you remember the circumstance of Maria and Clark being left in the house together? Yes.

5659. That was the night of the concert, was it not? Yes, she would not be in the house alone with Clark; she said she would sooner be alone—by herself.

5660. Did she not say she would rather have Camphin there? She did not mention Camphin particularly. She said she would rather have one of the others, and that she would then feel safe. She did not say one particularly, but that she would not like to be in the house with Clark alone.

5661. Are you sure that she did not mention Camphin's name? I am sure she did not want him.

5662. Are you quite sure that she did not mention his name? I am sure she did not; she might have mentioned it to say that his conduct was different to the others, but not that she would have him in the house.

5663. Did he not at that time converse a good deal on religious topics? At what time?

5664. At the time she did not want Clark to be there? Conversation on books?

5665. Did he not converse a good deal on religious subjects? No, I do not think he did, because he was not very long in the house. He was only there two or three nights, and I do not think they had much conversation at all.

5666. Are you in a position to say whether this was the case or not—do you remember him telling her that he had been brought up strictly as a Roman Catholic? I do not remember him saying that he was brought up strictly. I knew that he was a Catholic at the time, because when he was there he would not eat meat on the fast days.

5667. Do you remember any conversation about some particular book that she was reading? Yes, I remember her saying she thought it was a dodge to come down and see what she was doing, or what we might be doing, as we were suspected, and she was reading a book she said.

5668. When she went out to meet Camphin, at these times, you always knew that she was going? Yes.

5669. Do you remember last Friday week? Yes.

5670. Do you remember what time she came home that night? What time—Friday week?

5671. Yes? I think it was some time after 10 when she came home.

5672. It was very late, was it not? Well, it was. That Friday night I think she was down at her aunt's, and another young woman.

5673. Was it so or not—you are quite sure you are speaking of Friday week? Yes; she told me she had gone over to her aunt's—that she was not very well.

5674. What was the night she told you she was not very well? I think that was the night. I do not know whether that was the night. It was some Friday night.

5675. That she assigned being unwell as a reason for being out late? She was sick this Friday night, and rather late; and Mr. and Mrs. Bentley said they thought Maria must have been taken ill. I said, "It is rather late now—it is after 10 o'clock." They thought I had better go down to her aunt's and see. When Maria came home she told me that she had not been very well, and that she had stopped at her aunt's.

5676. I want you to fix what night that was, particularly? I think that was Friday night week or the Friday before; I cannot say exactly; but I know that on the night she had to meet Camphin she was not long in his company, because she told me that he just came round from St. Mary's, round Castlereagh-street, I think; that he went round Pitt-street, and then went on, and she went into her aunt's.

5677. Did she tell you on any night that she walked round the Racecourse and round Woolloomooloo? Yes.

5678. What night was that—was not that the night? I do not know; I do not keep such things in my head; I just hear them, and do not think that they will be asked me again.

5679. Cannot you tell whether or not she gave as an excuse for being out late, that she was ill and went to her aunt's, or whether the night she was out late was not the night she was on the Racecourse? Yes, I could depend on what she said.

5680. Well, what night was that? I do not know what night it was, but it was not the night she was out late. She told me the distance he walked with her, and that was not the night.

5681. What did she tell you about that? That he went round by St. Mary's and Castlereagh-street.

5682. Did she tell you about walking about the Racecourse and Woolloomooloo until a late hour? She told me about walking about Woolloomooloo—not the Racecourse, that I remember. She might have gone on the Racecourse and not walked about there till late.

5683. What time did she get home that night? At the usual time—a few minutes after 10 o'clock; I cannot say the exact time.

5684. Is 10 o'clock the usual time for coming home from church? 10 o'clock?

5685. Yes—what time is the church over? The church was 10 o'clock that Friday night.

5686. What is the time for going home when you go to church on a Friday night? That depends. It may be after 10 that you can stop in church. At 10 o'clock the bell rings.

5687. *By Mr. Hart*: What time is the service over? There is no service on Friday night.

5688. But when there is, what time is it over? The service on Thursday or Friday night is over about 8 o'clock. On Friday night generally people are in the church until 10 o'clock, or it may be later.

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5689. That is if they have to go to confession? Yes, it may be afterwards; they would stop longer than 10; it may be till half-past 10.

5690. Do you and Maria ever sleep together? No, we never sleep together. I slept with her the other night, as she was not very well. I think that was the first time since I have been in the house.

5691. Tell me that night you did sleep together? That was on Tuesday night, or Monday night.

5692. In this week? Yes, in this week. I think it was Tuesday night.

5693. After she had been examined here, was it not? I think it was on Tuesday night.

5694. Did you tell your mistress that you were going to sleep with her? No. It was Tuesday night, I think, that Maria was down-stairs and not very well.

5695. *By Mr. Piddington*: That was the night before last? Yes, I think so.

5696. *By Mr. Johnson*: Don't you know? It was Wednesday night.

5697. You did not tell your mistress that you were going to sleep together? No, it was my own wish. She did not want me, particularly, but she said she was very ill; that she was in pain, and would like me to go and sleep with her.

5698. And you did sleep together? Yes, I took my bed up, and slept in the room with her.

5699. What part of the bed did you take up? All my bed, and brought down my clothes in the morning.

5700. Did you not arrange your own bed in the morning, as though you had slept in it below? No, I took the clothes and threw them carelessly down, and left the mattress above.

5701. Were not the bed-clothes just turned down, as though you had got out of bed, and was not your rosary left in them? Yes, my rosary was there, but I brought the clothes down in my arms and laid them on the bed, and left the mattress up-stairs.

5702. Did you inform your mistress that you had slept with Maria? No, not until Mrs. Bentley said—"Where is your mattress gone?" I said I slept up-stairs last night with Maria, who was very ill.

5703. It was the circumstance of seeing your bed without the mattress, that led your mistress to make the inquiry? I do not know that any inquiry was made about it. It was the first time it was done. The girl did not want me to go up at all at first, but she was very ill.

5704. Did you have any conversation that night when you slept together? We had no conversation.

5705. None whatever? Not about any matters concerning anyone but ourselves.

5706. She had no conversation with you about the evidence she gave before this Committee? No, she said she felt very bad and thought she would die soon. She said she felt as if the power was leaving her side. She was in great pain. There was no conversation about this, as far as I can remember.

5707. You say that the reason you went to sleep with her was that she was very ill? Yes, she felt very ill and was crying; she said her side was so bad. I said I would go and sleep with her.

5708. What time did she go out the next morning? About the usual time, I think.

5709. Was it 7 o'clock? No, it was not at 7; I think it was after 7 o'clock.

5710. Did she go to a doctor? Yes, she went to the doctor, I think.

5711. When? I do not know whether that was the morning when she came back from the walk.

5712. That was yesterday? Yesterday?

5713. Yes, did she go to a doctor? Yesterday morning or the morning before, but I really do not take these things in my head; it is no use to ask me; I did not think these questions would be asked me.

5714. Did she not go out as usual, yesterday morning, with the children? Yes, she went out as usual with the children.

5715. Did she go to the doctor then? I do not know whether it was yesterday morning I got some medicine made up for her. I think it must be yesterday morning she went to the doctor. I did not think of taking such things into my head.

5716. Now about this priest—how long do you say it was before the last concert (at which Mrs. Bentley did not play), that you heard her say anything about the priest? It was some time before that.

5717. How long was it before that? I do not know. I know it was some time before that, because Mrs. Bentley used to speak to us about it.

5718. Was it before the day you came home and saw her agitated in consequence of the assault? It was some time before that, because I made the remark—"What a pity it was the priest was not with you!"

5719. How long was it before that? I do not know. She said—"Indeed it was," or something like that.

5720. How long do you think it was between the day she was assaulted and the day of the concert when you say she told you she saw the priest? How long?

5721. Yes; what interval of time was there between the days? I really do not remember what time it was—not a bit.

5722. Do you remember what day of the week it was that the assault took place? I think it was on ———

5723. Was it not on a Friday? I do not know whether it was a Tuesday or a Friday.

5724. It was in the Easter week? It was Easter week, but I do not know on what day.

5725. She did not go to Newtown on Easter Tuesday? Not on Easter week—she went on the week following.

5726. Are you sure that she did not go on Easter week at all? No, because the holidays were ———

5727. Do not give me an answer because of some reason you have—I want you to speak from your memory. In point of fact, we know that she did go on the Tuesday in Easter week? She did?

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5728. Yes? She did not go the week of the holidays, because she was at home.

5729. Easter Tuesday you know is a common holiday? There was a week—I supposed it was the Easter week—when she did not go; but I know she went the week following.

5730. *By Mr. Piddington*: Do you take the holidays to extend throughout the week? No—Mrs. Bentley's holidays; one day she had to go on the holidays, and then she stopped at home a week and did not go to Newtown at all.

5731. Not during the whole of the Easter week? Not to Newtown.

5732. *By Mr. Johnson*: You do not consider the whole of Easter week a holiday, do you? Yes.

5733. You state, in your deposition, that on Mrs. Bentley returning home you opened the door for her, and that she looked excessively pale, and so on? Yes.

5734. Can you remember what day in the week that was? I cannot remember which day it was; it must be either the one or the other; I do not remember the exact date when it was.

5735. Do you recollect what day of the week the first time was when she fainted when Mr. Harrison was there? The day of the week?

5736. Yes? No, I do not remember that.

5737. Or the second time? No, I do not remember. I think each time was in the night, but I do not remember which day of the week it was.

5738. Can you remember if she ever fainted in Mr. Harrison's presence on a Sunday night? Yes, I think Mrs. Bentley did.

5739. Why do you think it was on a Sunday night? Well, I think—I fancy from the—as near as I can remember, by Mr. Harrison stopping one Sunday evening.

5740. *By Mr. Piddington*: Do you recollect Mr. Harrison stopping one Sunday evening? I do not know whether it was the other girl or I, but I know we had to get something for Mrs. Bentley.

5741. *By Mr. Johnson*: You and Maria were present on both the occasions? Yes, we were present; sometimes me and sometimes Maria; we were not always there together.

5742. You were running out to do what you could, I suppose? Yes.

5743. Were you not one or other absent usually on Sunday evening? Oh! yes.

5744. What was your reason for supposing that it was Sunday evening when Mrs. Bentley fainted in Mr. Harrison's presence? I think one of us was out; I do not know whether it was I or the other girl—and I suppose when we were talking we said how bad Mrs. Bentley had been.

5745. But you said you were both present, going in and out? Mrs. Bentley used not to go to bed at 10 o'clock. It was very late sometimes when Mrs. Bentley might go off.

5746. But I want to know what is your reason for supposing that it was a Sunday—have you any reason? Yes; I think one of us had to go out for something.

5747. Which of you? I do not know which of us had to go out.

5748. Where had you to go to? Whether it was to the doctor—no, not the doctor—to the chemist's, for eau-de-Cologne, or sal volatile, or something, I do not know.

5749. Can you remember the fact of Mrs. Bentley coming home—of your being called up at night—and of Mr. Bentley saying that the wretch had hurt Mrs. Bentley more than he thought? Yes.

5750. That was the same night she came home and told you she had been assaulted? It was not on Sunday night.

5751. That was the same night she told you? Yes.

5752. Did she faint on the same night? I do not remember her fainting then.

5753. Well, the next night? It is such a time ago that I do not remember.

5754. Were you not the next morning called up to put this poultice on? Yes.

5755. On Saturday morning—the day following? Yes.

5756. You saw that rag taken away again that you put on? Yes.

5757. When was that taken away? It must have been Sunday morning.

5758. Assuming that the assault was on the Friday, the rag must have been taken away on the Sunday? Yes.

5759. And when you took off the poultice on Sunday morning, that was stained with blood, was it not? Yes.

5760. Did you put another one on? I did not take the poultice off the breast; Mrs. Bentley took it off herself.

5761. Were other rags put on? Mrs. Bentley did that herself; I do not remember putting more than one poultice on Mrs. Bentley's breast, and that was in the night.

5762. Cannot you remember, while this poulticing was in operation—during the time she was suffering from her breast—whether she fainted? No, I do not remember it then.

5763. Can you remember sufficiently well to say that she did not faint during that time? She did not seem to faint when I was in the room with her, because she was standing up.

5764. You do not understand me. We understand, from what you have said, that this poulticing must have gone on for two or three days. She came in during the day; at night you heard of her breast being hurt, and the rag was taken off and a poultice put on; you saw the poultice the next day, and she put other rags on? She was in the room when I took the rags away.

5765. The next day or the day following—now, in all that time, have you any recollection of her fainting? I do not remember; I cannot bring it to my memory.

5766. In point of fact, you do not remember her fainting within two or three days of the assault? I do not remember it.

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5767. Do you remember Mrs. Bentley going to the concert shortly after the time of the assault? Yes.
5768. Did she faint, to your recollection, between the day of the assault and the day of her going to that concert? Between the day of the assault and the day of her going to the concert?
5769. Yes; what we call the first concert? The first concert?
5770. We have only spoken of two? But that was the first one of all?
5771. I do not know about the first one of all—you remember her going to a concert shortly after the day of the assault? Yes; I went to the concert Mrs. Bentley went to play at; that is all the concerts I have been at.
5772. I am not asking you what concert you went to—do you not remember Mrs. Bentley going to a concert on Tuesday night, shortly after the assault? I remember her going to some concert with, I think, Mr. Hanson. I think Mr. Hanson came round. I cannot say whether Mrs. Bentley went with Mr. Hanson. I know she went with strange people.
5773. I want to know if you recollect the fact of her going to a concert a few days after the day of the assault? Yes; I think, to let the people see that she was not afraid to go there.
5774. That was very soon after the day of the assault, was it not? I do not know; I do not remember what time it was really; I do not keep those things in my head.
5775. But do you recollect whether she fainted between the day of the assault and the day of going to that concert? I do not remember it.
5776. If it occurred you do not remember it? No, I do not remember it.
5777. Are you quite sure that Mrs. Bentley told you she ever went to a convent? Am I quite sure?
5778. Yes; was it her sister that she said went to school to a convent? Herself and her sister?
5779. Did she say herself? Mrs. Bentley said she had been.
5780. To school at a convent? Yes, for three years.
5781. Herself and her sister? Yes, both of them.
5782. Are you sure she said her sister that is dead? Yes, she said her sister Emily and her went to school to a convent.
5783. Are you aware that she has a sister married to a Mr. Bentley? Yes.
5784. How did you become aware of that? She told me she had.
5785. She is a Mrs. Thomas Bentley, I believe? Yes.
5786. Did she tell you that that sister went to a convent? She did not tell me that one went to a convent, but that her sister that is dead and herself went, and she said they used to sleep together.
5787. Mr. Bentley suffered greatly from ill health, did he not? He did.
5788. And had to retire to bed early on that account? Yes.
5789. I suppose you were not in the habit of going to his bed-room? Not when Mr. Bentley was there. Sometimes I have gone in when he has been in bed, with perhaps water to leave in the room.
5790. Have you the least idea that after he seemed to go to bed he was about the house watching Mr. Harrison? No; when he went to bed he bid them "good night," and I had not the least idea that he would come down again.
5791. And when Mr. Harrison was sitting with Mrs. Bentley, was there the usual access to the drawing-room—you had not to knock to get in? No; except one time, when they would be all together in the room.
5792. But when Mrs. Bentley and Mr. Harrison only were in the room, used you not to go in as a matter of course? Yes, I used to open the door and go in.
5793. Without making any signal? I never made any signal.
5794. Do you believe Mrs. Bentley ever allowed Mr. Harrison to kiss her? No, I would not believe such a thing of Mrs. Bentley.
5795. About those bricks to which reference has been made: do you think that Mr. or Mrs. Bentley could have carried up a lot of bricks from the garden to the loft, without somebody observing them? Of course we were not always down-stairs.
5796. Would you believe they could have done it? Oh! if such a thing was to be done, it might be done without our knowing it. I was not always in the house.
5797. But one or other of you was generally there, were you not? Yes; but the other girl would be about the same as me.
5798. It would be rather a troublesome operation, would it not, to carry bricks through the yard into the house, and get them into that loft? It would be rather difficult to do.
5799. How old is their eldest child? Her eldest child?
5800. Yes? I do not know; I think she is nearly four years.
5801. She is a very intelligent child? Yes.
5802. An observant child? Yes.
5803. Do you think it could have been done without that child seeing it? I do not know.
5804. You had been up in this loft a long time before—at least, a considerable time before you heard of these detectives being in the house? Oh! yes.
5805. Had you much difficulty in getting up? No, I had not much difficulty in getting up there.
5806. And you walked about there, picking up small pieces of wood? Yes.
5807. You must have disturbed the dust to some extent, I suppose? I dare say I did disturb it a little.
5808. And you opened that window? Yes, it was opened; I just lifted it up and came back again.

5809. Do you remember the ceiling having fallen down in Mrs. Bentley's bed-room? I do remember it.
5810. About what time was that? I should think now it is a year or two. It is a good deal more than twelve months, I know; it was when the other girl was there; I do not know what time it was, but it was a very long time ago.
5811. You remember its being repaired? Yes.
5812. Were not the workmen in the loft who repaired the ceiling? Yes, they went up to look out too. I think it was a lot of wet that came in, and Mr. Bentley sent the men up to see. I remember them saying that the window was not fastened down, and that that was the reason the rain came in.
5813. *By the Chairman*: Was that ceiling repaired before anything was known about this Bentley mystery? I think so.
5814. *By Mr. Wilson*: How did you get up into the loft? I got up by the steps.
5815. Was there a ladder always standing there? Not always. Mr. Bentley had one made to put there.
5816. When you went up to that loft and saw it for the first time, did it appear to you as if it had been a long time since anyone had been there before? It was very dusty looking, and very wild looking. No one would think of going into such a place.
5817. Is it such a place that boxes could be placed in it? Oh! yes; you can stand in it.
5818. Are you aware whether it has ever been used for the purpose of putting things in which were not required? There could be things put in there that were not required, but I do not know that there has been anything put there.
5819. Nothing has been put there since you have known it? Not by us.
5820. It is sufficiently easy of access to enable people to take up boxes, or anything they might wish to put out of the way? Anything small. You could not take anything very large through the hole; anything small you could put up there.
5821. What was the difference you observed between the account in the paper about the Exeter case affair and the account Mrs. Bentley had given you? Mrs. Bentley told me, I think, after that night when we were talking together. At first when I said—"Were you not afraid when the man took you into this place?" she said—"No, I was not afraid—I was very fond of the man—he was so kind to me I told him everything; I told him what was my mind. He was fond of me, and used to tell me that when I wanted to leave my parents at any time I had only to trust myself to him." She said he told her that if ever she wanted to go away, she would have a lady to wait for her, and put her into a convent; that he was very fond of her. And she said there was an old priest she used to go to confession to. She asked him how this Mr. (I forget his name) was; and he said—"I dare say he is doing all right." What I saw on the paper is very different from that.
5822. Did she say she knew his name? Which—this man's name?
5823. Yes? I think it was Love, or something of that kind.
5824. Did she mention his name? Did she say she knew his name? I think she did.
5825. You think so? Yes.
5826. And what do you think it was? The name, I think, has been in the paper. She mentioned the name, I know.
5827. *By the Chairman*: It is "O" something? I forget it now.
5828. Was there an "O" to it? Yes, I think there was.
5829. Did you ever hear Mrs. Bentley say it was "O" something? I think Mrs. Bentley did say it was "O" somebody, as near as I can remember.
5830. Was it O'Keith? No.
5831. Was it O'Reilly? No.
5832. *By Mr. Johnson*: Was it the same name you saw mentioned in the paper? Yes, I think it was the same name.
5833. Have you told all of what you considered the differences between her statement and the statement in the paper? Yes; she said that the detectives were after her, and that the sign given to her was to drop her pocket-handkerchief whenever she saw them. She said she would not do it. She said she was very fond of this man, and would not do it. That was the sign. The detectives were watching her to drop this pocket-handkerchief that they might know, but she said she would not do it.
5834. Is that all the difference you can point out? I do not remember anything else.
5835. Did Mrs. Bentley tell you what her age was at that time? Mrs. Bentley's age?
5836. Yes? Well, I do not remember what age she was.
5837. You remember these holes being discovered in the ceiling of Mrs. Bentley's bed-room, and the ceiling in the nursery being down? Yes.
5838. Do you remember what day in the week they were discovered? It was on a Sunday morning, I think.
5839. Do you remember Mr. Harrison coming to the house that Sunday? Yes, he came to the house that Sunday.
5840. Did he dine there? Yes, I think he did.
5841. Do you know whether he went up into the loft that day? I know that he went up-stairs, but I do not know whether he went into the loft.
5842. What time did he go up-stairs? I do not know whether it was before dinner or after dinner, or in the evening, but he did go up. I cannot say what time it was, but I know that he did go up there.
5843. Did he come to the house at all before half-past 1 on that day? No, I think he came to dine.
5844. Did not he arrive about dinner time? Yes.

Miss  
Mary Ryan.  
5 Dec., 1862.

- Miss  
Mary Ryan.  
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5845. Did not they have dinner before he went into the loft? I do not know. I know that he went up into the loft, but I do not know whether it was before or after dinner.
5846. Do you know a tool-chest that Mr. Bentley had? Yes.
5847. Where was that kept? It was kept in the study—in Mr. Bentley's back parlour.
5848. Was it always open to anybody's inspection? Yes, we went there when we wanted anything.
5849. Do you remember how many gimlets used to be there? No, I do not remember.
5850. Did you ever miss any gimlet out of it? No.
5851. *By Mr. Hart*: Did Mr. and Mrs. Bentley ever ask you to post any letters for them? Mrs. Bentley did sometimes. I have posted letters for friends of theirs.
5852. Have there been any in Mrs. Bentley's own handwriting? Yes, when she was sending to her friends—and in his.
5853. Did you ever post any of these anonymous letters? No, not that I know of.
5854. Did you take any notice of the superscription on the envelope? Yes.
5855. *By Mr. Johnson*: What kind of writing was it on the letters she gave you to post? Just as she always wrote.
5856. Did you ever post any letters given to you by Mrs. Bentley, which were in a handwriting resembling those you took from the postman? No, I never did. When Mrs. Bentley sent me to post a letter, the writing on it was the same she always writes, and had no resemblance whatever to the writing on the anonymous letters.
5857. *By Mr. Hart*: Did you become on terms of intimacy with any of the detectives at Mr. Bentley's? Only just while they were coming to the house they would speak to us friendly. I never had any private conversation with them.
5858. Did they ever speak to you confidentially? No, they never spoke to us confidentially while they were in the house.
5859. Did they ever tell you any stories or tales of the doings of the detective police? No, they never told us about them. They were very quiet while they were in the house with us, and they never said anything to us at all about it.
5860. Did they ever tell you that they used to disguise themselves so that no one could know them? They said they could take disguises of any kind, and go into any place.
5861. Who said that? I forget who said it, but they said they could go in disguise.
5862. Which did you talk to most—Clark or Camphin? The man down in the kitchen I used to talk to. Mr. Camphin was up-stairs—the two down in the kitchen.
5863. Sanderson and Clark? Yes, Sanderson and Clark. I really forget which said it. They said they could take any disguise.
5864. Did either of them tell you he went disguised as a clergyman? Yes; there was one at the concert. I do not know that they told me, but there was one to go there in the disguise of a minister.
5865. One of them told you? I do not know which, but it was one of them. One of them was to go disguised as a minister.
5866. Who did you hear that from? I do not know which of them told me, but I have been told there was one there on the night Mrs. Bentley was to play, in the disguise of a Church of England minister.
5867. But are you certain that you heard it from one of them? Well, I cannot say where I heard it, but I did hear it when they were in the house.
5868. Did they tell you they had been at a concert, disguised as a clergyman? They did not tell me that they were ever there disguised like that. It was this night—that was the only time they went there disguised as a clergyman.
5869. Did any one of them tell you that he had been to Newtown disguised as a clergyman? No, they never told me that.
5870. When Mrs. Bentley spoke of having interviews with the supposed Roman Catholic clergyman, on her way to Newtown, did she say that those interviews occurred in the omnibus, or on a particular part of the way? In the omnibus; and when they would get out of the omnibus she said he used to come down as far as King-street, and hand her out.
5871. So that the interviews always took place in the omnibus? Yes. She said he used to walk up Market-street with her.
5872. Did she ever say that he gave her any pamphlets or religious works, for the purpose of working her conversion? No, she never said that. The only thing she said was, that when she was reading the "Wandering Jew" he told her that he had read that himself—that this priest had read the "Wandering Jew" himself, and that then afterwards he gave Mrs. Bentley the names of some books to get from the library to read.
5873. From what library? From the School of Arts.
5874. Did she say that he gave her a list of those books in writing or verbally? She did not say that he gave them to her in writing; but he told her the name of the books, and when she sent me one time she said it was the priest recommended her these books.
5875. Were you in the habit of getting books from the School of Arts, for Mrs. Bentley? Yes.
5876. Do you recollect the name of the works? Really I do not remember what they were.
5877. Was it a novel or a religious book? It was a novel.
5878. They were novels? Yes. She said at one time that she was reading one, that he recommended it to her because there was something in it about a good priest.
5879. Did it occur to you that that was a novel mode of working her conversion? No, the priest would not recommend her —
5880. Do you recollect what Mrs. Bentley said? She said as her mind was, it was no sin for her to read those kind of books—that they were better perhaps than some other books which they might read.
5881. Was the other girl on terms of greater intimacy with either of the detectives than you were? Not when they were in the house, any more than I have been.

5882. You have not made assignations with any of them? No.
5883. You have not gone walking about Hyde Park with them? No.
5884. Have you stated to the Committee the reason why either you or Maria Bradshaw did not wish Clark to be in the house? Yes, I have been asked that question I think.
5885. Did he take any liberties, or attempt to take any liberties? With the other girl I think he did.
5886. *By the Chairman:* He did not with you? No, he did not with me; he did not take any liberties with me.
5887. *By Mr. Johnson:* You say that Mrs. Bentley was reading the "Wandering Jew"? Yes.
5888. Did not Mr. Harrison lend it to her? Yes.
5889. Do you know when he lent it to her? No. I heard the other girl make the remark that it was the "Wandering Jew," and that Mr. Harrison lent it to her. She said afterwards that she told this priest that she was reading the "Wandering Jew."
5890. Can you remember the time she got the "Wandering Jew" from Mr. Harrison? It was after Mr. Harrison commenced coming about the place that he lent it to her.
5891. *By Mr. Leary:* How is it that, although you repeatedly talked to Mrs. Bentley about the appearance of this priest, and the colour of his hair, you did not mention it to anybody? I did not think of mentioning it to anybody.
5892. Do not you usually consult with clergymen of your Church on all matters of great importance? No, I never have—never.
5893. You never have? No.
5894. Did ever you mention to anybody this circumstance about the priest? Oh! yes, the other girl and I have often done so.
5895. Who did you mention it to? I mentioned it to a young woman that came to the house, working—giving a description of such a priest, what he was like, and that.
5896. Did it not occur to you as a very unlikely thing that it was a priest? We did not believe it was.
5897. You did not believe it was a priest? No.
5898. When Mrs. Bentley told you it was a priest, did you believe it was a priest of the Roman Catholic Church? Yes, I believed it then.
5899. Did it not occur to you, with your knowledge of priests, as an extraordinary thing that a priest should go and speak to Mrs. Bentley, without an introduction? Yes, I used to say it was very strange, and that he must have known her friends at Home, and Mrs. Bentley said—"He knew my brother at Home."
5900. And do you mean to say that you never told any individual except some girl who came to the house? Yes.
5901. Then it did not appear to you such an extraordinary thing? Yes, it did—to think that a priest would take the trouble to go out so often.
5902. Did it not appear to you an extraordinary thing for a priest to have conversation with Mrs. Bentley about receiving a present of braces or a pair of slippers? Yes; but from the way the conversation was it did not appear strange.
5903. You say that Mrs. Bentley was never introduced to this clergyman? Yes.
5904. Did the meeting of this priest with Mrs. Bentley, without introduction, strike you as a very extraordinary thing? Yes; when I used to make the remark, she used to say she wondered if when she was going to a party at Government House she saw the priest. I thought the priest must have known her friends at Home.
5905. Did you recognize any person as the priest, from the description given by Mrs. Bentley? Some time ago I told Mrs. Bentley I thought I saw a clergyman like him.
5906. You thought it was the same clergyman? Yes, by the description she had given to me.
5907. Did you mention his name to Mrs. Bentley? I said I did not know his name; I said I wished I could find out that priest's name, and see who he is.
5908. If you heard anything said against any member of the Roman Catholic Church, would you not think it your duty to go and mention it to some clergyman? Anything that was not right, of course I would.
5909. And did not anything in the conduct of this clergyman appear irregular and improper? Mrs. Bentley said there was nothing, but that he was very kind to her.
5910. What was your own impression? I believed that he had pity on her, knowing what a deal she had suffered. I thought he must have known Mrs. Bentley's friends at Home, and did a debt of kindness to talk to her.
5911. Would it not appear strange that they used to meet so frequently, going to and from Newtown? Yes, but afterwards—
5912. You would think it a strange thing if a clergyman were to meet you frequently at night? Oh! they would not go to meet me.
5913. It might occur. If it did occur that you met a clergyman frequently, what would be your feelings? Unless he spoke to me on very particular things.
5914. Well, if he did speak to you? I would have thought it a very strange thing.
5915. *By Mr. Johnson:* You did not mention the circumstance to any clergyman of your own persuasion? Never.
5916. You have a particular clergyman? No, no one in particular.
5917. Have you not a spiritual director? Yes, but they are all the same to me.
5918. *By Mr. Hart:* Have you, in point of fact, one? No, I never have a particular one. When I go to confession I would just as soon go to one as to another.
5919. Have you one you call your spiritual director? I have not one in particular; I would just go to one as soon as the other.
5920. Have you ever gone to more than one clergyman within the last twelve months? Oh! yes, I have gone to several within the last twelve months.

Miss  
Mary Ryan.  
5 Dec., 1862.



Anna Maria Bradshaw called in and further examined:—

- Anna Maria Bradshaw.  
5 Dec., 1862.
5921. *By Mr. Johnson:* You remember the day when Mrs. Bentley came home after the concert? Yes, sir, I do; but I do not recollect the day of the month.
5922. Do you remember its being in Easter week? It was about that time.
5923. Just let me call your attention to this statement in your deposition:—"On Friday in last Easter week, when I brought Mr. Bentley's children home from our afternoon's walk, Mary Ryan told me that Mrs. Bentley had been assaulted and hurt by a man, and very much frightened; and on the following day (Saturday) I saw Mrs. Bentley's breast, and the rag which had been put upon it, which was stained with fresh blood. I inquired at night, or on Sunday morning, and, as far as I can remember, the bleeding had then ceased"—you remember the circumstance mentioned in that? Yes, I remember it all.
5924. And you remember the Sunday that followed that event? Yes.
5925. Did Mrs. Bentley faint on that Sunday night? I cannot recollect now whether she did or not.
5926. Do you remember her going to the concert on the following Tuesday? Do I remember Mrs. Bentley going to a concert?
5927. Yes? I can remember her going, but I cannot say the time that she went. I can remember Mrs. Bentley going—the fact of her going.
5928. Do you remember whether it was shortly after the day of the assault? Well, I think it was very soon after—yes, I think it was the following Tuesday, or the following week.
5929. You remember something to the effect that she would go, to shew them that she was not afraid to go? Yes, I remember that Mrs. Bentley said so.
5930. Can you remember whether between those two events—the day of the assault and the concert—she fainted? The faints were frequent then, and I cannot say at what time—they appeared to occur almost daily—I cannot say as to any particular occasion.
5931. You remember, on the Saturday night or on the Sunday morning, learning that the bleeding had ceased? Yes, I think it was either Saturday night or Sunday morning that I made the inquiry.
5932. And can you remember whether she fainted that night, supposing it was the Sunday morning you inquired? I do not recollect that circumstance.
5933. Do you remember her fainting when Mr. Harrison was present at any time? Oh! yes.
5934. How often? I do not know how often; it might have been three or four times.
5935. Do you remember it more than twice? I could not say that I do; it might be more—it might be three or four times.
5936. Can you say whether she fainted violently in Mr. Harrison's presence on Sunday night? She was ill; I cannot say whether it was a swoon, or a faint, or what it was, but I remember her being very ill.
5937. On that Sunday night? On one occasion when Mr. Harrison was there.
5938. But was it on that Sunday night? I cannot say; I do not remember.
5939. Were you usually out on a Sunday night? I was generally out one Sunday night and the other girl the next.
5940. Oh! you went out on alternate Sundays—one servant was out one Sunday and the other the next? Yes.
5941. What time used you to go home? 10 o'clock was the usual hour.
5942. Do you remember Mr. Harrison being there on that Sunday at all? At the time Mr. Harrison was there, he was daily there, I think, until he was called away by the Government. He was there very often in the middle of the day, and then came in the evening until the hour of 12—he was there till about 12 o'clock at night.
5943. Do you remember whether he was there on that Sunday night? There is no particular day that I can remember his being there.
5944. Was that paragraph which I read to you (185) correct? As far as I know, it is.
5945. *By Mr. W. Forster:* Do you recollect after the assault took place, and how soon after, that Mrs. Bentley fainted in the house when Mr. Harrison was present? I do not recollect that.
5946. Do you remember Mrs. Bentley fainting at all in Mr. Harrison's presence, after this matter of the assault—at any time? I cannot remember the times now at all as to the fainting, but I remember the circumstance of Mrs. Bentley fainting.
5947. When Mr. Harrison was present? Yes.
5948. Do you remember any particular time—have you any idea when it was—before or after the assault? I do not recollect—I cannot remember whether it was before or after.
5949. You remember the circumstances—where was Mrs. Bentley when she fainted? I remember the last time of her fainting when Mr. Harrison was present; she was in the drawing-room, on the sofa.
5950. When did you go into the room? I think Mary Ryan and I were both called in.
5951. You were called in? Yes, I think so.
5952. Was Mr. Bentley there? Yes.
5953. And Mr. Harrison? And Mr. Harrison.
5954. What was Mr. Bentley doing when you went into the room? That I do not recollect.
5955. What was Mr. Harrison doing? Attending to Mrs. Bentley.
5956. In what way was he attending upon her—was he holding her head up? That I cannot say; I cannot remember.
5957. Was Mrs. Bentley lying quite insensible? She was lying in what I would consider to be a swoon.
5958. Was anyone supporting her head at all? I am not quite sure at that time. Mr. Harrison has on some occasions, I think, and perhaps Mr. Bentley, and the other servant at other times.
5959. But you do not remember on this occasion? No.

5960. Do you remember who carried her up to bed? She was never carried up to bed, that I remember. Anna Maria Bradshaw:
5961. Are you sure of that? She was not that I remember.
5962. You never remember her being carried up? No; she was assisted up by Mr. Harrison and Mr. Bentley, and I think the other servant, and I followed and saw her laid upon the bed. 5 Dec., 1862.
5963. Did Mr. Harrison, on these occasions, or on any one occasion, when he assisted her to bed—did he put her on the bed? I cannot be certain; but being the strongest, it is very likely that he gave the most assistance. I think she leaned entirely upon him.
5964. On these occasions, did Mr. Harrison go away immediately after she was put to bed, or did he wait upon her afterwards? He went away immediately.
5965. Did you ever know him to wait upon her? No.
5966. Who waited upon her—you and the other girl? Yes.
5967. She was left in your hands? Yes, and Mr. Bentley's.
5968. Do you recollect any occasion when Mr. Harrison was employed bathing her head? I think so. I know that when Mr. Boulanger was there he often did that, and I think Mr. Harrison did it also.
5969. What did he bathe her head with? Eau-de-Cologne and water.
5970. And was Mr. Bentley present? Mr. Bentley was present on all occasions.
5971. Are you sure that there was no occasion, when Mr. Bentley left Mr. Harrison, to bathe Mrs. Bentley's head? I do not know, because Mr. Bentley always retired early in the evening when Mr. Harrison was there.
5972. I am speaking of this occasion—Do you remember any occasion when Mrs. Bentley fainted, and was left alone with Mr. Harrison to bathe her head? Without Mr. Bentley being in the room?
5973. Yes? I do not recollect.
5974. Do you think you were present at all or nearly all these cases of fainting? I cannot recollect, but I think so.
5975. Do you remember occasions when Mrs. Bentley was very violent during these fits? When Mr. Harrison was present, do you mean?
5976. Yes? On one occasion I mentioned before, she was most violent I think, and I think it was after the concert.
5977. Mr. Harrison was present? Yes.
5978. Did he hold her hands then? I think he did; he generally took the most part in it.
5979. And he assisted her up-stairs on that occasion, did he? It is more than likely he did, because on those occasions she has been raised to a sitting posture or lowered down as one might think it would ease her.
5980. Did he on that occasion bathe her head? He has bathed her head I know, but I cannot say on what occasions.
5981. And you remember on none of those occasions that he was left alone with her, bathing her head? I cannot say, because we were sent away. Mr. Bentley sent us away almost as soon as we came into the room on that occasion.
5982. What were you sent away for? Because our presence was not necessary.
5983. Did not Mrs. Bentley require to be held? Yes, by them, not by us.
5984. They were holding her? I do not know what she was doing.
5985. If she was violent, how was she restrained? It was generally the case, when she was in these convulsions, that she grasped her hands. On those occasions I think Mr. Bentley held one and Mr. Harrison the other.
5986. Did you ever hold her hands? I have.
5987. Did she grasp your hand violently? Yes, but not so as to injure it in any way.
5988. You have felt her pressing and squeezing your hand? Yes.
5989. And do you not think she would have pressed and squeezed any hand at that time? Yes.
5990. You looked upon it as convulsions? Yes, a violent one generally came on after fainting.
5991. These paroxysms came on generally after fainting? Yes, after fainting.
5992. Did you ever know her to have these paroxysms or fainting fits before the anonymous letters came up? We were not aware of the anonymous letters until they were made public.
5993. Has Mrs. Bentley been subject to these fits ever since you have known her? No; the first time she ever had, in my presence, one of these fits, was on the day Mrs. Hanson called about the anonymous letters.
5994. Was that the first time you recollect? That is the first time, as near as I can remember.
5995. You have no recollection of these fits occurring before the matter of the anonymous letters was mentioned? Mr. Bentley was not at home—he stopped at the Club for nearly a week.
5996. Are you sure that these fainting fits were not a sham? I would not swear to anything, because I am not a doctor, but I believe that they were real fits.
5997. Have you ever seen fits in other people? I have never seen anyone have fits so violent.
5998. You have seen other people faint and go into fits? I have seen convulsions.
5999. This was not the first time? No.
6000. Did you ever go into fits yourself? Never.
6001. You never fainted in your life? No.
6002. Did you ever notice, during your intercourse with Mrs. Bentley, any improper familiarity on her part with Mr. Harrison? No, not with any person.
6003. Did the idea enter your head that she was improperly familiar with Mr. Harrison, until it was mentioned in the course of this examination? Never. 6004.

- Anna Maria Bradshaw. 6004. You did not think of it? No.
6005. It was never suggested in any way? No.
- 5 Dec., 1862. 6006. Were you aware that Mrs. Bentley used to sit up with Mr. Harrison late at night after Mr. Bentley went to bed? Yes.
6007. Did that often happen? It happened every night, I think, while he remained there. I cannot say it did, but I believe so.
6008. Did everybody go to bed—used you to go to bed? Yes.
6009. And the other girl? Yes.
6010. And Mr. Bentley? Yes.
6011. And Mr. Harrison and Mrs. Bentley were left alone? Yes.
6012. That was a common occurrence? Yes.
6013. What time had he used to go away? About 12 o'clock.
6014. How do you know that? I did not always go to bed.
6015. Did you ever, after you had gone to bed, hear Mr. Harrison go away—did you hear the opening and shutting of the door, or anything of that sort? I do not remember. I know we never went to bed very early.
6016. Was 12 o'clock the usual time for going to bed? Sometimes we went before, and sometimes afterwards. We generally read down-stairs. Sometimes we might have had occasion to come down.
6017. Your usual time of going to bed was 12 o'clock? At that time we did not go to bed much before.
6018. And on many occasions Mr. Harrison was sitting up with Mrs. Bentley after you had gone to bed? I cannot say, but Mr. Harrison's hour for going away appeared to be about 12, or a little after.
6019. Did he ever remain sitting up with Mrs. Bentley after you and everyone else had gone to bed? That I could not be certain of.
6020. Did you ever go into the room suddenly while Mr. Harrison and Mrs. Bentley were sitting together in this way? I do not recollect having done so; I might have done, if there was any necessity for doing so.
6021. You do not recollect having done so? I do not recollect.
6022. Are you aware whether Mrs. Bentley used to let Mr. Harrison out when he went home? Mrs. Bentley always went down whenever we saw him go out.
6023. She used to shut the door after him? Whenever we saw him go.
6024. When Mr. Harrison and Mrs. Bentley were left together in this way, did you ever know Mr. Bentley to come down from his room, or to be watching about the house at all? I never noticed anything that happened like that; I never thought there was any reason to do so.
6025. He used when he went to bed not to come down again? I do not remember Mr. Bentley ever coming down again.
6026. Did you ever hear Mrs. Bentley address Mr. Harrison by any other name than "Mr. Harrison"? No.
6027. Did you ever hear Mr. Harrison address Mrs. Bentley by any other name than "Mrs. Bentley"? No.
6028. Did you ever hear Mr. Harrison speak of her by any other name than "Mrs. Bentley"? No, I do not think I have.
6029. Are you aware what Mrs. Bentley's Christian name is? Yes, "Julia."
6030. Did you ever hear her called by the name of "Lily"? That is the name Mr. Bentley always called her.
6031. Did you ever hear anyone else call her "Lily"? No.
6032. You never heard anyone else call her by that name? No.
6033. And Mrs. Bentley, when she used to speak of her husband, had she used to call him by any familiar name? She called him by his Christian name.
6034. What was that? Charley.
6035. Were Mr. and Mrs. Bentley always on good terms, so long as you were acquainted with them? Always.
6036. Did you ever know them to quarrel at all? No, I never knew them to do so.
6037. They appeared to be fond of each other? Yes, very fond.
6038. *By Mr. Johnson*: They appeared to be a very happy couple? They were most happy.
6039. *By Mr. W. Forster*: Have you been accustomed to observe happy couples in the course of your life? I do not know that I have.
6040. I suppose you could tell whether they were a happy couple? Well, I think, being so long in the house, I could not be deceived.
6041. You think you are a pretty good judge? I cannot say that I am the best of judges; I have not had much experience.
6042. *By Mr. Johnson*: It would be difficult to conceal unhappiness of that kind? Yes.
6043. Mrs. Bentley was very fond of her children, and very attentive to them? Yes.
6044. *By Mr. W. Forster*: After this assault, when Mrs. Bentley came home, did you dress the wound? No.
6045. Did you see it at all? I had a casual glance at it, but I saw no wound.
6046. You did not see any wound? I did not see any wound.
6047. You saw the blood? Yes, I saw the blood.
6048. Where was the blood? It was on a rag that had been applied as a poultice.
6049. Did you see blood on a rag on the wound? I believe that was where I saw it.
6050. Did you ever entertain any doubt as to whether Mrs. Bentley was wounded? At that time?
6051. Yes? I felt sure of that.
6052. That it was a real wound? Yes.

6053. Are you sure that Mrs. Bentley had no sore or wound in that place before the assault? I cannot say; I do not know anything about it.
6054. You never saw her dressing with a wound there before? No.
6055. There was no medical man called in, was there? No, not that I am aware of.
6056. Did Mrs. Bentley appear to be in great pain? Mrs. Bentley I understood to be a person who could bear a great deal without shewing it.
6057. Did she seem to shew pain? Not much.
6058. You did not consider it a very severe wound, did you? No; I considered the fright to be severe, but not the wound.
6059. Did you ever hear Mrs. Bentley speak of having met a priest? Yes, I did.
6060. You have already made statements to that effect—all I want to know is this—did Mrs. Bentley to your knowledge ever tell Mr. Bentley of having met this priest? Never.
6061. Do you know how that happened—that she did not tell him? She thought Mr. Bentley would not like it.
6062. But she told you of it? She told the other servant and me.
6063. And she asked your advice about it, didn't she? No.
6064. How came she to tell you? I do not know what her motive was.
6065. Had she used to tell you such things? Yes.
6066. She talked confidentially and familiarly to you? Yes.
6067. She was kind to you and the other girl? Yes.
6068. I suppose you would give her a good character, if you were called upon to give her a character—did Mrs. Bentley ever describe the priest to you? Yes.
6069. Did she describe him to you so that you think you could recognize him at all? I used to think I could recognize him if I saw him, but still I was not sure.
6070. Her description of him suggested some priest that you were acquainted with? No, it did not suggest anyone that I was acquainted with; but in case I met such an one, I thought I should know him.
6071. She described him so narrowly that you thought you would have known him if you had seen him? If I saw anyone like him I used to ask her if it was the same.
6072. You set to work to search, did you? At that time I had no intention in the matter.
6073. You did not know any priest that would correspond with the description? No.
6074. Are you sure it was not a detective in disguise? I cannot say.
6075. Did that ever occur to you? Yes, it did occur to me that it was some one in disguise.
6076. What sort of priest did she describe him to be—young? Yes.
6077. Good looking? Yes.
6078. An affable, careless, free man? Yes.
6079. Had he good teeth and eyes? She did not say.
6080. Had he curly hair? Dark brown hair, and a little curly.
6081. Was he tall? About the middle size.
6082. Was he a stout man? Yes, rather, but not too stout; rather gentlemanly looking.
6083. He was gentlemanlike in his manners? Yes.
6084. He was an agreeable kind of man? Yes.
6085. How many times did she say she had met him? From the time Mrs. Bentley went out to Newtown.
6086. How many times do you think she said she met him? Sometimes once a week, sometimes twice a week; sometimes in the street, and sometimes in the omnibus.
6087. How was it you did not go with her to see him, that you might identify him? I remember going with her once when she thought she would see him.
6088. It was mere curiosity? No, Mrs. Bentley was sending me with a note.
6089. You are sure you did not go on a public duty on that occasion? No, I never went on a public duty.
6090. You did not see the priest then on this occasion? No, I did not see the priest, but Mrs. Bentley, on her return, said she had seen the priest outside on the road.
6091. At this time you were with her? No, afterwards. I only went in the omnibus part of the way, and returned.
6092. And she said she had seen him that day? That afternoon.
6093. When was the last time of her meeting this priest? The last time was at Newtown.
6094. How long was that? I do not know exactly; it was the time she left off teaching young ladies at Mr. Josephson's; I do not remember the date.
6095. Did she seem frightened at meeting this priest? No, she was pleased; she said it was quite a relief to her to speak to him.
6096. Then she had taken a liking to him—she liked him? Yes, she liked him very much; she said he was like a brother to her.
6097. She said he was like a brother to her? Yes; and that she leaned upon his arm on some occasions. The second or third time she saw him was in Hunter-street, and she said he was with her when Mr. Wrench passed.
6098. She did not point him out to Mr. Wrench? She said he spoke to her about him—that he asked what that fellow wanted, or something of that kind, and that he would horse-whip him if he molested or insulted her.
6099. This is what she told you—that she met Mr. Wrench when she was walking with the priest in Hunter-street—Did Mr. Wrench speak to her? He spoke to Mrs. Bentley.
6100. When the priest was with her? I think it was after he had left. He saw him talking to her, and asked if he had insulted her, because if he had, he would horse-whip him.
6101. Did Mrs. Bentley describe his conduct as conveying an insult? No.
6102. Did Mr. Bentley ever ask you a question about a priest, or about the Jesuits? Yes, he asked me my opinion about the Jesuits.

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- Anna Maria Bradshaw. 6103. What is your opinion? My opinion I am always willing to give.  
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 6105. Are you acquainted with many Jesuits in this Colony? I am not acquainted with any at all.  
 6106. From what source do you derive your knowledge of the Jesuits? From my religion itself.  
 6107. From reading a great deal? Yes.  
 6108. Might you not be a good Catholic without believing in the Jesuits? I must believe in all the Church believes.  
 6109. But that is not part of your belief? It is not an article of faith, certainly.  
 6110. Where do you obtain your knowledge about them—from books? Principally from books.  
 6111. From having read about them—not from prejudice, of course? I am not prejudiced.  
 6112. What books have you read? I cannot give any particular name; I forget.  
 6113. You are a great reader—you have read a good deal? I have read a good deal.  
 6114. I suppose you read more novels than anything else? I do not read any novels at all.  
 6115. *By the Chairman*: Have not you read the “Wandering Jew”? I never have; Mrs. Bentley has.  
 6116. Was Mr. Harrison present when you were asked about the Jesuits? No; I think he was with Mrs. Bentley in the drawing-room; and he gave me his opinion of the Jesuits.  
 6117. Well, what was his opinion? His opinion was the reverse of mine? As a body he did not like them, but there were a few individuals whom he thought very good; my opinion was that as a body I liked them, but that a few individuals might not be good.  
 6118. When did you see Camphin the last time? I saw him on the night after I was here—on the Tuesday.  
 6119. Did you tell him what had occurred when you were here? No.  
 6120. Did you ask him what he had said when he was here? No, I did not.  
 6121. If he has said you did ask him, would he be telling the truth? I do not know; I cannot remember having said so. I did not expect him —  
 6122. *By Mr. Morris*: You did not expect him? No.  
 6123. Did you not go to meet him? No, my intention was to go to St. Mary’s schoolroom. When I came out, the hour was about twenty minutes to 10 o’clock; it was moonlight, and I came up and saw him on the road.  
 6124. *By the Chairman*: What part of the road? At one of the posts—one of those short posts; he was leaning on one of the posts.  
 6125. On what road? Just as you come out of St. Mary’s schoolroom.  
 6126. Is the post in the street or in the paddock? It is between St. Mary’s Church and the Domain; it stands on the waste ground near to the seminary.  
 6127. *By Mr. Johnson*: Near to the new foundation? Yes, near that.  
 6128. *By the Chairman*: He was standing there? Yes.  
 6129. Did he speak to you? Yes, he spoke to me first, or I should have gone on straight.  
 6130. Did he say anything particular to you? No, he did not; I do not recollect his saying anything particular. We only walked from that place. I merely said I did not expect that he would have been there that night, and he said “yes.”  
 6131. Do you know any particular reason why your fellow-servant slept with you the other night? Yes, I do; I know the reason.  
 6132. Was it in connection with what you had said before the Committee? No.  
 6133. Had you any conversation about what you did say before the Committee? Yes, so far as we both could say what we said, we said it to each other.  
 6134. As far as you could remember? Yes, as far as we could remember.  
 6135. As far as you could remember what you had said before the Committee, you re-said it to each other? Yes.

TUESDAY, 9 DECEMBER, 1862.

Present:—

MR. COWPER,	MR. LUCAS,
MR. W. FORSTER,	MR. MORRIS,
MR. HART,	MR. PIDDINGTON,

MR. WILSON.

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

Mr. Robert Johnson appeared as Solicitor for the Petitioner.

Anna Maria Bradshaw called in and examined:—

- Anna Maria Bradshaw. 6136. *By the Chairman*: In giving your answers to questions put to you, it would be as well if you would give them as direct as possible; for I find, in answering questions on your previous examination, you have gone very much into other matters respecting which you have not been asked at all, and that very few questions indeed have been answered direct? I have answered as straight as I could.  
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6137.

6137. Where the question will admit of it, say "yes" or "no"? I will do so, there is nothing I am afraid to speak. I will not say "yes" or "no" to anything I am not sure of.
6138. Do you remember any interference with you at any time when you were sent with any message from Mrs. Bentley? Not any.
6139. Did you fetch some eau-de-Cologne from a chemist's shop in Hunter-street? If that is what you allude to, I do remember.
6140. Were you interfered with by anyone then? Yes.
6141. Then you do not mean, "Not any"? I did, but I did not understand the question. If you will put the questions so that I can understand them, I will try to answer them.
6142. If you do not understand the questions, and will say so, I will try and put them so that you may;—I ask you if you had any interference with you when you were sent on a message? I did not understand the question, but I answered it as near as I could.
6143. Will you answer the question? If it is in the cause of truth and justice, I need not be afraid.
6144. Will you answer the question now? I will answer it as near as my memory will allow me. I did.
6145. When? One night when I went out, when Mr. Boulanger was at Mrs. Bentley's house.
6146. What was the interference—in what did it consist? An Italian, I think, spoke to me about the corner of Castlereagh-street, and asked me where I was going, as near as I can remember; and at first I declined to answer any questions, and that afterwards I did say that I was going —; he asked me was I going for a doctor, as he supposed I was, on account of the hurry I was in. I said I was going to a doctor, or at least I was going for eau-de-Cologne for a person who was fainting.
6147. Did it not strike you as strange that a person should ask you at night if you were going for a doctor? It did not strike me at the time; but I mentioned the circumstance when I returned home.
6148. Have you known any Italians? Not any.
6149. What made you think he was an Italian? By his accent.
6150. Have you heard Italians speak? I have heard Mr. and Mrs. Bentley speaking, and I have heard foreigners speaking French and different languages. I generally know the accent, at least I fancy I do.
6151. *By Mr. Piddington*: Do you know whether Mr. and Mrs. Bentley speak Italian? Yes, I do.
6152. Have you ever heard a person speak Spanish? No, I do not think I have, that I know of.
6153. Do you think you could tell the difference between Spanish and Italian? I think the difference is that I have heard Italian, and I have not heard the other, to my knowledge.
6154. Have you heard any natives of Italy speak Italian? Not that I could say were natives of Italy at all.
6155. Who have you heard speak Italian besides Mr. and Mrs. Bentley? I do not remember.
6156. How did you know that Mr. and Mrs. Bentley spoke Italian when you heard them? Because Mrs. Bentley told me herself.
6157. Is that all you know about Italian? That is the principal thing.
6158. *By the Chairman*: The question you were asked was, is that all you know of Italian? I have answered the question.
6159. Do you understand that question? Not very well, that is all—the principal thing I have heard. I have seen Italian in books, from the way it was expressed.
6160. You knew it was Italian when you saw it in a book? The English was there to explain it.
6161. Was it a dictionary you saw it in? I dare say I might have seen it in a dictionary.
6162. Is that all the knowledge you have of Italian? Yes, I think it is, as near as I can remember.
6163. What did this Italian say to you? He asked me where I was going, as near as I can remember; was I going for a doctor; was there sickness in the house—I think that was it. I said I was not going to a doctor exactly, but to a druggist, for eau-de-Cologne for a person who had fainted.
6164. Did he say anything? I think he looked at his watch, and said the hour was late for a druggist to be open, and that the nearest to that was Wright's, in Hunter-street. Of course I was in Hunter-street at the time, and he walked down by my side until he came to the shop, and I rang the bell. When I rang the bell, or before—I do not know whether it was before or after—he said, "If I had known, I could have given you some, if you had come down to my house." I rang the bell, but I could not get any, for the girl who opened the door said she could not give me any. I think they were in bed, but she could not give me any. I went home then, and was afterwards sent to Mr. Jenkins.
6165. Have you seen that Italian since? No, and I would not know him if I saw him.
6166. How was he dressed? I think he had a black coat. I do not know the name of the hat, a peculiar shape of hat, I do not know whether they call it a California.
6167. Can you describe it? I think it was grey or drab, a stiff looking hat.
6168. A felt hat? I think it was something the shape felt hats are worn.
6169. Was there any peculiarity about him? I think he had a black beard, or moustache, or both.
6170. Was it moonlight? I do not recollect its being moonlight; I am not sure.
6171. Did you pass any gas-lamp while he was in your company? I do not remember; I did not look at him but at the time he stooped and looked in my face.
6172. Do you think he was disguised? I do not know; it was night. I did not think about his being disguised, nor about his motive in asking the question.

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6173. *By Mr. Johnson:* Do you remember Mr. Bentley being laid up with any illness during the time a detective was in the house, suffering from diarrhœa or other illness? I remember Mr. Bentley being ill; I cannot exactly remember the time. I think he had broken a blood-vessel, and I went for the doctor.

6174. Did anyone speak to you then? Yes, in Macquarie-street; the hour was late. I described him when I went home, and they thought they knew who it was—that it was a person from the Club; I think it was Mrs. Bentley who said that.

6175. *By the Chairman:* What did this person say to you? He stooped down very quickly, and caught hold of me by the hand. I do not recollect exactly what was said, but I think it was, "Will you come with me?" he said; and I told him not to detain me, for I was in a hurry—there was a person ill, and I had been to the doctor's.

6176. Do you remember the time when Mr. Bentley gave up fastening the street-door himself—when the detective officers left—what was it owing to? Gave up fastening the door?

6177. Yes—when he used to retire early? I do not know, I am sure; I could not say what it was owing to.

6178. Do you know whether Mr. Bentley was in the habit of carrying a revolver about the house with him? Not about the house—I am not aware of that; but I know that a few evenings, when the detectives did not come, when it got dusk I think he sat in his study with one; I do not know about his carrying it about the house with him.

6179. About Harrison being there late—Have you known Harrison to be in the house when the detective officers were gone? That I am not sure of; he was there, I know, when they were not there, but I do not know whether they were gone, because they did not leave when we have gone to bed; sometimes not till after. (*The Shorthand Writer, by direction of the Chairman, read the preceding question.*) I am not sure—I could not be certain.

6180. Have you known him to be there when the detective officers were gone at night? I could not be certain, for I never took note of anything that happened at that time at all, unless it occurred to my memory at the time.

6181. Were you ever present when the door was fastened at night, when Mrs. Bentley was there to let the detectives out? I do not rightly understand.

6182. Were you present when the door was fastened for the night—when the detective officers were leaving? I could not say; that was not my place to fasten the doors, or to know anything about them.

6183. Did you see Mrs. Bentley's breast on the occasion of her having been attacked at Newtown? Yes, I had a glance at it once; I am not sure whether oftener; but I remember once looking and inquiring.

6184. You had a glance at it once? Yes; I might have oftener, but I do not remember.

6185. What kind of glance—how long did you see it? Perhaps for a second or two seconds—not more.

6186. What do you mean by a glance—do you mean that you saw it in passing, or did you stand and look at it? I looked at it.

6187. What did you see? All I could notice was some blood on a rag when it was removed from the breast.

6188. Was the rag on the breast when you were there? No, I think Mrs. Bentley had removed it.

6189. I ask you what you saw on the breast? I thought the breast looked red.

6190. Was there blood on the breast? There might have been some, but I did not see it.

6191. Did you see a scratch? No.

6192. Did you see the rag come off the breast—did you see it taken off the breast? I think, as near as I can remember, I saw Mrs. Bentley remove it for the purpose of my seeing it.

6193. Did you see the rag after it was removed? I think I saw it brought away.

6194. Would you know the difference between blood and red ink? I would not—I might, if I looked.

6195. Did you ever see a stain with red ink on linen? I might—I do not know.

6196. Did you ever see many stains of blood on linen? Not to take notice of.

6197. Have you ever cut your finger? Yes.

6198. Have you ever bound a rag round it? Yes, I have.

6199. Did you ever see the rag after it had come off your finger? Yes.

6200. Did you see the blood on it? Yes.

6201. Was the rag stiff where the blood was? Of course, if the blood had dried it was stiff.

6202. Have you seen a rag, when blood has dried upon it, stiff? Yes.

6203. Was it stiff when the blood was dry? Yes.

6204. Have you seen a piece of rag with a red ink stain upon it? I might have, but I do not recollect.

6205. Would you know whether or not a rag would be stiff when the red ink was dry upon it? I would not know.

6206. In your affidavit you said there was blood on the rag—did you not? No.

6207. If you thought it was red ink, would you say it was blood? I had no such thought.

6208. *By Mr. Piddington:* Do you mean to say that when the bloody rag was removed, and you saw the breast exposed, that you saw no blood or wound upon it? Perhaps I might; more acute observers might.

6209. I am not asking what others might, but whether you did or did not? No.

6210. You did not see any mark or scratch of any kind? No, I did not.

6211. This is your affidavit, is it not:—"I saw Mrs. Bentley's breast, and the rag which had been put upon it, which was stained with fresh blood"? Yes. Mr. Bentley wrote that for me, and asked me if that was the case; I said, "Yes." Mr. Bentley wrote that himself, and then read it afterwards, and asked me if it was correct.

6212. Did you tell Mr. Bentley anything at all about it? I said I thought it was.

6213.

6213. Did you swear it was correct? Yes.
6214. Did you make any alterations in this, when Mr. Johnson read over this deposition to you? There was something I was not quite sure of swearing to, and when Mr. Johnson read it to me there was some alteration about a wound that I saw—no wound upon the breast; that was the alteration I think.
6215. You are perfectly sure about the other parts of the deposition? I said as far as I knew they were.
6216. Do you know why it was Mr. Bentley wrote this for you? The reason, of course, I believed he wrote this for was, to shield Mrs. Bentley from any imputation that might be put upon her.
6217. Can you write yourself? Yes.
6218. Then Mr. Bentley did not ask you to write it in your own hand? No, my name was all he required.
6219. If anything had been untrue —? If I had thought anything had been untrue, I would have mentioned it, especially anything that Mr. Johnson put to myself.
6220. Did not Mr. Johnson put to yourself all that relates to yourself in this deposition? There is nothing in that deposition that I stated I believe to be untrue.
6221. *By Mr. Johnson:* Did not Mr. Bentley, before he wrote anything as to your statement or your fellow-servant's, tell you that a deposition was about to be made by himself, by his wife, and by you and Mary? Yes; I do not know whether it was before it, but I believe it was.
6222. Did he not tell you that he wished to take down from your own mouths about the various circumstances you were acquainted with? Yes.
6223. Did he not take it from your own dictation? He had it already written, and read it over and corrected what was wrong.
6224. Did he not, before writing, speak to you in the bed-room and ask what you recollected about the circumstance? He might.
6225. Do you not remember the circumstance? I do not; I say he might.
6226. When he had written your statement, did he not call you up to read what he had written and ask you whether it was correct? Yes; I said it was, as near as I could recollect at that time.
6227. When I came to read over the affidavit, either your memory failed you as to some portion of the statement or you thought it was not precisely accurate? Yes, I considered of course if I were required to take an oath I should be more minute about it.
6228. You had a correction made by me, so as to make it as it stood exactly in accordance with your own knowledge and recollection? Yes.
6229. Where no such alteration was made none was required, was not that so? I dare say it was—anything I thought of I mentioned to you.
6230. Did I not read the whole of the deposition in your presence, with perhaps a trifling exception? With a trifling exception, at the beginning and so on, when I was obliged to leave the room.
6231. The main body I read in your presence? Yes.
6232. Did you not pay particular attention to it? I endeavoured to do so.
6233. I read it slowly and deliberately, did not I? Yes.
6234. Were not all the statements in that deposition, as far as they were within your own knowledge, absolutely true? As far as they were in my own knowledge I believe them to be true.
6235. Was anything I read in that deposition untrue, to your belief? Not at the time you read it.
6236. Is there anything in it that you are now, from subsequent knowledge, prepared to point out as untrue? Nothing that I could say was not true.
6237. Did not this document receive your most calm consideration, as I read it, and did you not adopt the whole of it, as far as you knew, as a true statement? I did.
6238. Did I not particularly tell you; if anything struck you in the affidavit as to the statement of yourself or fellow-servant, as to your knowledge—or as to the statement of Mr. or Mrs. Bentley, as to your belief—to tell me? The exact words I could not say.
6239. Did not I in substance tell you that? I think you did.
6240. And the affidavit, as it was sworn by you, was exactly as you wished to state? Yes, as I thought at the time.
6241. You made several alterations in it? Yes; as to the wound, and to alter the time when I went to Mr. Bentley's. I was not sure whether it was the beginning of April or the middle.
6242. For instance, to speak of a trifling thing you have sworn, as follows:—"I entered into the service of Mr. and Mrs. Bentley, at their house in Elizabeth-street, Sydney, at the beginning of April, 1861, as nurse"—was not that the paragraph as I read it to you—did it not state that you entered their service the beginning of April, and were you not so particular that you would have the words "the beginning of" altered to "on or about the month"? Yes.
6243. Did it not occur in one or two other instances that it was altered to meet the exact state of your recollection? It occurred in one other instance; I am not sure of any more.
6244. *By the Chairman:* Do you remember being knocked up, in the month of May, very early in the morning? Knocked up?
6245. On the occasion of holes being made in the ceiling? No, I was not knocked up.
6246. Were you awakened that night? Not at all.
6247. You were not disturbed in your sleep? Not that I remember.
6248. Do you remember what occurred the next day at all? Yes.
6249. Can you give the Committee your remembrance of what occurred the next day? I



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think that was Saturday night. I think the next day was Easter Sunday; and I remember going into Mr. Bentley's bed-room.

6250. Were you called in? I do not think I was; I went in—I think I went in.

6251. What happened? I think Mr. or Mrs. Bentley, or both of them, told me about the holes that were made in the ceiling in their bed-room, or the *hole*—I think it was but one, I am not sure—I do not know exactly what they said about the matter, only I think they told me the substance of it. I am not sure about Mr. Harrison's coming. I think they told me what occurred; and then when I went into my own room, the two children, or one, the little girl, pointed out the hole in the ceiling in my room.

6252. Did the little girl point it out, or did you see it yourself? The little girl pointed it out, I believe.

6253. You say—"On entering the nursery, I observed a hole in the ceiling of that room, and called Mrs. Bentley in to look at it, who came accordingly"? The little girl pointed it out to me, as near as I can remember, first before I observed it myself.

6254. Do you remember the next day when the native tracker called? I did not see him.

6255. Did you ever see an aboriginal native about the house? No, never.

6256. Were you ever up in this loft? Yes, the other girl and I went up once.

6257. On what occasion? We went up after the holes.

6258. On what occasion? We went up after the holes were made, to look at them, to see if we could see the light through.

6259. Did you see bricks lying about there? I took no notice of anything lying about.

6260. Did you see any bricks? I am not sure.

6261. Had you heard anything about them? Lately?

6262. Had you at that time heard anything about bricks being displaced? No.

6263. *By Mr. Morris*: From whom have you heard lately about the bricks? I do not remember now.

6264. From Camphin? No.

6265. From Mr. Harrison? No; I think it was Mrs. Bentley told me.

6266. Have you not heard from Mr. Harrison? No, I never heard from him.

6267. *By the Chairman*: Did you not hear from Camphin? I do not remember; it was Mrs. Bentley, I think, told me about what you said about the bricks.

6268. What did she say I said about the bricks? I think, as near as I can remember, that you understood what the bricks ought to be. I am not sure those are the words—I do not recollect exactly—I understood you had examined the bricks, and the place they came from.

6269. You do not think you saw them when you were up on that occasion? I may have seen a brick or half a brick—I could not say for certain.

6270. You would not know if the same bricks are there now that were there then? No, I took no notice.

6271. What did you take notice of when you were there? I did not take notice of anything; only I went over to see if I could see down into my room from the loft.

6272. Could you? No, I could not; I was looking for the hole and I could not find it. I remarked to the other girl, if anyone was ever in the loft they could see into the room; I thought they might, and we went up to see if they could see into our room through the hole; it seemed so visible underneath in the ceiling, from the bottom, and I thought we might see it from the top by putting the eye to it, but I could not find out the hole at all.

6273. Have you ever seen the hole from the top? Not from the top.

6274. You were never up previously? I do not remember ever having been up.

6275. Does the other servant sleep with you? No.

6276. Do you know any reason why she slept with you lately? Yes, I know the reason why she slept once lately.

6277. What was the reason? I was ill; I did not ask her to, but she said she would do so.

6278. Were you taken suddenly ill? No, not suddenly; I had felt ill all the evening, and I felt worse as it came later in the night.

6279. You were out that evening, were you not? Not that evening—I was on Wednesday; Mary was out that evening.

6280. Who were you with on Wednesday evening when you were out? I was not out on Wednesday evening.

6281. On what evening were you out? On Tuesday evening.

6282. You have already stated, I think, that you told Mary Ryan all you knew about this matter of the Bentleys, and all you had said, and that she told you all you knew and all you had said? Yes, I think so.

6283. And that you strengthened one another's recollection with regard to what had occurred? I do not know; perhaps it might have been curiosity—perhaps it might have been—

6284. Do you know what it was—what was the something it might have been? I am sure I do not remember.

6285. *By Mr. Piddington*: When you say it might have been curiosity, do you allude to the motives that led to the conversation between you and your fellow-servant? I do not know; I am sure I do not understand.

6286. *By the Chairman*: Did you not know that your fellow-servant was to appear before the Committee again? Do you mean now?

6287. No, before you slept together? I believe I did, if she knew it; I know however she knew it, for I knew she has told me.

6288. Did you recall what had been said, in order that she might know what to say? No.

6289. Did you tell her anything with regard to the priest? When?

6290. On that occasion? How?

6291.

6291. In any way, or any how? She told me what was said here.
6292. I ask you if you said anything about it? I do not remember; I said everything I could remember at the time, and she to me.
6293. I want you to answer my question, if you said anything to her about the priest? I dare say I did, but I do not remember what it was—not about the priest, because I knew there was no priest at all whatever.
6294. Did you say it was not a priest? I do not know what I said—I said all I thought at the time, but I did not take a deposition of it.
6295. *By Mr. Morris*: During the time the detectives were in the house, Mrs. Bentley, according to her account to you, was in the habit of seeing the priest on the way to Newtown? Yes.
6296. Were you not aware that Mrs. Bentley was always accompanied by a detective? Yes, I believe so.
6297. How was it that you, who are a curious person, as I can easily perceive, and much interested in the question, never asked one of the detectives whether a priest accompanied her or not? I did on one occasion ask Mr. Sanderson did he see anyone accompanying Mrs. Bentley, and he did not answer me.
6298. How is it if you heard so often about this priest, and were so deeply interested in priests, as you admit yourself to be, that you did not ask one of these detectives, particularly Camphin, who is a Roman Catholic, about this priest who was said to be so often attending Mrs. Bentley—that is a plainer way of putting it? The plainest way is the best way; it never occurred to me.
6299. *By Mr. Hart*: Till after the concert? Not when he was there. You wish to ask the question plain, and I wish to answer it as plain—will you ask it again?
6300. *By Mr. Morris*: I will ask you how it was that it never occurred to you to ask the detective about this priest that Mrs. Bentley told you was so often in her company when she went to Newtown? It did occur to me when Mr. Sanderson was there—Sanderson I think his name was; but I did not think at the time it was anything but a priest.
6301. Did you ask Sanderson whether he ever saw a priest? I did not say a priest, but I asked if he saw Mrs. Bentley in company with anyone else. He said, “I suppose it is a friend.” He did not say whether it was so, or whether it was not.
6302. That was all the inquiry you made at that time? Yes.
6303. You made no other inquiries till you saw the letter about the Exeter business, in which the priests appeared to be implicated? I think that was all.
6304. *By the Chairman*: Did you ever express a partiality for the company of one detective officer over that of another? Yes, I did.
6305. Who was it? It was for either of the two, Mr. Camphin or Mr. Sanderson.
6306. Did you or did you not express a partiality for Camphin? No, I did not; of the two I preferred the other.
6307. *By Mr. Hart*: Do you mean that you preferred him to be in the house, or that you preferred him as a companion? I did not prefer anyone as a companion.
6308. Did you mean as a companion in the house? I would rather have him, or Mr. Sanderson than the other man, Clark.
6309. Why? Because his manner was rough—I did not like it.
6310. *By the Chairman*: Had you not many conversations with Camphin when he was in the house? No.
6311. Not about books? I do not remember having had a conversation about books; if you tell me the books you allude to I will tell you.
6312. Did Mr. Camphin recommend a particular book for your study? He did not.
6313. Did you for his? There was a book—it was not one of mine, it was one I had from the library—which was in the kitchen when he came down once, and Mary gave it to him.
6314. *By Mr. Morris*: What was the name of it? Catholic Biography. I dare say I could get the book from the convent.
6315. *By the Chairman*: Were you educated at a convent? Not entirely.
6316. Were you at all, and in what country? In Liverpool.
6317. *By Mr. Hart*: Was it in a convent, or in a school attached to a convent? In a school attached to it—not in a convent.
6318. *By the Chairman*: In your conversations with Camphin on the last occasion, did you mention to him particularly what you had stated to this Committee about the priest? No, I do not recollect having said anything to him, because the time was very short. It was as I came from the post at the corner, after I left St. Mary's, on Tuesday night; it was twenty minutes to 10 at the time, because I asked him the time.
6319. It was twenty minutes to 10 when you left St. Mary's? When I went to him; he walked from there to Elizabeth-street.
6320. At what time did you get to Mr. Bentley's that night? I went then round to my aunt's.
6321. Were you ill at the time you were with Mr. Camphin? No, not particularly ill.
6322. When were you taken ill? I was not exactly well for a week or more.
6323. Were you more particularly ill that night than at any other time? Not so ill as the night after—Wednesday night; that was the night the bed was brought into my room.
6324. *By Mr. Johnson*: What day of the week was it that you had that long walk with Camphin—that you walked on the Racecourse, and then walked to Woolloomooloo? I think Friday night.
6325. Were you not out later than usual that night? When I left —
6326. *By the Chairman*: When you came home was it not later than usual? It was—but not with him. I was at St. Mary's, and then in his company; I said I was going to my aunt's,

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aunt's, and he accompanied me round, I think, to the Victoria Club, and I asked him the time, and he said then it was ten minutes to 10; then I went in to my aunt's, and my aunt and another person came home with me.

6327. *By Mr. Johnson*: Was that the night you went to Woolloomooloo? I think not; I am not sure.

6328. Was not that the Friday night? Yes, I think it was that night. I do not know whether my aunt came with me that night, at least I am not sure whether anyone was in company with me or came round with me that night.

6329. Did you not represent that you were ill that night, and that that was the reason of your being out so late? Yes, because when I was at my aunt's I was not well, and I remained out later; I supposed they would not be very particular, as I was ill.

6330. You did represent that, as being the reason of being so late, to your mistress? She did not ask me about it; that was the reason I remained a little longer.

6331. Did you not so represent to your mistress? Mrs. Bentley never made the remark.

6332. Did you not make that remark to her? I do not think so; Mrs. Bentley has spoken to me very little lately at all.

6333. Did you tell her you had been out with Mr. Camphin walking to Woolloomooloo? No.

6334. Did you ever let her know you were in the habit of meeting Camphin five or six times? I told Mrs. Bentley something I wished to enter into conversation with her, and she rose and left the room.

6335. Did you ever tell her you were in communication with Camphin? She never gave me an opportunity.

6336. Did you ever tell her you were in communication with Camphin? Never.

6337. Did you ever listen to and overhear what Mrs. Bentley said to me? Yes, I was going up-stairs on one occasion—not what Mrs. Bentley said to anyone—but I was going up with something on a tray, and I heard Mr. and Mrs. Bentley speaking to each other—all I heard was something in the *Empire*, about the Exeter matter—something that was said.

6338. Do you remember what you heard them say, when they did not know you were listening? I do not remember.

6339. Did you ever listen, for the purpose of overhearing what Mrs. Bentley said to anybody or what anybody ever said to her? I dare say I did.

6340. Have you any doubt that you did? I heard Mr. Bentley whispering, and I was anxious to hear what it was about.

6341. Could you tell us any of this whispering? I could not hear what he said.

6342. How many times have you listened, do you suppose? I have not listened often, because I thought it did not signify to me what they said.

6343. You were curious to hear what they said when you thought they did not hear it? Not very curious; I did not feel much curiosity, for it did not signify to me.

6344. *By Mr. Piddington*: How often did your curiosity lead you to listen? I dare say perhaps three or four times.

6345. You are positive you have not listened six times? I would not be certain as to the number, for I never made any note of it.

6346. *By Mr. Morris*: Did you ever hear anything when you were listening, that helped to clear up any doubts in your mind with regard to Mr. or Mrs. Bentley, or to confirm any suspicions of yours? I do not recollect; I might, but I do not recollect what they were.

6347. *By Mr. Johnson*: Do you mean to say you might have overheard statements between Mr. and Mrs. Bentley that they were not aware that you heard, and which might have confirmed your suspicions against them? No, they did not confirm my suspicions.

6348. *By Mr. Morris*: Did what you heard have an opposite effect, and make you rather doubt your suspicions? I always told the other servant what I thought; I might have said the matter was more curious than ever, or that it was more mysterious than ever. It was something about the *Empire* newspaper I heard. As I was going up-stairs I heard Mr. Bentley, one night, reading the *Empire*—the newspaper—I knew it was the newspaper, from the words he said. I was not many moments, but I heard Mr. Bentley say about Mr. Cowper's statement in the House, that it rested entirely upon Mrs. Bentley, I think, and not upon Mr. Bentley—the fact of his not knowing it before he was engaged to her.

6349. *By Mr. Johnson*: You admit to listening upon several occasions—did you adopt that course upon one occasion when I was talking to Mr. Bentley? No.

6350. Are you sure of that? Yes.

6351. How did you hear me state that Mrs. Lindsay now stated that it was 4 or 5 in the morning? I did not say so.

6352. Did you not state in evidence that you did? No.

6353. Did Camphin tell you so? No, Mary told me that; I did not hear it from you.

6354. How did Mary hear that—did she overhear it? I do not know how she heard it.

6355. What did Mary tell you about it? Mrs. Bentley told Mary something once which she would not tell me; she told me it was something she was not to tell, but lately she has told me what it was:—It was the fact of Mrs. Lindsay saying that she saw some one come out of the house at 2 in the morning; and as near as I can remember, afterwards I heard from her that Mrs. Lindsay had contradicted the statement about 2 in the morning, and said it was somewhere about 4 or 5; I know 5 was mentioned in it.

6356. Did you tell Camphin that? Yes.

6357. You say you do not know how Mary became acquainted with that? I do not.

6358. Did not she tell you? She might at the time, but I thought it nothing important to take notice of.

6359. *By Mr. Morris*: Did not Mary tell you that she sometimes listened, and overheard certain

certain things? Not certain things. She told me to listen; I said I would do so, and I dare say she did. I said it was of little importance, as the truth was sure to come out; it was only to clear them in our minds.

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6360. *By Mr. Johnson*: She suggested to you to listen? On several occasions.

6361. And you listened accordingly—is that so? Yes, I think that is true.

6362. You have no doubt she listened herself? Yes, she did.

6363. Did she tell you so? Yes, she did.

6364. What did she tell you she heard on these occasions when she listened? I do not remember.

6365. Was it anything of importance? Really when we came to speak of it afterwards, thinking it very strange that Mr. Bentley should whisper, we could not make anything out of it. We said we could not understand how it could be; it was very strange Mrs. Bentley should keep so close.

6366. Was it not very recently you referred to Mrs. and Mr. Bentley whispering? The first time I was not listening; Mrs. Bentley's door was open, and my door —

6367. I want to know when was this? The day before the Members sat in the House.

6368. You mean before this Committee sat? Not this Committee, but the public one, that was in the papers.

6369. You mean when the motion was made in the House for this Committee? Yes, that was the one.

6370. Did you ever hear I had made a statement, about what the expenses would be, to Mr. Bentley? Mrs. Bentley told me herself.

6371. You are sure you did not overhear Mr. Bentley saying something about that. No, Mrs. Bentley told me.

6372. Was this before or after you swore this deposition? It was after the letter was put in about the deposition at Exeter; I think it was, as near as I can remember.

6373. Was it before that? I think it must have been before. I have never spoken to Mrs. Bentley on the matter. Once I told her I was very angry with her, for having told an untruth about the Exeter matter; she said she knew she had done wrong. I said if she would state who the person was at Exeter, it might be the same person here.

6374. You have had a different feeling in the matter since the letter about the Exeter affair appeared? Because —

6375. You have—that is enough? Yes.

6376. You said about seeing Mrs. Bentley's breast, that it looked red, what did you mean by that? It looked inflamed.

6377. I suppose you could not very well judge, without examining it by touch, whether any injury had taken place to a particular part of her bosom? I could if I had looked closely at it.

6378. Did you look closely at it? No, I did not.

6379. But it looked inflamed, as though it had been wounded? Yes, it looked red.

6380. Have you any doubt that what was upon the rag that came from her breast was blood? No.

6381. You have been examined before, as to what you say Mrs. Bentley told you about the priest first meeting her? Yes, part of it, of course; a great deal of it has not yet been made known.

6382. Why did you not tell the whole of it? Because I did not remember.

6383. Did you tell all you remembered? No.

6384. Why did you not tell all you remembered? I might have told all I remembered that day.

6385. Did you tell all you remembered that day? I felt I could not remember anything more on that day, but I knew there were other conversations with Mrs. Bentley I could not then bring to my mind.

6386. Did you say that she told you other things about the priest, that you could not then bring to your mind? I believe I told the gentlemen so.

6387. That was true, was it? Yes.

6388. *By Mr. Morris*: When was the last time you saw Mr. Boulanger—how long ago? I met him one day; at least I did not meet him, but he stopped me in George-street, when Mrs. Bentley was out at Newtown, on Friday; I had been buying boots for the little girl. He asked me how Mrs. Bentley was, and I told him.

6389. Have you not seen him lately? No.

6390. *By Mr. Cowper*: You did not see him on the Sunday night? No, the other girl.

6391. *By Mr. Johnson*: Did you not object to Clark being in the house, because he attempted to kiss you? Yes, for that and other reasons. I know his manner was rough.

6392. Which detective did remain in the house on the night of the concert—the last concert? A stranger; I never saw him before or since.

6393. Have you had a conversation with your mistress, since you were here last, about leaving her? Yes; not a conversation, but I told her.

6394. Did you not say this to your mistress—"I hear that Mary is going to leave, and I think it better to go also, but the Committee have not finished with me"? Yes.

6395. Did not Mrs. Bentley say to this—"You had better wait until they have finished—Mr. Bentley —"? No, if —

6396. Wait till I have read the whole—"Mr. Bentley has made me promise not to speak to you on the subject, as I cannot speak to you calmly"—Did she say that? She said Mr. Bentley had made her promise not to speak to me, as I would have to repeat it.

6397. Do you say she did not use the words or the substance of the words I have repeated? I think so.

6398. Are you sure? I feel quite certain in my own mind that was not it; I would not swear.

6399.

Anna Maria Bradshaw. 6399. Did you make a reply to the following effect—"I did not wish to speak, but whatever I have done I have done for a good end, and it is one comfort for you to feel that those who suffer most in this world will have the best reward in the next"? Yes, I said that was a comfort for all.

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6400. Did you, after returning from the first day's examination here, have a conversation with the little child, Edith—did she ask you if you had been enjoying yourself, or something to that effect? Yes, I think she did.

6401. Did you say something to this effect—"No, I have not, but if I had to have my head cut off I would; I may end it yet in Darlington Gaol"? No, I did not say that; but I said something to Mrs. Bentley, I do not remember what it was. I said, "I suppose the gallows will be the next," but at any rate I was willing to meet it—something like that.

6402. *By Mr. Piddington*: I think you said you had a conversation with Mrs. Bentley, with regard to the Exeter case? Yes.

6403. Did you state, in the course of that conversation, that you were very angry with Mrs. Bentley? Yes.

6404. Mention on what grounds you stated to Mrs. Bentley that you were angry with her? Because she concealed the matter at Home, knowing —

6405. What do you mean by concealing it? Because she told me who the person was.

6406. Who what person was—just explain yourself—what person do you allude to? I said to Mrs. Bentley at the time, why not tell who the person is who had done it at Exeter; the same person may be here at present doing it now—"Why do you not state it; it is very wrong for you not to do so, it brings in a great many that are innocent—in that case it might bring in only one?" She said she knew she had acted wrong.

6407. In what way? In not giving right information at the time she was asked for it—however, she did not know the name.

6408. I think you say you were angry with Mrs. Bentley. I want to know distinctly what caused that anger—what did Mrs. Bentley do or want to do that occasioned you to feel angry with her? She said before, that she knew the person who wrote the letters to her.

6409. What letters? At Exeter, but that she concealed it because she liked him.

6410. Concealed the name of the writer? Yes, because she liked him.

6411. Was that the cause of your being angry with her? Yes, that was the cause of my being angry with her, for I said she should now state that she might be excusable—that she should now state who it was, and not mind what the consequence was to him, and that very likely, I said; it did not matter what the consequence was to him—I said did I know who it was, were it my own brother, I should tell.

6412. Did Mrs. Bentley lead you to suppose, at the time this conversation took place, that she knew the writer of the letters that had been sent to her in Sydney? No, she did not—I said to her, when I was speaking to her, that there was a difference certainly in it, but that the one appeared to have a religious motive for it, but the other appeared to have a professional motive—professional jealousy—I felt convinced that even the first was not a religious motive, from the words expressed—the manner of expressing it; she said "Just so," it looked like it.

6413. In what way can you connect any proceedings that took place in Exeter with any proceedings that took place in Sydney, seeing that there is a long distance between the two places, and a long space of time between the two occurrences? I said to Mrs. Bentley what I thought of it—of course I said it to her —

6414. How do you connect the two matters in your own mind—have you any clue? Yes, I said I thought at the time the person who wrote the letters at Home, or at least the person who wrote the letters here, was the person who had liked Mrs. Bentley before. She said, yes, it looked very like it; but if so, it was unknown to her.

6415. Is that the only foundation you have for connecting in your own mind the two occurrences, or have you any other clue besides that supposition? I feel puzzled for the minute.

6416. What I want to know, as far as you can answer the question, is whether you have anything further to say with reference to the supposition that arose in your own mind, with respect to the connection of these two occurrences together—whether you can point to any person or to any clue whatever? Mrs. Bentley said, some time ago, that she knew it would never be found out.

6417. What would never be found out—the Exeter case or this? This matter.

6418. Did you say anything upon that? I do not know; I do not remember what I said. She said she felt convinced, but would not like to say it to Mr. Bentley, because it would worry him.

6419. Felt convinced of what? Of its not being found out; but she said she would not say so to Mr. Bentley, because it would worry him too much.

6420. *By the Chairman*: What was the name of the person? She said at first she understood the name to be Ryan, afterwards she said it was Horean.

6421. Did Mrs. Bentley tell you this before the Exeter letter was written or published? Yes, she did; she did not say the name was Horean, she said she thought it was Ryan.

6422. Prior to your making this deposition, had Mrs. Bentley told you about this man Ryan or Horean, or whatever his name was? She did not give his name.

6423. Had she told you about this before? Yes; but it was in so confused a manner—at one conversation it would be like that, but the next would be different from it. She never gave his name till after that deposition was made, until the time that she told me that there was to be a Committee upon it, and that Mr. Johnson was to take up the matter on his own account.

6424. She told you this? Yes, Mrs. Bentley told me that.

6425.

6425. Previous to that, you had never heard this name mentioned by Mrs. Bentley? Not the name.

6426. How did you know to whom she was alluding? Because she told me; I could not mistake it.

6427. *By Mr. Forster*: What did you mean by saying that you had a good end in view? That the end I had in view in first mentioning it was a good one—that the truth might be found out; but Mrs. Bentley said she supposed it would not.

6428. Was that all you meant? Yes.

6429. That you wanted the truth found out about this business? Yes; that I as yet did not know what to think about it.

6430. Was that what you meant also when you said you did not wish to speak—what did you mean to say that you did not wish to speak? I did not wish to speak—Mrs. Bentley told me I was not to speak.

6431. To whom? To her.

6432. Not to speak to her about it? Yes.

6433. Did she tell you not to speak to her or to anyone else? Yes.

6434. I dare say you have spoken to a good many about it? Yes.

6435. Did you tell it to any one other person who intended to hire herself to Mrs. Bentley? No.

6436. Are you sure you never warned anyone not to go to Mrs. Bentley's? I am sure I did not, for if I saw anyone who wanted to go there, I would direct them.

6437. Would you advise them to go? I would not advise them, but I would direct them, if I saw anyone who wished to go there.

6438. You are leaving her service in consequence of this business? Yes.

6439. Do you feel that there is any danger in remaining in Mrs. Bentley's service? No; nothing has occurred to me while I have been with her, and there may be no danger to any one else.

6440. What is the immediate cause of your leaving Mrs. Bentley—is it in consequence of the disagreeable character of this investigation? Mr. Bentley told me, if I had not a reason after what had occurred, we had better separate.

6441. Then it was not your own wish to leave? Yes, I told Mrs. Bentley before that, previously to his telling me that in the evening.

6442. Did you get no advice to leave the house, from other people? Yes, often.

6443. Did any of the detective police advise it—not Mr. Camphin? No, he never said anything about it.

6444. You have talked to Mr. Camphin about this matter? Yes, I have.

6445. Does he entirely agree with you in the object which you say you have in view? I do not know what he agrees with.

6446. You have told him everything you know about it? I told him what I thought was necessary, supposing I could give him any information.

6447. Did not Camphin give you any advice as to how you should conduct yourself, or what you should say? No.

6448. Did no one? I do not suppose they did.

6449. Did no one give you advice as to what you were to do? No.

6450. What did you mean by saying that you supposed the gallows would be the next thing? I said that to Mrs. Bentley long before this deposition was made, and she told it to Mr. Harrison.

6451. Did you think that coming before this Committee was the next thing to going to the gallows? I said, "I do not know if anything can be well bad enough what the consequences will be."

6452. What the consequences of what would be—I hope you are re-assured with respect to the Committee? I do not know.

6453. Are you sure that no particular friends of yours are implicated in this matter? Not any one at all—not one.

6454. Was there no one in conversation with you, that suggested to you the connection you have spoken of between this and the Exeter business? No, I do not think they ever did.

6455. Did that come out of your own head altogether? I do not know that it came out of my own head altogether, but I think a great deal of it—the most part of it.

6456. But a little came out of somebody else's? I dare say it did.

6457. Can you mention the name? I think it was Mr. Leary. I do not know whether the gentleman is present.

6458. Have you had a conversation with Mr. Leary, then, about this matter? No, it was something I read in the papers, something in his speech.

6459. You are sure that Mr. Leary has not been holding private conversations with you? Not any. I do not know the gentleman; I do not know whether he is here.

6460. What do I understand by your saying that Mrs. Bentley told you that she knew she was acting wrong? She knew she had told a falsehood.

6461. Did Mrs. Bentley admit to you that she knew she had been telling a falsehood? They must have been—some of them.

6462. What were the falsehoods? She told me at one time that she was in a Court when she was fourteen years of age, and that she then took an oath upon a crucifix.

6463. In the Court? Yes.

6464. She told you this? Yes.

6465. That might have been true? It might have been true, but I thought both could not be the truth.

6466. What was the contradiction? She said she took this oath privately.

Anna Maria  
Bradshaw.

9 Dec., 1862.

- Anna Maria Bradshaw. 6467. Might not that be a mistake on your part? I do not know that anyone could so —
6468. Was that in relation to the Exeter case? At that time?—No.
- 9 Dec., 1862. 6469. Is that the only falsehood of which you have to accuse Mrs. Bentley? I say either one or other must have been false.
6470. Is that the only falsehood you charge Mrs. Bentley with? I do not wish to charge anyone with anything.
6471. If you accuse Mrs. Bentley of falsehood, it is only fair that you should say what are the falsehoods of which you accuse her? I say one or other must have been false.
6472. *By Mr. Hart*: Might it not have been this, that she was compelled to take the oath, in the house she was taken into, on the crucifix, and that afterwards she took the oath in a Court of Justice in the usual manner? It could not have been.
6473. *By Mr. Forster*: From the different accounts she gave to you, you think she must have told falsehoods? There were many conversations.
6474. Did you ever hear Mrs. Bentley mention this matter about the Exeter case before the anonymous letters began? She did not mention it by that term.
6475. Had you ever heard of it? Never, but what I heard from Mrs. Bentley.
6476. Did Mrs. Bentley tell you about it before the anonymous letters began? Yes, she told me about going before the Court. She said she would not mind it, for she had been before a Court. It was about a gentleman she was engaged to, and there were questions asked by a Magistrate, who said although she was almost a child she could answer better than grown people. She said she was quite firm, and she was not bound to tell all she knew.
6477. And she told you she had not told all she knew? Yes, and she said the gentleman was interrogated on the matter, whether he was engaged or not.
6478. You had heard her speak of this matter before you heard of the anonymous letters? Yes.
6479. As having happened at Exeter? Yes.
6480. Did she tell you about having sworn upon a crucifix? She did not say about being forced to swear; she said I do not think your oath will be taken on the Bible. That was on another occasion, for she said they gave her a Bible to take her oath upon; in some place she was in a house, and some people said "Do not swear her upon the Bible; give her a crucifix—she is a Catholic."
6481. Have you reason to believe that Mrs. Bentley was a Catholic? Sometimes I thought she was, at other times I thought she was not.
6482. What made you think she was? Because she used to tell me about going to confession.
6483. Do you think Mrs. Bentley went to confession in this country? She never said she did.
6484. Where did she go? In England.
6485. If she went to confession in England, and did not go to confession here, would it appear from that that she was not a Catholic? Yes.
6486. Did you ever try to convert Mrs. Bentley to a Roman Catholic? I do not doubt that I might; and I dare say if there were any gentlemen here that I thought I could, I would try it, as long as they were old enough; but if they were not old enough—if they were not of age—I would not attempt it; for instance, Mrs. Bentley's children.
6487. *By Mr. Piddington*: When do you think the right time to convert people? I suppose at twenty-one.
6488. You would not attempt to convert any young man who was not twenty-one? I cannot say.
6489. Do you not think a young man's soul at the age of twenty is equally as valuable as it is at the age of twenty-one? I suppose when they come to the use of reason, the soul is quite as valuable.
6490. Do you not think a young man has arrived at that period at the age of twenty? Yes.
6491. Would you not try to convert a young man at that age? I do not know; I might.
6492. *By the Chairman*: You would have no objection to convert Mr. Piddington, if he were willing to be converted? I could not convert him.
6493. *By Mr. Morris*: You said, on the first day of your examination, that you would not tell the Committee what you said under the seal of confession—what did you mean by saying that? I mean just exactly as you said it—that I would not do it.
6494. What would you not tell? Anything.
6495. Anything you had told to the priest—you said you would not tell anything you had said to the priest regarding these circumstances, under the seal of confession? I have not said anything under the seal of confession; I said I had asked advice, and I had not got it. It was one of the gentlemen said he would not ask what I had said under the seal of confession, and I said it would be of no use, for I would not tell him.
6496. You are under no vow not to repeat what you say at confession? I would not tell what the priest said.
6497. I do not ask what the priest said to you, but what you said to him? I need not tell it; confession has nothing to do with this matter.
6498. *By Mr. Wilson*: You need not tell us anything—what you say here you say quite voluntarily —
6499. *By Mr. Johnson*: Do you think you are bound not to reveal anything that transpires at confession? There is no obligation of course.
6500. Do you feel it to be so—did you not tell me that it was quite useless for me to inquire as to what you said at confession, for you would not tell it—did you not say so to me? Of course I would not.

6501. Do you think there is any moral or religious obligation to conceal it, if the ends of justice require it to be repeated? If the ends of justice require it, of course.
6502. Who are to judge whether the ends of justice do require it—you, or the interrogator, or the Court? I suppose you require a person more able than I to answer such a question, but I will not answer it.
6503. How long were you in this school connected with a convent? I dare say nearly nine months.
6504. You have been at other schools than that? Yes.
6505. How long have you been at school altogether? I have not been much at school; I have been taught at home.
6506. All your relations are Roman Catholics, I suppose? Yes.
6507. What was the convent you alluded to in England? It was called the Convent of Mercy, Mount Vernon, Liverpool.
6508. Are the Jesuits in any way connected with that convent? I do not know. There are no Jesuits in Liverpool, that I am aware of, but at one church, and I believe there are two in the Church of St. Francis at Everton.
6509. *By Mr. Hart:* Were you in the habit of posting letters for Mr. or Mrs. Bentley? Mrs. Bentley used to post her own.
6510. *By the Chairman:* Were you in the habit of posting letters for Mr. or Mrs. Bentley, is the question Mr. Hart asked you? I have posted letters for Mr. or Mrs. Bentley, but it was not my place—it was not a habit; if I got any I posted them.
6511. *By Mr. Hart:* How do you know that Mrs. Bentley used to post her letters? She used to write them and then go and post them herself.
6512. Were the letters that you posted for your mistress, Mrs. Bentley, in her own handwriting? I never took the trouble or thought of looking at anything; I just took them direct to the post, without noticing.
6513. You did not look at the superscription? No, I did not look; I do not remember even one place on the letters; I might have looked at them, but not through curiosity, for I had nothing to be curious about.
6514. Did you ever see any of the anonymous letters? Yes.
6515. Would you undertake to say whether you ever posted any in a handwriting similar to that (*handing one of the anonymous letters to witness*)? Not from Mrs. Bentley I would think.
6516. Did you from any one? I think I have seen a letter like that come through the post to Mrs. Bentley.
6517. Have you any knowledge whatever of the authors of these anonymous letters? No.
6518. Has anything occurred, during the time you have been in Mr. Bentley's service, to lead you to suppose that either he or Mrs. Bentley are at all implicated in this affair, so far as writing the anonymous letters is concerned? The other servant and I have said to each other —
6519. Answer my question;—has anything ever occurred which would lead you to suppose that either Mr. or Mrs. Bentley is implicated in this affair—speak as to any facts that are within your own knowledge? There was nothing that I saw that I could state.
6520. Did anything come under your notice? It has not come under my notice, but from what I must think—what I have heard—it has not come under my eyes. Mrs. Bentley told me that the letters were written in the German style; and, as Mrs. Bentley said to me before that she wrote German, I do not know any more than that.
6521. Did you draw a deduction from that, that Mrs. Bentley might have written these letters, simply because she wrote German? No, I never thought of such a thing before that matter was brought up.
6522. You allude to the Exeter matter? Yes; I never doubted anything, even the slightest word that Mrs. Bentley said.
6523. What is the connection between the Exeter business and the present—is it that priests have been stated to be mixed up in both, and that therefore you think Mrs. Bentley is affected by a monomania? I have no belief that the priests have anything to do with it; I could take an oath that they have not.
6524. Has it not occurred to your mind that Mrs. Bentley has said that priests were mixed up in both affairs? She never said to us that they were.
6525. What connection, then, do you form between the Exeter affair and this? Well, I do not know that I should form a connection, only of course the Committee will form that connection if anything is to be formed; I have stated what I conscientiously know to have heard from Mrs. Bentley.
6526. Has something occurred in your own mind, which you are not able to describe to the Committee, which leads you to suppose that Mrs. Bentley was in error in stating that the affair at Exeter took place, and also in stating that matters have occurred here which have not taken place? I am doubtful now about the matter in Exeter, and I am doubtful of course about this here.
6527. Still do you know anything whatever which could confirm these doubts? I do not think —
6528. Has anything occurred in the house, or have you heard any conversation between Mr. and Mrs. Bentley, that leads you to suppose that they have anything to do with these anonymous letters? I do not remember anything.
6529. Your feeling against Mrs. Bentley, as far as I can gather, is founded upon the fact that she has stated that a priest has acted as you have described in your evidence, whereas you believe that such a thing never occurred? I have nothing against Mrs. Bentley; of course I have no dislike to Mrs. Bentley; I have only stated what she said to me.



- Anna Maria Bradshaw.  
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6530. If what Mrs. Bentley has stated is true, of course you can have no feeling against her; but you deny that it is true, and therefore you believe she is guilty of falsehood? Yes.
6531. Then, you have not the same feeling towards her, now that you find that she has been guilty of falsehood, that you had before? I could not have the same feeling to one who was guilty of falsehood as I had before when I thought they were not.
6532. I want to know your reasons for supposing that Mrs. Bentley has anything to do with these anonymous letters, if you do think so? I do not know that Mrs. Bentley has anything to do with them.
6533. Do you think so? I am sure I cannot say.
6534. The object of this Committee is to find out who are the writers of these anonymous letters, and all the evidence that is given before the Committee is simply with the view of finding that out? Yes, I understand that.
6535. When you are called as a witness here, it is supposed you can throw some light upon the subject, either by relating the actions of Mr. or Mrs. Bentley, or the actions of other persons, and I want to know if there is anything within your knowledge which would give information as to who were the writers of these anonymous letters? I have never heard Mrs. Bentley say who is the writer or anyone else; anything about the writing of these letters I know nothing myself. I know Mrs. Bentley, when she received one anonymous letter about the wound, after being at the concert, that she took the letter and read it principally over to me; part of the words she did not read; nearly the whole of the letter—the substance of the letter—she read. Of course she did not seem alarmed at all about the letter, or about the person.
6536. Did Mrs. Bentley receive that letter herself, or was it handed to her by anyone—by the postman? I think the other servant brought it to her; and when I was coming into the room she had opened it and was reading or had read it—or was going to read it. She read it without seeming at all put out about it; the expressions that were made use of, and the threats that were made use of —
6537. Did she say she expected a letter that morning? I do not remember.
6538. *By the Chairman:* During the whole time you have been in Mrs. Bentley's service, have you ever of your own knowledge known Mrs. Bentley to tell a lie? Not until this matter; and then I knew of course what she said before was not true.
6539. Did you know that of your own knowledge? Yes; for it was from her own lips the contradiction was.
6540. On any other subject than this Exeter case or these Exeter letters—in the common course of the business of the house—have you ever known Mrs. Bentley to tell a lie, either in relation to yourself, the duties of the house, the children, or anything else? I do not know about that, except this last matter about the sitting of the Committee, and all that.
6541. Do you understand my question—the question I ask you — ? Have I ever known Mrs. Bentley to tell a lie?
6542. In the ordinary business of the house, separating this matter of the Exeter business from all others? I do not recollect knowing her to tell any.

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Mr. Alexander Harris called in and examined:—

- Mr. A. Harris.  
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6543. *By the Chairman:* What are you? I have the management of John Sands' business.
6544. The whole of his business? The whole of the country business. I take part in other matters as occasion requires.
6545. Do you know Mr. Harrison, the detective officer in this city? Yes.
6546. Did you live in the same house with him at one time? Yes.
6547. Have you furnished him with books at different times? Yes.
6548. Have you done so frequently? No, very seldom—on one or two occasions.
6549. Have you any memory as to what books you furnished him with, and as to the time when they were furnished? I cannot say farther than with reference to the diary; the other books I do not remember, because my memory does not serve me. At some other time he got one of Bulwer's books, at what time I have no recollection.
6550. He has got other books from you? Yes.
6551. Was he in the habit of paying for the books as he got them? At one time he had an account, at other times he paid for them as he got them.
6552. When he had an account, would he pay for the books he was supplied with by you, or were they put down to his account? What I supplied him with he paid for.
6553. At all times? You say at all times. I think it was only on two or three occasions that he had them from me.
6554. On these occasions did he pay you for them? He did. I think that one book of Bulwer's went down to his account.
6555. Do you know when you supplied him with the diary you speak of? In the early part of the year—early in January, I think; I cannot be certain. I am induced to say that, because about that time he came to live with us, and within a day or so of his coming he had this diary.
6556. *By Mr. Morris:* He lived with you in January? In January.
6557. Was his wife with him? Yes. When I say lived with me, I mean lived in the same house; it is not my house.
6558. *By the Chairman:* Did he purchase more than one diary? Not that I am aware of; not of me.
6559. Would you know the diary you supplied him with? I do not know that I could be

able

able to swear. I might be able to recognize our private mark; in any other respect I could not swear to it. I do not know whether it was one of Letts' diaries or one of ours. (*The diary was handed to the witness.*) This is ours. Mr. A. Harris.  
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6560. *By Mr. Morris*: Where is the private mark? When I said I was not certain whether it was one of Sands & Kenny's diaries or one of Letts'; if it had been one of Letts' it would have had the cost mark, seeing it would have been imported. We make these on the premises, or the greater portion of them.

6561. *By the Chairman*: Still that diary might have been obtained somewhere else; it does not follow because it is one of Sands & Kenny's diaries that it is the one you sold? No, I would not swear that it is.

6562. Are you not in the habit of putting private marks upon books that you make yourselves? Upon a certain class of books we do not, for instance, upon diaries, for we have published lists of prices.

6563. Is there anything particular about the diary that you would know it by—for instance, the size—are the diaries you manufacture all of one size? No.

6564. Is there anything you see in it that would confirm your opinion as to that being the diary you supplied Mr. Harrison with? I have no doubt this is the diary—not the slightest.

6565. *By Mr. Piddington*: What is the selling price for that diary? Really, I cannot tell you. I do not know, for this is rather out of my department, but he living with me at that time, and knowing him, I put myself out of my usual course to oblige him. What he gave me I cannot swear; I think the price was about 7s. or 8s.; I am not acquainted with the retail prices.

6566. Did you charge him for it, or make him a present of it? Not at all—he paid me for it; I do not know what it was now.

6567. Did he pay you at the time you delivered it to him? I think so.

6568. *By the Chairman*: Did you give him a bill of it? No, I do not think I did.

6569. *By Mr. Hart*: When you took the diary out of the shop, did you make any entry in any of the books, indicating that you had so taken it? No, I did not, but —

6570. *By Mr. Piddington*: Are you in the habit of taking books out of the shop without making entries? Not at all; this is an isolated case.

6571. How often have you taken books out of the shop for persons who have been staying in your house? I do not know that I ever did it before.

6572. I understood you to say that you had done so on more than one occasion? I might have done so with regard to Mr. Harrison. I am not certain whether the book of Bulwer's was paid for by me or by him at the shop.

6573. Can you say whether you supplied Mr. Harrison, or any one else, out of Messrs. Sands & Kenny's shop? No.

6574. Only in this case with regard to Mr. Harrison? No.

6575. In no other case, with regard to no one else? Not at all.

6576. *By the Chairman*: How long have you known Mr. Harrison? I cannot say; perhaps four or five years.

6577. *By Mr. Hart*: What did you do with the money that Mr. Harrison gave you for it? I gave it to the shopman, or put it in the till.

6578. Would not there be some entry in Sands & Kenny's books what the money is received for? No, Messrs. Sands & Kenny do not keep any book of that kind.

6579. *By Mr. Piddington*: Do not they keep any account of the receipts taken over the counter for books sold? No.

6580. No till-book? No.

6581. How could they check the receipts in the till at the end of the day, if no documents whatever were kept? I cannot say in what way that department of the business is conducted, further than that I know there is no till-book.

6582. Is it open to anyone in the establishment to sell books without putting any record of the books sold? No.

6583. Is not that a till-book? There is no till-book. The probability is, that when I went away I should say, "I am taking a diary for Harrison, and shall pay to-morrow or when I get it."

6584. Who did you say that to? The shopman.

6585. *By Mr. Hart*: What is his name? There are three or four of them—there are four or five I might say such a thing to.

6586. Have you made any inquiry of any of the shopmen, whether they recollect the circumstance of your taking the diary away, or of your handing in the money for it? No.

6587. *By the Chairman*: I think you have stated that you have no recollection of taking this diary to Mr. Harrison? I have not a distinct recollection; I could not swear to the day exactly—some day in January.

6588. Have you not had a conversation with Harrison, relating to the purchase of this diary? No.

6589. He has had no conversation with you on the matter? No.

6590. Has never asked you whether you supplied him with a diary? No.

6591. *By Mr. Piddington*: You never met Mr. Harrison in Pitt-street and spoke to him on the subject? No.

6592. *By Mr. Morris*: If he said you did? I should say he might, very likely.

6593. *By Mr. Piddington*: You do not recollect it? No.

6594. *By the Chairman*: You would recollect it, if Harrison had had a conversation with you lately upon the subject? No, I do not recollect it.

6595. If he had spoken to you about supplying you with this diary, about the date, and the circumstances, would you recollect the circumstance? I dare say I might.

Mr. A. Harris. 6596. *By Mr. Morris* : Do you recollect having a conversation with Mr. Richard Johnson, of the firm of Johnson & Johnson? I recollect a gentleman of that firm coming to our shop one day.

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6597. Do you recollect what you told him on that occasion? No.

6598. Do you not remember that you told him that you remembered nothing about it—that you might have supplied him with the diary, or you might not? I did say that distinctly.

6599. That you could not remember having done it at all? I said so at that time.

6600. Do you adhere to that now? Yes.

6601. I will try and bring your memory back. Can you not remember, about the end of April or the beginning of May, having supplied Harrison with a diary? I am sure I did not.

6602. How can you say you are sure you did not supply him with a diary at the end of April or the beginning of May, if you are not sure whether you supplied it, or whether you supplied it at the end of January? If I said so I made a mistake. I am sure I supplied him with a diary before the end of January.

6603. You stated, not one minute ago——? You asked me when I supplied him, and I said the early part of January.

6604. I asked you whether you had told Mr. Richard Johnson that you did not remember having supplied Harrison with a diary, and whether you adhered to that? I adhere to saying that I remember having had that conversation with Mr. Johnson.

6605. What you said to Mr. Johnson was not true? It was true, but from what he said I brushed up my memory, and called to mind about my supplying the diary. I might have had a motive in saying I did not recollect.

6606. What was that motive? Simply that I might not be called up here to give evidence, and to lose my employer's time.

6607. Do you think your employer considers this a loss of time? I am not here to answer whether he does so or not. I dare say if you were paying men yourself, you would not like their time to be lost in matters that they had no business to be involved in.

6608. *By Mr. Piddington* : If a customer came to Messrs. Sands & Kenny's, and laid out £5 in cash, would not a record be made of that transaction? No, no record.

6609. *By the Chairman* : You did not pay for this diary at the time you took it? No.

6610. Would no record be made of the purchase of a book, if it were not paid for at the time it was purchased? Usually it would.

6611. Is there anything to separate this from a usual transaction? Yes, the circumstance I speak of—Harrison and I living together.

6612. Would that have anything to do with the business of Messrs. Sands & Kenny? Farther than that I should not do so without mentioning it, that I had taken this book. It is just possible I might have put a memorandum on the file that we had, the matter not being worth while to book.

6613. *By Mr. Piddington* : Have you any recollection of having mentioned it to anyone in the establishment? I have no recollection.

6614. *By Mr. Morris* : Do you recollect about the time Harrison left the house where you and he lived together? No.

6615. Can you remember whether you brought home, for Mr. Harrison, Bulwer's novel, about the same time you got the diary? No.

6616. You cannot remember anything about Bulwer's novel? No. I remember it, but I cannot say whether he got the book from me or out of the shop.

6617. Had he the novel while you were living with him? I think not.

6618. Had he the diary? Yes.

6619. What makes you remember Bulwer's novel? I remember distinctly it was a book we were out of for some time, and he ordered it, and it was reserved for him.

6620. *By the Chairman* : Would a note of that fact be made? No.

6621. What novel was it? I think it was Bulwer's Dramatic Works.

6622. *By Mr. Piddington* : That would not be a novel at all? It might be a series of novels.

6623. Bulwer's Dramatic Works? They would come under the same description.

6624. Would you call Shakespeare's Plays novels? Yes, the same kind.

6625. Have you been brought up a bookseller? No.

6626. *By the Chairman* : On recollection, are you sure that you have had no conversation with Mr. Harrison about appearing before this Committee? No.

6627. How am I to understand that answer—have you had any conversation with Harrison about your appearing before this Committee? No.

6628. Has Harrison had any conversation with you about his appearing before this Committee? No.

6629. Mr. Harrison has had no conversation with you lately about the purchase of this diary? No.

6630. If Harrison has said he has, has he said what is wrong? He might; I do not recollect all these things you are speaking of—I do not recollect that he has.

6631. *By Mr. Johnson* : Are you prepared to say that he has not; I would not say for a certainty; such a thing might occur—I cannot say.

6632. *By the Chairman* : If it were brought to your recollection—if you were told that you and Harrison met in George-street, between Market and King Streets, one day lately—within the last fortnight—and that Harrison had a conversation with you relative to the purchase of this diary, and that you informed him you perfectly remembered supplying him with it? It might have been; I cannot recollect.

6633. Are you in the habit of seeing Mr. Harrison every day? Not every day.

6634. Every week? I might—sometimes twice or thrice a week.

6635.

6635. Would it not be something peculiar that a conversation should take place about the *Mr. A. Harris:* purchase of a book, which you say occurred only once or twice, and that Mr. Harrison should refer to it to see whether you recollected it—would not that be a circumstance you would not forget very easily? No, I do not know that it would.
6636. A conversation like that does not occur every day? No.
6637. Would it not strike you as very peculiar? No.
6638. *By Mr. Johnson:* You remember Mr. Richard Johnson asking you about it? I say distinctly I do—that was a remarkable occasion; when Mr. Richard Johnson was in the place there were three or four of our young fellows come in from dinner, and the question was put point-blank to me.
6639. *By the Chairman:* Has not the question been put point-blank to you with reference to meeting Harrison? It has been put point-blank to me here.
6640. Now that your remembrance has been called to the matter, have you no recollection of having had a conversation with Mr. Harrison about the diary? No; I say I remember Mr. Richard Johnson coming to me.
6641. If Mr. Harrison has, before this Committee, mentioned that some question had arisen about the diary, and that he had asked you respecting it, you would not be likely to forget such a thing? —
6642. If Harrison stated that, is it correct? I see what you are driving at—you want me to say a thing that I have no distinct recollection of; it might have occurred, but I have no distinct recollection of it.
6643. *By Mr. Johnson:* Your memory is not very good? It is not first-class.
6644. You cannot now be certain whether, within the last three weeks, or not, you had any conversation with Harrison about having supplied him with a diary? I would not be certain.
6645. Within the last three weeks? Within the last three weeks.
6646. Have you a memorandum or document to refresh your memory as to when you supplied him with the diary? No.
6647. How do you then fix the time within the month of January? Because it was about the month of January that he came to reside with me.
6648. That would be a good reason for remembering when he came, but did he apply to you for the diary when he first came? I could not say.
6649. Will you say within a month? I would not swear.
6650. Or two months? I will swear it was within a month—I tell you distinctly it was a day or two, or three or four days.
6651. *By Mr. Wilson:* Why do you not answer the question in a straight-forward manner? I am endeavouring to answer it as truly as I can, about the time, but you ask me the question so many times —
6652. *By Mr. Johnson:* I may have to ask you a good many more times. What circumstance is there to refresh your memory as to the particular time when you supplied that diary? No more than the one I mention.
6653. What is that? About the time Harrison came to live in the house I do.
6654. How do you know it was not a month afterwards? I have nothing to refer to farther than my memory serves me.
6655. I want to see how far your memory does serve you—was it the day he came? I cannot say.
6656. How long before you took it to him had he asked you for it? I cannot say.
6657. Will you undertake to say that you got this diary and took it to him before the 11th of January? I would not undertake to say anything of the kind.
6658. Or before the 23rd of January? I would not say for a certainty.
6659. How is it you have made no inquiries from any of the people connected with the establishment, to see whether they recollected your getting it? It is a matter I do not bother myself about.
6660. *By Mr. Morris:* Did you ever get one before from the shop? No.
6661. Never before? No.
6662. *By Mr. Johnson:* Do you mean to tell the Committee that you purposely gave Mr. Richard Johnson an untrue reply, to save your employer's time? You call it an untrue—I call it an equivocating reply, that I might not be called here. I said as much to some of our gentlemen after Mr. Johnson left.
6663. You mean to say that you purposely led Mr. Richard Johnson to suppose the state of your mind was such that you could give the Committee no information, in order that you might not be called here? Just so.
6664. Knowing at the time that you could? Just so.
6665. Will you inform the Committee of this—if you take a book out to sell to any of your friends, and do not make any entry—if you do not put the money into the till at all, how it can be discovered? You are supposing a thing that would not occur with me—I am not prepared to enter into a discussion of this kind.
6666. Is there any person who knows when you took the book away or brought the money back? I do not know anyone who would recollect it.
6667. Do not Sands & Kenny dispose of these books by wholesale to other dealers, who sell them all over the town? Yes.
6668. Your recollection is so indistinct of the circumstance, that you cannot say whether you took him a Letts' diary or one of Sands & Kenny's diaries? I cannot say.
6669. Are the prices the same for these two books? I am not prepared to say; I think Letts' are dearer, but I am not sure.

- Mr. A. Harris. 6670. About Bulwer's works—can you say whether Mr. Harrison got them before he came to live in the same house with you? I think before, but I am not sure.
- 9 Dec., 1862. 6671. You are not sure of that? No.
6672. You are quite sure you did not take that book to him? I do not think I did.
6673. Is it possible? It is possible and it is not.
6674. Excuse me for saying those answers cannot both be true. I ask whether it is possible you might have taken Bulwer's works to him? Yes.
6675. Did you ever see Harrison's diary after you took it to him? Never.
6676. *By the Chairman*: Did you tell Harrison that you had seen a person who had asked you if you remembered the circumstance of getting for him a Letts' diary? No.
6677. You did not say that to Mr. Harrison? No.
6678. Did you ever say to Harrison that you purposely misinformed the person who had asked, because you thought he had no business to ask? No.
6679. You had no conversation of that kind? Not that I recollect.
6680. Did any conversation of that kind ever occur? I do not recollect.
6681. Would not that be a particular conversation? It might be.
6682. Would it be likely that you would forget such a conversation, if it had occurred within the last fortnight or three weeks? It might, or it might not, but my memory does not serve.
6683. Would you be likely to forget a conversation of that kind? I might or might not; I really cannot say.
6684. I ask you, if a conversation of this particular nature were to occur between you and any particular friend of yours, you would forget that conversation in a fortnight or three weeks? No, I do not think it is probable.
6685. Do you think it is probable you had a conversation of that nature with Mr. Harrison since you saw Mr. Richard Johnson; mentioning that you had seen a gentleman who had inquired of you whether you remembered supplying Mr. Harrison with a diary? I do not remember the conversation.
6686. If you had such a conversation, would you be likely to forget it? I might or I might not; I do not recollect such a conversation.
6687. From your own belief in the retentiveness of your memory—from your knowledge of yourself—can you say whether you would be likely to forget it if it had occurred? I cannot say; I do not recollect this conversation you speak of.
6688. I ask, if it occurred would you be likely to forget it, especially when you imagined that the answer you gave would involve your examination before this Committee, which you wished to avoid—If after you had seen Mr. Johnson you had seen Mr. Harrison, and had had this conversation, would you be likely to have forgotten it? I do not remember it.
6689. *By Mr. Morris*: Do you believe you said such a thing? I do not.
6690. *By the Chairman*: Do you believe you would forget it if it had occurred? You are all harping upon one question—the answer is, I do not remember the conversation.
6691. It is a very different question I ask you—I ask you whether you think you would be likely to forget it? I cannot say.
6692. Have you a particular regard for Mr. Harrison? Not the slightest. When I say not the slightest, I mean I would not come here and tell a falsehood even to serve him. I am friendly with Harrison, and all that sort of thing.
6693. Have you ever assisted Harrison in detecting? No.
6694. Not in any case? No.

Thomas Charles Bentley, Esq., examined:—

- T. C. Bentley, Esq. 6695. *By Mr. Johnson*: It has been stated that M. Boulanger recently called at your house; will you explain how that happened? A fortnight last Sunday, one of my servants being at church and the other putting the children to bed, there was a double knock at the door, and I went to the door. Mr. Boulanger was there. As I am not upon terms with Mr. Boulanger, I was surprised to see him. He said, "I wish to see you very particularly." I shewed him to the back parlour, and I called to Mrs. Bentley not to come into the room. He said, "I hear this case in which I have been mixed up is before a Select Committee." I said, "Before I say anything to you upon that subject, you must answer me a few questions: have you seen Harrison?" He said, "I have; I saw him outside the Supreme Court, on Friday," that is, after his examination. I then said, "Did you ever go to Harrison, to ask him to let you look at his diary?" He said, "No." "Did you know if Harrison kept a diary?" "No." "You never saw it, and he never told you that he kept one?" "No." "Did he ever come to you for yours before I sent for it at the time I made my depositions, as I wished to be correct in reference to some dates?" "Yes." "When did he come to you—was it immediately after your quarrel with me?" He could not say when—it was before he left Lyons Terrace. He then said, "I want to say something very particular to you; I cannot say it in your own house." I said, "Why not? there is no one here—Mrs. Bentley is not here." He said he would not, and insisted that I should go out into the street. Knowing that he was in communication with Mr. Harrison, and that I had all the world to fight against, I thought it prudent to comply with his request. I went out. He made me give him a promise I would not lose my temper, but would quietly hear what he had to state. He said he was quite convinced I had nothing to do with it, but was not quite so sure about Mrs. Bentley. I then said, "What do you know that should lead you to state that?" He then stated that, when receiving my hospitality, he had laid a trap for Mrs. Bentley to fall into; that the stoppage in Hyde Park was a fiction invented by him as

a trap for Mrs. Bentley to fall into, and that immediately after that, of course she pretended that she was assaulted. I said, "Is that the only fact you know?" He said, "Yes, that is the only fact I know." I said, "Do you know anything more?" He said, "No." He said, "I hear a great many rumours out of doors." I inquired, "What, are they in reference to Harrison?" He said, "Yes," and I then replied, "It is true that Harrison has invented a diary to blast my wife's reputation," and I said, also, "You of all men have had an opportunity of knowing how false it must be." He then stated, "Oh! yes, but you know some people's manners are very—they have a great deal of *empressement* in them; and I visited you, because I liked your fowls and your ducks; but I thought both you and Mrs. Bentley were particularly pressing for my company, and especially Mrs. Bentley." I then turned round and said, "Sir, when you"—I want to be correct; let me think—"when you came to me and told me that everything had been sold over your heads, that your wife and child were starving, and that you wanted money to save them, I gave it you. You then told me you could not pay your hotel bill, I paid it for you. Mrs. Bentley and myself, knowing you to be a genius—"a man of talent" I think I said—"gave you open house, because we felt that you were attacked as we were attacked; and when I was stopped in the street, by Mr. Hanson, and told that you were not a very respectable man, I said if Mr. Hanson would state one fact to me that would convince me of that, I would throw you overboard, but upon mere rumour I would not do so—that is to say, while you were in adversity, and had not any home to go to, I would give you an opportunity of making your footing, and that when you were successful I would throw you overboard; and my hospitality you now throw in my teeth." He said, "Well, you know you promised not to get angry. I came down entirely as your friend. I am indebted to you for a large sum"—no, not a large sum—"for money, which I can no more pay you than that dog lying at your feet; and I do not wish to be called before the Select Committee, because I do not want to say anything unpleasant." I stated my object was entirely to learn all the truth—that there was nothing I wanted to be kept back, and I parted with him. I met him again.

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6696. *By the Chairman*: By appointment? No, by accident.  
 6697. *By Mr. Johnson*: How long afterwards? Two days since.  
 6698. Do you mean two days after this interview? No, two days since, two days back—about a fortnight after the occurrence—and he stopped me—  
 6699. Was it Saturday—you had better fix the date? I told you at the time—on Friday. He said, "I want to see you." I said, "I cannot say one word to you."  
 6700. Was it before or after the Committee sat on Friday? It was Thursday—I wish to be quite right.  
 6701. Which was a day the Committee did not sit? Which was the day the Committee did not sit; that is why I know it was on Thursday. He said, "I want to speak to you." I said, "I do not want to speak to you. I will not have anything to say to you while the Select Committee is sitting; your calling at my house has already been mentioned to them." He said, "How?" I said, "My servants are spies in my own house, and I do not care to say one word to you." He said, "I must see you; I will come to your house." I said, "I will not see you." He said, "I shall come to the Club." At that moment some person passed, and I have not seen him since.  
 6702. *By Mr. Morris*: Did Mr. Boulanger state to you the reason that Harrison required his diary? No, I do not think he did.  
 6703. *By the Chairman*: But he did state that Harrison had got Mr. Boulanger's diary from Mr. Boulanger? He did.

WEDNESDAY, 10 DECEMBER, 1862.

Present:—

MR. MORRIS,	MR. PIDDINGTON,
MR. LUCAS,	MR. WILSON,
MR. W. FORSTER,	MR. LEARY,
MR. COWPER.	

DANIEL CAMERON DALGLEISH, Esq., IN THE CHAIR.

Mr. Johnson appeared for the Petitioner, Mr. T. C. Bentley.

Mr. Charles Edward Harrison called in and further examined:—

6704. *By the Chairman*: I think you informed the Committee, on a former occasion, that you have only been employed in three different capacities—as a sailor, a shopman (a draper's assistant, I think), and a detective officer—is not that so? I said I was in the Gold Escort, and in a wine and spirit store.  
 6705. Anything else? No, nothing else.  
 6706. Did you ever keep or were you the owner or proprietor of a —? Circus, yes, for a short time.  
 6707. Were you ever the owner or proprietor of a doll-show—one of those Fantoccini exhibitions? No.  
 6708. Were you never in connection with one? No.

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6709.

- Mr. C. E. Harrison. 6709. Had you a small theatre of that kind at all, between Castlereagh and Pitt Streets? Never, here nor anywhere else; I was never in any way connected with it.
- 10 Dec., 1862. 6710. Did you at one time take lodgings in a house at the corner of Market and York Streets, apparelled as a digger, and, after staying on the Saturday night and Sunday or Sunday night, on Monday morning exhibit an information against the person with whom you lodged, for having supplied you with spirits? I did not. I was engaged in a matter of that kind, but I neither lodged in the house till the Monday morning, nor did I exhibit an information against the party. When I joined the police force I received orders from my superior officer, to proceed to a certain house and ascertain the fact whether the person in the house was retailing wines and spirits. I went, and reported to that effect, but I laid no information, nor had I anything further to do in the matter.
6711. Did you go dressed as a digger? I cannot recollect what dress I went in. I don't know what peculiar dress a digger is supposed to wear.
6712. Did you go in a blue or red shirt, with a swag on your back and a tin-pot by your side, as if you had just come off a journey? No; I cannot say how I was dressed; I did not go in uniform, of course. It is many years ago now.
6713. When did you obtain Mr. Boulanger's diary? I really cannot say; it is many months ago. It was during the time that I had the Bentley case in hand, and, I believe, when Mr. Boulanger was still a visitor at Mr. Bentley's house, before he had the difference with Mr. Bentley. I will not say for certain whether it was before or after, but it was on or about the time.
6714. Was it before Mr. Boulanger reported that he had been stopped on the Racecourse? No, it was after.
6715. How long after? I cannot say.
6716. What fixes it on your mind that it was after that circumstance? I cannot say what fixes it on my mind, but I believe it was after—I am sure it was after.
6717. Do you know a person of the name of Mr. Gibson? ———
6718. *Mr. Morris*: In your own office? There is no one of that name in the office.
6719. *By the Chairman*: Has he never been employed by you? Never by me.
6720. Or in the police department? I cannot say as to that.
6721. Was Mr. Boulanger ever employed by you? Never.
6722. Did Mr. Boulanger ever give you information with regard to the Bentley case, or any other case? Never with regard to other cases. With respect to the Bentley case, Mr. Boulanger and I may have had some conversation when Mr. Bentley was not present, but never until lately, to throw any light upon it.
6723. Did he ever wait upon you specially for the purpose of making disclosures to you with regard to the Bentley case? I do not know whether he ever did wait on me specially for the purpose of making disclosures with regard to the Bentley case. He did make a report to me in at Johnson's music repository in Pitt-street, on one occasion, and he spoke to me since at Darlington, while I was at the Court; he came across the street, as he was passing, to speak to me.
6724. *By Mr. Morris*: A few days ago? Three weeks or a month ago.
6725. *By the Chairman*: For what purpose did you get Boulanger's diary? There was some difference of opinion with regard to some particular date—the date of the receipt of a letter, or something of that sort. I said it was on a particular day, and Mr. Boulanger said it was not so, and said he could refer to his diary to prove that he was right. I was in at Mrs. Nutts' a night or two afterwards, when he was there, and this became the subject of conversation again, and he said that he could refer to his diary, but he had lost the key, and he thought it was a peculiar lock, and that he could not get a key to fit it; I said I thought I could get him one, and he entrusted his diary to me for that purpose. That was how Mr. Boulanger's diary came into my hands.
6726. How long did you keep it? I might have had it two days.
6727. How many extracts did you make from it? I do not recollect making one.
6728. Did you make any? No.
6729. Did you compare his diary with yours? No, I have no recollection of doing that, unless it might be with regard to this particular matter that was in dispute between us; I forget what it was now. He had no particulars in his diary that I saw.
6730. Did Mr. Boulanger ever report to you that his being stopped on the Racecourse was a fiction, invented by himself? Tantamount to that.
6731. When? In at Johnson's music repository.
6732. When? Months ago—directly after some of those letters of Mr. Bentley's appeared in the paper. He said he had an object at the time in making that report, but I did not ask him what that object was.
6733. *By Mr. Piddington*: What was the reason you did not ask him to explain his object? Because Mr. Boulanger, as well as other parties, was constantly making remarks, and suggesting ideas to me in connection with the matter, and I made it a rule not to take notice of any opinions that were expressed to me about the case.
6734. Was it not probable that you would take sufficient interest in this case to ascertain how that remarkable circumstance arose, that Mr. Boulanger should state positively that he was assaulted, and afterwards say that that statement was a falsehood? I do not recollect that he told me it was a falsehood, but that something in connection with it—the words used, or something that took place—was not stated in accordance with what had taken place. I did not press him to give me the particulars.
6735. Do I understand you to say, that what passed at the interview you had with him, on that subject, did not lead you to presume that the whole of his statement was a fabrication from beginning to end? No.

6736. Nor did you ask him any questions with reference to it? I do not recollect what questions I asked him, but I know no explanation was given.
6737. *By the Chairman*: Do you think, as a detective officer, where a person reported that he had been stopped on the highway, and afterwards stated that his statement was a fiction, that it was not your duty to make inquiry into the matter? It would all depend upon my confidence in the person making the statement.
6738. *By Mr. Morris*: You appear to have forgotten that you have already informed the Committee that you knew you would be able to obtain from Mr. Boulanger corroborative evidence of what you have stated? I said Mr. Bentley's witnesses.
6739. You mentioned Mr. Boulanger? Yes, from what Mr. Boulanger told me at Darlinghurst, but I did not go into particulars.
6740. How, then, would it be possible for you to tell whether we will be able to get any information to corroborate your statement? From the words Mr. Boulanger himself used to me. He said—"I can give you particulars with regard to Mrs. Bentley being stopped at Newtown, that will throw some doubt on it; I have plenty particulars to give, and I intend having my statement taken on oath, and I shall send it to the Committee." I did not think he would make such remarks unless he could bear them out.
6741. *By the Chairman*: Do you know how Mr. Boulanger is obtaining a livelihood at present? I do not.
6742. Has he received any aid whatever from the Detective Police Office? Not to my knowledge—never in any way.
6743. You say you have not spoken to anyone that has appeared before the Committee with regard to what they could say or should say? No.
6744. Did you not speak to Mr. Harris? No, not with regard to what he should say; I asked Mr. Harris a question, and he answered it.
6745. Was the question not with regard to what had transpired in the Committee? Well, I don't know that it was; I asked whether he recollected a certain fact, and he told me yes.
6746. *By Mr. Piddington*: What was that fact? Whether he recollected getting the diary I had here from Sands & Kenny's, and bringing it to me at the house, and he told me he did perfectly.
6747. *By the Chairman*: Have you not had a conversation with him about some person having been down to the office, making some inquiries? Yes, he said some person had been down at Sands & Kenny's, making inquiries; I do not think he said the inquiry was made from him, but from somebody else in the office, if I remember right.
6748. When did you see him last? Yesterday; I see him every day.
6749. At what time? I saw him yesterday in George-street, in the middle of the day.
6750. Why were you not at this Committee yesterday? I was away on business, and did not know the Committee wanted me; I was engaged down at the New Zealand Wharf.
6751. Did you see Harris yesterday at 12 o'clock? Some time in the middle of the day.
6752. Was it before 12? I cannot say; I do not think it was.
6753. *By Mr. Morris*: Was it after he had been examined before this Committee? I was not aware he had been examined; it was about the middle of the day; it was before 2 o'clock, because I was at the office at 2. I was on horseback, talking to a gentleman near the Bank of New South Wales, when Harris came up. It was Mr. Tickle I was talking to, about a watch he had had stolen from him, when Harris came up and spoke to me.
6754. *By the Chairman*: What do you know about Mrs. Nutt? Nothing.
6755. Nothing? Nothing much.
6756. How much do you know;—do you know anything about Mrs. Nutt in connection with this inquiry? I do not.
6757. Have you never employed Mrs. Nutt in any way with regard to it? Never; I have not spoke to Mrs. Nutt for months and months.
6758. Have you received information from Mrs. Nutt relative to this case? No, never.
6759. How about this key for Mr. Boulanger's diary—what kind of key was it? An ordinary little key.
6760. A very ordinary one? Yes.
6761. A piece of iron with a knob on it of any kind whatever would open that lock, would it not? I cannot say.
6762. Are not these locks for diaries, as a rule, of the commonest description, so that a bent nail or anything of that kind will open them? I don't know that I ever looked at the lock of a diary before.
6763. Had you much difficulty in fitting a key to it? I had not.
6764. What kind of key was it? A small key.
6765. Where did you get it fitted? At a watchmaker's in Market-street.
6766. What is his name? Rossiter.
6767. Had he the diary in his possession when he fitted the key? He must have had, because the diary was in the case, and the case was locked.
6768. Was the diary in the possession of the watchmaker when he fitted the key? If he fitted the key, yes; if he got it fitted, I cannot say.
6769. I want no ifs in the matter. Was it in his possession when he fitted the key? I left it in his possession.
6770. How long did you leave it in his possession? I cannot say.
6771. Was it a week? No, it was not. I may have left it there till the following day, or only for an hour. I do not know how long it was in his possession.
6772. Have you a bad memory? No; I have as good a memory as most people, but I certainly do not recollect every trifling circumstance like that.
6773. Are you sure you made no extracts from that diary? I have no recollection of making any extracts from that diary; I do not believe I did.



- Mr. C. E. Harrison.  
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6774. Was it not rather strange that a person should trust you with his private diary to get a key to it? I do not know; I do not think there was anything in it of any consequence.
6775. I thought you said there was some particular date? It was a difference between us with regard to a fact he had entered in his diary.
6776. Would you have lent your private diary to him? Certainly not.
6777. Have you reported to this Committee every circumstance that you know of, of a suspicious nature, with regard to the Bentley inquiry? I do not know.
6778. Have you reported to the Committee all the reports you made to Mr. Bentley when carrying out this inquiry? I do not know —
6779. With regard to having seen persons under suspicious circumstances, and persons you have mentioned as speaking about the risk being too great, and being in conversation in a mysterious way—have you reported such matters to the Committee? I do not know.
6780. Are not such circumstances mentioned in Mr. Bentley's deposition? I cannot say.
6781. Have you not read the depositions? I have looked over it, but I cannot bear everything in my mind.
6782. Have you not told the Committee you believe the depositions are correct, with the exception of what is said about the native tracker? Yes, as far as I myself was concerned, but at the same time there are conversations set out there which are not entirely correct; portions are correct, but other portions are not set down, which would have given a different aspect to the conversation itself.
6783. At any rate, there are some facts you have not mentioned, either in your diary or in your evidence before the Committee? It is very possible.
6784. You make a memorandum in your diary that the depositions consist of 315 pages, that you managed to wade through them by 8 o'clock in the evening, and that you had noted a few remarks; and you go on to state that his statement is simply a record of facts, and in no part does he contradict your report—what is the meaning of that? I mean that to refer to it as a whole, without going into details. I mentioned nothing in my diary about a native tracker, and yet it is down there. As a whole, the deposition is in the main correct, as far as I myself know.
6785. What you found to be incorrect was, that what you noted where you made remarks? I do not know whether I noted anything.
6786. You state in your diary that you did? If you will allow me to look, I will see what I noted down with regard to it. (*Diary handed to witness.*)
6787. How long had you these depositions in your possession—had you them a month? No; two or three days.
6788. Hadn't you them a fortnight? No, I am sure I had not.
6789. When did you get them—do you remember? I do not.
6790. Had you them on the 21st September? I do not know.
6791. Look at your diary? (*Witness referred to diary.*) Yes, I see I had them on that day.
6792. When did you return them? I do not know.
6793. Look in your diary, and see if you returned them on the 3rd October? Yes; but I did not have them all that time.
6794. Who had them in the interim? The Inspector General; I recollect him giving the deposition to me, and he wanted it again, and took it away again—I think the following day or the day after—and he then gave it to me on another occasion.
6795. There is a matter relating to a stiletto and whistle—did Mrs. Bentley ask you for that stiletto and whistle, or did you offer it to her? I do not recollect how it came about.
6796. It was rather a remarkable circumstance, was it not? Yes, if you will allow me to explain: If my memory does not fail me, there was a conversation between Mrs. Bentley and myself, Mr. Bentley being present, with regard to Mrs. Bentley being a good shot and shooting at home with a pistol, and she said she thought she would have sufficient courage to use a weapon on any person who might assault her. The conversation then turned upon what weapon it would be best to carry, and I told her the best thing would be a policeman's whistle, to call assistance if she required it, and that if she liked I would lend her one.
6797. *By Mr. Wilson:* Do policemen use peculiar whistles? It is a whistle with a pea in it to make it shrill.
6798. Not a common dog-call? I do not know whether they are made for dog-calls. They are usually leaden ones; mine is made of an alligator's tooth. I also told Mrs. Bentley that I would lend her a small poniard, so that in case she were attacked she could defend herself, and she said, yes, she would take it; but I cannot tell you the exact words of the conversation or how the matter came about. I believe Mr. Bentley was present during the whole of the conversation.
6799. Did you give it to Mrs. Bentley at the time or afterwards? I believe I gave it to her the following morning; I met her on the road and gave it to her; I think so, but I am not certain.
6800. *By Mr. Piddington:* With reference to Harris—when you met Harris and asked whether he had any recollection of supplying you with one of Sands & Kenny's diaries, where did you meet him? Near Moffit's, in Pitt-street.
6801. How long ago is it since you met Harris and held that conversation with him? It was the day previous to my being asked the question here by the Committee. It will be down in the evidence. I was asked when I had spoken to Mr. Harris on the subject.
6802. Can you recollect how many weeks since—was it upwards of three or four weeks? It was after I had been asked by the Committee where I obtained the diary, and I told them. That was on the Thursday. I think then it was on the Saturday—I believe it was after I first appeared before the Committee that I saw Mr. Harris.

6803. How many weeks is it since you had that conversation to which you allude, with Mr. Harris? About a fortnight ago I should suppose.

Mr. C. E.  
Harrison.

6804. If Mr. Harris has stated that he has no recollection of that conversation, can you account for his want of recollection? No, he cannot state so, because he gave me a reason at the time that I made the remark to him about it; he said they sent down to Sands & Kenny's, from the Committee, about it—I do not know whether he said to himself or to some party in the establishment; but he said—I think his words were, "I gave them no satisfactory answer about it, because I did not know their object in sending down to me." He cannot but recollect that conversation.

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6805. If he has stated that he has no recollection of it, to what do you attribute his want of recollection? It is impossible to say.

6806. Weakness of memory? I never gave him any credit for weakness of memory.

6807. Are you quite sure that conversation did take place within two or three weeks time?

Yes.

6808. And you cannot account for Harris' want of recollection in not remembering the circumstance? I cannot.

6809. *By the Chairman:* Did you not state before the Committee that it was a Letts' diary that you got? I believed then that it was Letts' diary; but I can recollect now a conversation between Harris and myself when I got the diary. I was not aware that Sands & Kenny had diaries of their own publication, but I recollect his saying to me—"It is not a Letts' diary—it is Sands & Kenny's; but the only difference between the two is that one contains matters connected with England, and Sands & Kenny's does not—if that will suit you as well."

6810. *By Mr. Johnson:* You of course remember the day when you were informed of the assault on Mrs. Bentley—Friday in Easter week? Yes.

6811. Did you give Mrs. Bentley the stiletto on the following Tuesday as she was going to Newtown? I may have done so.

6812. Cannot you tell? No.

6813. It was when she was going to Newtown? I believe it was.

6814. You read over this deposition? Yes, as well as I could, without taking particular notice of every part; I read it over in a hurry, without studying it.

6815. What was your object in reading it over? For information—to see what was there stated.

6816. Was it not, amongst other things, a most important object that you should see if anything was stated in the depositions inconsistent with the truth? I had made up my mind with regard to the case, and I did not pay much attention to what Mr. Bentley adduced, because I could see that I was already acquainted with what was there set down verbally.

6817. I shall have to repeat my questions for ever till you answer them—I say, was it not a most important object that you should see if anything was stated in the depositions inconsistent with the truth? No, I did not look on it as such, being already aware of the facts of the case —

6818. *By the Chairman:* It is not necessary to go into these long answers when yes or no will do—it makes the examination so long, without any object? I do not wish to be misunderstood.

6819. *By Mr. Johnson:* You may depend upon it I will give you the fairest opportunity a witness can have to state your own views, but what I complain of is that you do not answer my questions. It is stated in this deposition that on Tuesday, the 29th April last, you met Mrs. Bentley as she was walking to the omnibus, and gave her a stiletto and a whistle—Is that true or not? I do not know whether that was the date; I believe I gave it to her on the road out to Newtown.

6820. Can you recollect whether it was on the next occasion of her going to Newtown, after the assault? I cannot say. I did not look upon the fact of giving her the stiletto and whistle as an important event. It might have been the next time that she went to Newtown, or it might have been the time following again. I would not even be certain I did not give it to her at the house. My impression is that I gave it to her as she went.

6821. *By the Chairman:* Did you say you could not give her the stiletto at the house, as it was necessary you should get it ground and sharpened? I do not recollect whether I made use of those words.

6822. Is that the stiletto? (*Stiletto produced.*) Yes, that is the one, I believe.

6823. Did you get it ground and sharpened? If I did it was by one of the men in the office. Whether I told him to sharpen it, or told him to get me a sharp one, as I have several of them, I do not recollect.

6824. *By Mr. Johnson:* You do not deny you did say so—that you would get it ground and sharpened? I say I do not recollect.

6825. Do you deny it? I have no recollection of it, one way or the other.

6826. Look at that entry of the 6th May in your own diary, and tell me if you will undertake to say you gave her the stiletto and whistle on that day? (*Witness referred to the diary.*) Yes.

6827. Would you swear, if on your oath, that you did not give it on the previous Tuesday? No.

6828. You would not? That was the day I gave it to her. (*Witness was understood to be referring to the 6th May.*)

6829. If you were on your oath, would you swear you did not give it on the previous Tuesday, the 29th April? No, I did not.

6830. *By the Chairman:* Mr. Johnson's question is whether you would swear you did not give it on Tuesday, the 29th April? I will swear I did not give it to her on the Tuesday prior to that. This was the day I gave it her, and now I recollect where I gave it her.

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6831. *By Mr. Johnson*: It states there where? Yes, but I recollect the exact spot in the street where I gave it to her.
6832. You read this deposition of Mrs. Bentley's, paragraph 193, in which she states that, on the 29th April, you met her as she was walking to the omnibus, and gave her the stiletto and whistle? I do not recollect reading that; probably I did read it, since I read the whole of it; but I did not take notice of the different dates on which the facts were entered in Mr. Bentley's deposition.
6833. Then you were really so indifferent about this deposition that you did not exercise your mind to see if anything in the deposition itself was untrue? I was not indifferent, but I was aware of all the facts there in connection with myself, and I did not go into it minutely, or compare it with my diary; I simply read it as a whole.
6834. You did not exercise your mind to see if you could elicit anything in the deposition that you could put your finger upon as untrue? I did not.
6835. Look at your diary of March 22nd—(*Witness referred to diary.*) When do you say was the first time you went to Mr. Bentley's house? Saturday, 22nd March.
6836. Will you undertake to say that you did not go on the previous day—the 21st? No, it was on Saturday, the 22nd.
6837. Are you positive you did not go there on the 21st? I have no recollection of having gone there—had I gone there it would have been entered.
6838. Are you prepared to swear you did not go on the 21st? No, I am certain I did not go on the 21st—certain of it; being the day after I returned from Maitland, I should have recollected the fact if it was so.
6839. What was the day you and Mr. Boulanger were in Clarke's shop when Signor Cutolo passed? Monday, the 24th. I see an entry here of that date—"Called at Bentley's during the evening, and Boulanger mentioned the circumstance of C. seeing us together." It must have been on the Monday.
6840. Would you swear it was not on Saturday, the 22nd, that you were in Clarke's shop when Cutolo passed? No; it might have been, but I do not see an entry made. I think, if it had been on that day, it would have been the subject of conversation between Mr. Bentley and Mr. Boulanger the same evening, but the conversation seems to have been on Monday, the 24th.
6841. So the diary says. Will you undertake to say the diary is not wrong, and that both the fact and the conversation respecting it did not take place on the Saturday? There is nothing here to contradict the fact that it may have taken place on the Saturday.
6842. You will not undertake to say that the fact of your being in Clarke's shop did not take place on Saturday, the 22nd? No.
6843. It may have been so? It may have been.
6844. Are you prepared to state that the conversation respecting your being in Clarke's shop at the time Mr. Cutolo passed did not take place in Mr. Bentley's house on the Saturday afternoon? No, I am sure it did not take place the night I first was introduced to Mrs. Bentley, and it was on Saturday, the 22nd, I was first introduced.
6845. I say it was Friday, the 21st, that you were introduced, so it is no use taking a date we do not agree about. Will you declare positively that the conversation you have recorded in your diary as taking place on Monday, the 24th, did not take place on Saturday, the 22nd? I do not believe it did take place on Saturday, the 22nd.
6846. Will you declare it did not? I do not believe it did.
6847. Will you declare it did not—It is no use wasting time, we must come to it in the end? It might. As I have already said, I will not vouch that there are not errors in these entries, but I do not believe there are.
6848. Just look at the entry of the 29th March, about Herman Brothers;—have you an entry there, that at that day you considered their conduct was satisfactory in reference to the letter left at the post office? Yes.
6849. How did you come to that conclusion? From the statements made by the Hermans themselves, and from what I learned from the post office authorities.
6850. When were they made? I do not know; I did not watch them; it was from the information I received from the men I drew my conclusion.
6851. Just read your entry about that—the entry of the 29th? (*Witness reads*): "Discontinued watching Herman, as I am satisfied he knows nothing about the business, he having given one of the officers a satisfactory explanation of how he came to fetch it; and from the fact of his opening it at the post office and then throwing it back, saying it was a mistake and the letter was not intended for him, I believe his statement to be true."
6852. Did you not know that on the 27th of that month? I do not know.
6853. Just look if you have an entry about it? There is no entry here.
6854. When was the time the man did go to the post office, and open the letter and throw it down? The 26th.
6855. I suppose you learnt all about that on the 26th or 27th? No; if I recollect right I had him watched for two or three days, and changed the men that were watching him.
6856. Have you any entry to shew that? No; the men employed recollect it.
6857. You mean to say you had him watched? When he left the post office.
6858. For how long? Two days following.
6859. What took place during those two days? I cannot recollect. He was watched from his shop to his house, and back to his shop. The men did not tell me where he went, but there was nothing, so far as I recollect, that threw any suspicion on him. I can recollect sending another officer to his house, to make some inquiries about the letter.
6860. You have an entry to the effect that Herman Brothers were in the habit of getting communications with the same initials? So, if I recollect right, the one who had fetched the letter told the man I had sent down.
- 6861.

- 6861. Were you satisfied of the truth of that assertion? I could not satisfy myself of the truth of it.
- 6862. Did you believe it? I did, from the very fact of his throwing the letter into the window again.
- 6863. *By Mr. Morris:* Did you state to Mr. Bentley what you state now? Yes, I gave him full particulars.
- 6864. And expressed your disbelief that Herman had anything to do with it? Yes.
- 6865. *By Mr. Johnson:* Did you believe he was in the habit of receiving communications with the same initials? Only from his statement; I did not see any reason to disbelieve it.
- 6866. You did not, in fact, disbelieve it? No.
- 6867. And you never stated that you disbelieved it? I have no recollection of ever having stated that I disbelieved it. I gave Mr. Bentley full particulars at the time, but to any inquisitive person who may have asked, I probably made some remark to throw him off the scent, the same as with other matters. Mr. Bentley was in possession of the facts, and Mr. Boulanger likewise. In fact I used to repeat every tittle of information to both Bentley and Boulanger until I was a little doubtful of Boulanger, and then I confined my information to Mr. Bentley himself.
- 6868. Do you ever adopt the effigy of a serpent and a dove as representing yourself—just look at that (*holding up a letter*)? Yes, that is mine. A serpent and a dove!
- 6869. What do you call it? I call it a hawk and a snake.
- 6870. Is that your writing (*handing the letter to witness*)? It is not.
- 6871. Is it written by your authority? Yes.
- 6872. Whose writing is it? Detective Scott's, I think.
- 6873. Was that written by your direction? Yes, of course it was.
- 6874. What is the hawk and the snake—who is it intended to represent? I recollect having

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- 6875. *By the Chairman:* Who is it intended to represent? There was an agreement between Mr. Bentley, Mr. Boulanger, and myself, that letters passing between us should have no signature
- 6876. Who is it intended to represent? Myself, according to a previous arrangement made between Mr. Bentley, Mr. Boulanger, and myself.
- 6877. If you will answer the questions that are asked, there will be no necessity to repeat them? I will be most happy to answer the questions that are asked. It was intended to represent my signature.
- 6878. *By Mr. Johnson:* Are the contents of that letter true? Yes.
- 6879. How do you reconcile it with what you have just stated? I do not see anything to contradict what I have just stated.
- 6880. You say there you do not believe it? That was in the first instance, before I had made inquiries, or had the man watched. That may have been written the same day the man fetched the letter.
- 6881. *By the Chairman:* Will you read the letter? (*Letter read as follows*):—

“Dear Sir,  
 “We have not been able to make anything of the bookseller as yet; he states that he is in the habit of receiving communications with the same initials. I do not believe it.  
 “Will see you, if possible, this evening; should I not do so, rest assured that nothing fresh has transpired.  
 “Yours truly,  
 “Bentley, Esqr.,  
 “Union Club.”

- 6882. Is that the envelope of the letter (*handing an envelope*)? Yes. I cannot say when that letter was written.
- 6883. *By Mr. Morris:* There is the date on the envelope—Was that date there at the time? I do not know whether it has been put there since or not.
- 6884. *By Mr. Johnson:* Have you any memorandum when that letter was written? No; I doubt whether that is the same date.
- 6885. Why? Because it does not look to be in the same handwriting.
- 6886. Will you undertake to say that letter was not written on the 27th March? No, I will not say when it was written.
- 6887. What additional facts came to your knowledge which enabled you to form a different opinion about the bookseller? I do not recollect; I know I had the man watched, and some facts came to my knowledge, but what they were I do not know now.
- 6888. Now, do you believe that at the time that letter was written you were satisfied about the innocence of the bookseller? No, certainly I had a doubt then.
- 6889. What had occurred between the writing of that letter and the entry of the 29th, in your diary? Two days.
- 6890. What had occurred on those two days? I do not recollect.
- 6891. Had you not suspected the man, and had not that suspicion been removed—Are you not able to state the grounds for your suspicion being removed? I do not recollect the circumstances which removed them.
- 6892. *By Mr. Piddington:* Do you recollect why your suspicions were created? Only from the fact of his fetching the letter.
- 6893. *By Mr. Johnson:* Nevertheless, you told the Committee just now, that the fact of his throwing the letter back removed the suspicion? Not in itself. That was one circumstance. Had there been other facts of strong suspicion, the fact of his throwing it back would not have removed them.

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6894. Were there any other facts? There must have been.
6895. Will you undertake to say there were—that you had a single additional fact when you made that entry of the 29th March? No doubt I had, or I should not have made the entry as positively as I have done.
6896. Can you give any further explanation of this matter to the Committee? I cannot.
6897. Will you look at your entry of the 9th April, about Mr. Boulanger's opinion as to publishing the letters? Yes, here is the entry:—"Went to Bentley's during the evening; Boulanger was there, and we talked over the prospects of success. Boulanger was for publishing all the letters."
6898. Will you undertake to say Mr. Boulanger did not express that opinion on the 3rd April? He might have expressed such an opinion, but he expressed the same opinion on Wednesday, the 9th.
6899. You cannot say whether he expressed it on the 3rd April? No.
6900. Have you the least recollection of his expressing it on two occasions? No, I have not.
6901. Do you adhere to the statement in the diary that he expressed that opinion on the 9th April? Yes.
6902. If that is not true, you will admit your diary is not to be relied upon? My diary is correct, every line of it.
6903. Look at the 4th April, where you have an entry of the letter being found on the staircase window, which you say contained threats, and had a postage stamp on it—now, do you adhere to those two entries as being correct? It does not say about postage stamps.
6904. *By the Chairman:* Read the entry? (*Witness read the entry, the concluding portion of which stated that the letter had a two-penny stamp on it.*)
6905. *By Mr. Johnson:* Why do you so prematurely contradict me? I had not read that part of it then.
6906. Look at this letter (*letter No. 20*) and tell me again if you will say that is not the letter that was found on the staircase on the 4th April? That is not the letter I allude to. That may have been found on the staircase on the 4th April; but it is not the letter I allude to.
6907. Look at the envelope—you see it has no postage stamp? No.
6908. Would you be prepared to swear you saw the letter which Mr. Bentley produced, as being found on the staircase window on the 4th, and that it had a postage stamp on it? I do not recollect seeing it; I have already stated so; I will not swear I saw the letter found on the window, or many of the letters that were received; I may have seen them in Mr. Bentley's hand, but I cannot swear I ever had them in my own hand.
6909. What do you mean to inform the Committee were the grounds for your making the entry that the letter contained threats, and had a two-penny stamp on? That I was informed it was a letter containing threats and that it had a two-penny stamp on it.
6910. You do not answer my question—I ask you now to inform the Committee what are the grounds for stating now, and entering in your journal when you did enter it, that the letter contained threats and had a two-penny stamp on it? That I believe such was the case, and I believe it now.
6911. Why? I do not know. You ask if I saw the letter and examined the letter; I tell you I have no recollection of having done so.
6912. I want to know why you enter in your journal, and state now, that the letter contained threats and had a two-penny stamp on it? Because, if Mr. Bentley had read me a letter to that effect, I placed every confidence in Mr. Bentley then, and would have made the entry, believing that what Mr. Bentley told me was true.
6913. Did he tell you so? That I say I cannot answer, because I do not recollect.
6914. Can you say you read the letter? I cannot say I read the letter.
6915. Can you say you saw the envelope with the stamp on it? I cannot say.
6916. Do you mean to say that Mr. Bentley told you it had a two-penny stamp upon it? That I cannot say from recollection, but I have an entry here to that effect. That is not the letter I allude to. I have seen a similar letter to that before; I know a similar letter to that was received.
6917. When? That I cannot recollect.
6918. Have you any entry of that? I do not know that I have.
6919. Let us know if you have? I can go through the book to look.
6920. Do you not consider it a most material matter—the arrival of every one of these letters? In a police inquiry—yes, but not in making notes for my own private information.
6921. Have you any entry in your report to the Colonial Secretary, or in this diary of yours, of the receipt of such a letter as that I have just shewn you, under any other date than the 4th April? I am not aware of any.
6922. Have you any recollection of seeing such a letter at any other time? As which?
6923. As the letter which I have shewn to you, and which you say was not the letter you referred to in the entry of the 4th April? I have a recollection of a letter being either shewn to me or read to me, similar in contents to that one which is there now, but I cannot recollect when it was received, or under what circumstances, or the date when I heard of it; nor am I aware of there being an entry in my diary or in my report to the Colonial Secretary, to that effect.
6924. Nor have you any recollection of the progress of events during which you say you saw such a letter? No.
6925. Now will you turn to your entry of the 12th April. Refreshing your memory by that or any other means, will you state to the Committee whether the conversation you had on that Saturday evening was upon the subject of the anonymous letters or upon some other subject. You say, "About 9 o'clock I was interrupted in my conversation with Boulanger and

and Mrs. B., by Bentley, who called out from the dining-room down-stairs." How long had Mr. Bentley been absent from the drawing-room when he called you? I do not recollect; not many minutes I think.

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6926. What had you been conversing about before he left? I do not know.

6927. Had you been conversing about the anonymous letters? I do not know what the subject of conversation was.

6928. Cannot you remember it at all? It states here that the anonymous letters were the subject of conversation between Mrs. Bentley and myself; Mr. Bentley may have taken part, and so may have Boulanger.

6929. What did Mr. Bentley leave the room for? I think he left the room for a book.

6930. Were you not talking about some incident in the Ingoldsby Legends? I do not know what we were talking about.

6931. Or Bon Gaultier? Yes, I believe it was a book.

6932. Do you recollect afterwards bringing him the book I hold in my hand? I do not know whether it was after or before. I may mention here, as this brings it to my recollection, that when I stated, with regard to Mr. Harris getting me that diary, that I believed he got me some other volume, I thought it was a volume of Bulwer; but I have since recollected what it was. A volume of Bon Gaultier had been lent to me, and I had to return it, and I asked him to get one for me; but he did not bring it, because he said it was too expensive. I think he said it was 8s. a volume, and he thought there would be a cheaper edition out soon. That has just come into my mind.

6933. You remember that Mr. Bentley did go away for the purpose of getting a book? I believe it was.

6934. Did you not afterwards bring him that book and lend it to him? I did so, but I do not know whether it was afterwards or before.

6935. Was not the conversation, which was interrupted by Mr. Bentley calling out on that occasion, conversation in reference to some literary matter connected with the Ingoldsby Legends and Bon Gaultier? Yes, it may have been.

6936. And not about the anonymous letters? Oh! no. The conversation with regard to the anonymous letters may have taken place at the same time. The conversation with regard to the anonymous letters did take place.

6937. On that occasion? Yes, on that occasion; but at the time Mr. Bentley left the room, the conversation may have turned to literature.

6938. How would Mr. Bentley's going for a book, the Ingoldsby Legends, interrupt such a conversation as that—was it not to verify something? The conversation about the anonymous letters may have ceased at the time, and may have turned to literature. I do not say that the conversation with regard to the anonymous letters was interrupted by Mr. Bentley going for the book. I might have been carrying on the conversation with regard to the anonymous letters, while Mr. Bentley might have been talking to Mr. Boulanger about the other matter. I do not recollect the exact topic when Mr. Bentley left the room.

6939. On Sunday the 13th you state that Mr. Bentley shewed you a letter he had found in the flower-stand? Yes.

6940. Do you recollect whether that letter had any envelope or address on it? I do not.

6941. Or any post stamp? I do not.

6942. Your memory is entirely defective? There were so many letters, I cannot recollect any letter in particular.

6943. No other letter was ever received under these circumstances? Not to my knowledge.

6944. Is your memory entirely defective whether that letter was in an envelope, or was addressed at all, or had a stamp upon it? I cannot recollect.

6945. Did you, in fact, examine the verandah on Sunday the 13th April? I cannot say whether I examined it.

6946. *By the Chairman*: Would not your memory serve you on such an important matter? I did examine the verandah, but I cannot tell whether it was on the Sunday morning or Sunday afternoon.

6947. Have you not your diary before you? Yes; still my diary does not enlighten me as to that.

6948. *By Mr. Johnson*: Will you undertake to say you examined the verandah at all on that Sunday, or whether it was not on the Monday you first examined it? There is an entry here, on the Sunday, that muddy footsteps were traced from the yard to the door of the dining-room, but whether I traced the footsteps I cannot say.

6949. Will you undertake to say that you examined the verandah at all until the Monday, the 14th of April? I do not recollect.

6950. Can you say, is my question—your answer surely will be yes or no to that? Yes, I believe I examined it. I recollect pointing out these large footsteps to Mr. Bentley—at least he said they were large ones, but I said they were small ones overlapping each other, and shewed him that they were.

6951. The question is whether that took place on the Sunday or the Monday? On the Sunday, I believe.

6952. Now, I ask if you will undertake to say that you did examine the verandah on the Sunday? I believe I did.

6953. Will you undertake to say positively? My memory will not carry me back, but I find an entry that I did, and I believe it is true.

6954. You will not deny that it may be untrue? I am certain the entries are not untrue.

6955. I must ask again, will you undertake to say positively that you made the examination on the Sunday? I will state that I made the examination the day after that letter was found in the verandah.

6956.

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6956. I must repeat my question—Will you undertake to say positively that you made that examination on Sunday, the 13th April? Yes, I believe I did.
6957. Will you swear you did positively, and that it did not take place on Monday, the 14th? I would never swear to anything unless I was thoroughly positive—if there was a shadow of doubt.
6958. Is there a shadow of doubt? I have already stated that this is so long back, and there might be a mistake, consequently, where there is a doubt I could not swear to it.
6959. Will you undertake to say positively that you did make that search on the Sunday? Yes, I believe I did; I am certain in my own mind that I did. You ask whether I would swear I did—I say no, because there might be an error in the date, although I am satisfied in my own mind there is not.
6960. What sort of day was that Sunday? I do not recollect.
6961. Was it a dry day—a sunny day? I cannot say.
6962. Or the Monday? I cannot say.
6963. In what state was the verandah when you did examine it—were the footmarks wet or dry, or in what state? They were not wet—they might appear damp.
6964. Did they appear damp? I really cannot recollect whether they appeared dry or what degree of dampness there was in the footsteps. They could not have presented the appearance of having been made a few minutes before.
6965. Do you recollect what appearance they did present in reference to moistness? I do not.
6966. Was there much soil on the verandah, or any marks on the wood—were they marks of soil or impressions on the wood? Garden soil, mould, or it may have been mud.
6967. I want you to describe them to the Committee? I did not go down on my knees and take it in my fingers to examine it; it appeared to have been made by feet coming out of the garden.
6968. I want to know what marks there were on the wooden verandah floor? Similar marks to those that would be made by a person coming out of the garden; or had any person come out of the street, the street being muddy, he might have left similar marks.
6969. What you mean, I suppose, is, that the marks were such as shoes soiled with mud or garden soil would have left? I have already stated so.
6970. Was there much of this soil? There were the footsteps only—the impression of the feet.
6971. How was that impression indicated? On the boards of the verandah, there being the same impression as if you had dipped your foot into mud or mould, and then trod over the plank, only that instead of being a single tread it was one overlapping the other.
6972. Were these impressions clear? They were to me, and they appeared so to Mr. Bentley after I shewed them to him.
6973. You say, in your statement to the Colonial Secretary, that on the 10th of April you had the house watched, without Mr. Bentley's knowledge;—is that true? When I made that statement matters were fresher in my mind than they are at the present moment; I may have recollected matters then that are not in this diary, though I have since forgotten them.
6974. Will you look at this statement in your report to the Colonial Secretary:—"On the 10th I withdrew the men from the house, of which fact Bentley was aware. I again had the house watched closely, back and front, so that it was impossible for anyone to gain admittance without being seen by the detectives: of this Bentley was not aware, as I had become suspicious of something wrong on the premises, from the tenor of one of the letters, which shewed that the writer was aware of the steps taken by the police, although I had used extra precautions."—What is the letter you allude to? I cannot say—some letter that had been previously received, though whether it was received a few days or a month previous I cannot say. It may have been the letter attached to the music, when I first entertained suspicion of the servants, that was afterwards removed.
6975. Why do you say, "a month previous"? Well, a week previous; I might have said a week previous. I meant nothing when I said "a month previous."
6976. It could not have been a month, for you did not take the matter up till the 22nd of March;—now I want to know what letter you allude to? I can give you an explanation, but I do not know that it is a correct one; if there is an error there it can be easily explained. When that report was made out—
6977. I ask you, what is the letter you refer to in that statement? And I answer that I cannot tell. There may be no letter. Now I will give you an explanation why I say it—
6978. This statement may be untrue or incorrect? There may be an error in it, and I can tell you how it probably originated.
6979. Well, tell us; now is the time for explanation? When that report was being written for the Colonial Secretary, I was giving the particulars;—at this particular page which refers to that particular date, it says nothing in the diary about a letter having caused me to alter my opinion, but I was aware then of all the facts of the case, and I may have used the words "in consequence of a letter that had previously been received," when that letter may not have been received till afterwards, though my mind being impressed with the idea that it was previously received, I may have made a mistake during the time that was being written.
6980. That is your explanation, is it? It is possible it is so—I do not say it is so. There is no record here (*referring to diary*) of a letter having been received previous to that, disclosing the fact that they knew the police were in motion.
6981. I happen to know there was no such letter? I do not say that there was; there may be an error.

6982. This may be a fiction, that you used these precautions without Mr. Bentley's knowledge, because you had suspicions from the tenor of some letter;—that may be a fiction? No, I do not recollect; it may be no fiction.
6983. Do you say again that this statement I have just read is correct? It may be wrong. 10 Dec., 1862.
6984. Do you mean to say the reason you gave for adopting that mode of watching the house without Mr. Bentley's knowledge is altogether erroneous? It may be wrong; if no such letter was received before that, it is wrong. Now I think about the matter, the letter was received afterwards.
6985. Then what was your reason for watching the house closely without Mr. Bentley's knowledge? I do not know. That I was suspicious of parties inside; that was the reason, or I should not have taken these steps, but as to telling my exact ideas at the time, I cannot do so.
6986. What caused the suspicion? I do not recollect, but I had a suspicion or I should not have taken those steps.
6987. You represented to the Colonial Secretary, that the suspicion was derived from a letter which you now believe had no existence at the time? You tell me it had no existence.
6988. You say you believe it came afterwards? I say you may be right; I will not say positively there was a letter.
6989. Did you not say that it came afterwards? I may think so now, but you would not take my beliefs before.
6990. Did you not say you did believe they came afterwards? I do think they came after, and I may have been wrong when I made that entry; but I had suspicions or I should not have taken those steps, though I may have attributed them to the wrong cause.
6991. If the cause of these suspicions, as stated in this report, is wrong, can you state what the real cause was? No, I cannot recollect what it was.
6992. Then it may be that you have stated as a reason a fact which had no existence, and you cannot state what the real fact was? I do not recollect what the real cause of my suspicions was; there must have been a cause, or I should not have taken those steps.
6993. You have put down a motive there and you admit it may be wrong? Yes, it may be wrong.
6994. *By Mr. Leary*: Can you account for referring to a letter which you now believe had no existence at the time? Yes, because at the time that report was made out, there were many facts that were fresh in my memory that do not appear in the diary at all, and when I came to that part and found I had no entry why I withdrew the men from the house, knowing such a letter had been received shewing that they were aware of the movements of the police, I may at that time, having in the first instance been suspicious of parties in the house, have thought it was in consequence of this letter.
6995. I thought I understood from you, that this letter had not come at the time you wrote that report? No, I must have had suspicions at the time, for there are suspicions here set down, but that passage may be incorrect.
6996. *By Mr. Johnson*: Had you ever any suspicions about the inmates of the house being concerned in the matter, except what you derived from some letter alluding to the police? Yes, I had suspicions with regard to the inmates when that first letter was received attached to the music, and I expressed them.
6997. You say in your report, "I again placed a detective on the premises day and night"—April 13th you say, April 14th I say. It ought to be in your entry of the 13th? It is the 13th I think.
6998. Have you got that entry there? No, it does not say here, on Sunday the 13th, that I placed an officer inside the house or outside.
6999. Did you, in fact, place a detective on the premises day and night at that time? I cannot say—I may have done it.
7000. Did you ever place a detective in the house day and night? Not in the fore part of the day—on no occasion; they went in in the afternoon and were relieved at 12 o'clock.
7001. What do you mean by this, that you placed them there "day and night"? If they go in in the afternoon, that is during the day.
7002. *By the Chairman*: Do you think any other person would place that construction on it? If a man went in the afternoon and left the house at 3 o'clock in the morning, that was being there during the day and night; I should consider he was there day and night.
7003. *By Mr. Johnson*: What did you mean by it? They were in the habit of going in there about 4 o'clock; I do not know the exact hour myself; they received instructions to go in early in the afternoon, and were relieved at 12 o'clock by a man who stopped till day-light in the morning.
7004. Was that the case at the time you made the examination of the foot-prints? I do not know whether they were in the house during that time—they may have been.
7005. Look at your own entry—do you not see that you represent there that they were only there till 1 o'clock? Yes.
7006. Is it true that at that time you had detectives in the house the whole night? I put them on the watch till 1 o'clock, but I really cannot say—they may have stopped longer than that.
7007. Is it true they were there from the afternoon till day-light? I cannot say.
7008. You do not know whether that statement is true or not—"I again placed a detective on the premises day and night"? Yes, it is true, but I cannot recollect who was there, or why the statement was made. The statement is correct. The entry is that he received instructions to remain till 1 o'clock, but they may have remained till after 1 o'clock.
7009. Did they? I cannot say.



- Mr. C. E. Harrison. 7010. Did they remain till after 12 o'clock? No, I cannot say, if I was not in the house.
7011. Did you direct them to remain? Yes, I did. I may have given them instructions to remain till next morning.
- 10 Dec., 1862. 7012. I want you, if you can, to say if that statement, taken according to your own interpretation, is true? Yes, it is true.
7013. That you had detectives there the whole of the night? They may have informed me they were there all night; I was not there myself all night to see if they were.
7014. Did you ever have them there till day-light? No, I did not say they were.
7015. Can you give any better explanation? I cannot.
7016. Look at this (*referring to detective duty book*)—This is a thing with respect to which you had your men up to refresh their memories? That is many months ago.
7017. Do you not see that at all these dates they were not there all night? Yes.
7018. Again I ask you, what you mean by representing in that report that they were there day and night? I have already stated they were never there during the forenoon —
7019. *By Mr. Leary*: How do you account for the variance between your report and this account in the book—was your report a mere guess? • In some respects it was a guess; with regard to the dimensions of the window and trap-door, it was a guess. I did not refer to any book at all, when that report was made out, except the diary, and where facts were not stated in the diary I then went from memory.
7020. You see a very great variance between your present statement and what is written in the book? No, not in my present statement.
7021. You state that you gave your men orders to remain day and night? No, the orders I have here are, that I gave them instructions to remain till 1 o'clock.
7022. You have just stated that you ordered the men to go in in the afternoon, that they generally went about 4 o'clock, and that they were changed at 1 o'clock, the last one remaining till daylight? That was at the time the men were in the house day and night. They had only instructions on this occasion to remain till 1 o'clock.
7023. *By Mr. Johnson*: You say you had your journal in your hand when you dictated this report? Yes.
7024. And you state, at the time when you are describing the examination of the footsteps in the verandah, "I again placed a detective on the premises day and night." Now, your own diary only carries it to 1 o'clock, and the men's diary, verified by yourself, only carries it to 12 o'clock, and you use the word "again," as though they had been in the house day and night before? —
7025. *By Mr. Leary*: Did it not appear an obvious thing, when there was a book giving a detailed account of the days and nights your detectives were watching Mr. Bentley's house, that you should refer to that book, in writing this report, rather than depend upon this loose mode of depending on your memory, which might be treacherous? When I furnished that report, it was to shew the principal facts that led me to a certain conclusion, not as a report in which I had to shew what steps had been taken to arrive at that conclusion, but simply the principal facts upon which I formed that opinion; and I just did take the principal facts without paying particular attention to details.
7026. You refer to a particular occasion when you gave certain orders; now, if you were a man desirous of writing what was accurate, would it not appear a proper mode to you to look to any written information you had on the matter, rather than depend on your memory? It might have been better for me, perhaps, if I had done so.
7027. It appears that, in this matter, and in the matter referring to the trap-door, you were only guessing? That is all; at least I did not —
7028. And you might have obtained correct information? No, with regard to the trap-door I could not; besides, I did not think there was any object in taking the dimensions.
7029. *By Mr. Johnson*: I will take you now to the loft, and the 22nd of April. In your report, you state that you closely examined the roof, and, amongst other things, you say, "no one could possibly see what was going on down-stairs, as described by the letter, without lying flat on the ground and putting their head partly through the trap";—do you adhere to that statement? I have already given an explanation of it.
7030. Do you adhere to that statement? Yes, as described in the letter. I gave an explanation with regard to that matter, I think, on the second day of my examination.
7031. When you made this report to the Colonial Secretary, you had not only seen the letter referred to in that remark, but it had been printed in the public journals? I do not know whether it had or not.
7032. Look at your diary, and tell me whether you did read Mr. Bentley's letter? There were several letters of Mr. Bentley's in the papers, but I cannot say whether I read all of them.
7033. What did you mean by stating that no one could possibly see all that was going on down-stairs, as described in the letter, if you do not know whether you ever read the letter? The letter, when it was received, was either read by me, or by Mr. Bentley to me.
7034. When reporting to the Colonial Secretary on this matter, do you mean to say that when you used the expression, "as described by the letter," you had not read the letter as it appeared in Mr. Bentley's letter in the newspaper? No, I do not believe I had. I may have read the letter in the newspaper, but if you ask me whether that particular letter was in the newspaper I cannot tell you.
7035. *By the Chairman*: Did you read the letter in manuscript? I either read it or Mr. Bentley read it to me. As I have already stated, Mr. Bentley was in the habit of reading the letters that were received, to me, because he said he could read the handwriting so much better than I could.
7036. *By Mr. Johnson*: Is that the letter (*handing MS. of letter No. 23. See deposition,*  
p.

p. 27) you refer to—I want you to tell the Committee what you refer to as described by the letter as being “impossible for a person to see, without lying flat on the ground and putting their head partly through the trap”? I have already explained that, that I believe when I wrote that, that the letter stated that he had Mrs. Bentley covered with his pistol the whole time, and I did not think it possible that a person could have had her covered with a pistol the whole time without lying flat upon the ground. I see now that the letter does not make use of the words “the whole time.” It was possible to have Mrs. Bentley covered with a pistol while she was coming up-stairs, or a part of the time; but when giving the particulars where she sat down and when she had been in the rooms, I did believe the party could not have had her covered with his revolver the whole time, unless he had laid down flat.

Mr. C. E.  
Harrison.

10 Dec., 1862.

7037. Do you mean to say a person could not stand nearly upright in that loft and command with his eyes the approach to and from the nursery, to and from Mrs. Bentley's bed-room, and the upper part of the flight of stairs? I do not recollect exactly what portions you can command from the trap, but from the drawing-room up the stairs to the bed-room and nursery by lying down you can command that, but standing up I do not think you would.

7038. *By the Chairman*: Where does the writer of the letter state that he saw Mrs. Bentley—State that, and then give your explanation of the particulars? ———

7039. *Mr. Johnson (reading)*: “I saw you leave your room, in the middle of the night, and “go in to see your little baby, and had my pistol pointed at you from the trap-door—for I “thought you saw me, but found I was mistaken. The night before that, I saw you, as you “came up-stairs, after your husband was in bed, obliged to sit down on the stairs, your old “complaint having attacked you.” What is there in that description that it was impossible for any person to see standing up in the roof? No, in that description I do not see that there was; but my impression of the contents of the letter was very different from the exact words set down there.

7040. *By Mr. Morris*: What was your impression? My impression—whether derived from the contents of the letter or from conversation about it—was that the party was watching Mrs. Bentley from the drawing-room up-stairs to the bed-room, and on another occasion into the nursery, and that he had her covered with his revolver during the whole of this time. That was my impression at the time. The conversation itself, with regard to what Mrs. Bentley actually had done, may have tended to form that impression.

7041. *By Mr. Johnson*: Then you admit that your theory as to the necessity of lying down and putting his head through the trap is an erroneous one, as connected with anything stated in the letter itself? As stated in the letter I see here, yes.

7042. Do you mean to tell the Committee that, when you used the expression “as described by the letter,” you were really not justified at all by what was in the letter? I believe the letter was to that effect.

7043. Was not the letter, or that part of the letter, set out in the publication by Mr. Bentley, in the *Sydney Morning Herald*? That I cannot tell you.

7044. *By Mr. Morris*: If it were set out in the *Sydney Morning Herald*, you must have read it, interested as you were in the case? I believe I read it, but I would not say positively I read it.

7045. *By the Chairman*: Have you an entry in your diary, to the effect that the publication of Mr. Bentley's letter had caused a great sensation in the city? Yes.

7046. Had you read the letter at that time? Yes, probably I had.

7047. Was it after that, or before that, that you had written this report to the Colonial Secretary? From memory I cannot tell you that.

7048. Will you refresh your memory? The entry was made on the 4th June, of the letter with regard to the Philharmonic concert having appeared in the paper.

7049. Was not this particular day fixed in your mind as a very important day indeed with regard to this matter—had you not some definite and distinct impressions peculiar to this day? I may have had, but I cannot recollect now whether I had.

7050. Do you not remember that you fixed on this particular day as being the turning point of the affair, and made an entry in your diary to that effect some three or four days prior? Not that particular day—the day of the publication of the letters.

7051. Have you forgotten all about that? No. When Mr. Morris asks me the question do I recollect reading that letter, I say I do not from memory. No doubt I did read all the letters, but I do not recollect reading particular letters, or the contents of particular letters.

7052. Now that you have refreshed your memory, can you give a more direct answer to the question of Mr. Johnson? What was the question of Mr. Johnson?

7053. *By Mr. Johnson*: My question was whether the words in your report, “as described by the letter,” actually refer to what was described by the letter, or to something else? To what I believed was described by the letter.

7054. On the night of the concert, you say you made a remark to bring a confirmatory letter about the concert—what was the remark? I do not know.

7055. Look at the entry of the 29th April? I do not see anything about making a remark.

7056. *By Mr. Morris*: Turn to page 51 of your statement to the Colonial Secretary—the middle paragraph:—“I made some remarks to him that night, for the purpose of drawing another confirmatory letter, which duly arrived”? I do not know what the remark was.

7057. *By Mr. Johnson*: Will your diary enlighten you? ———

7058. *By Mr. Morris*: You must observe that these statements would lead the Colonial Secretary, more than anything else, to believe in the guilt of Mr. Bentley, and therefore they are important? I do not see an entry in the diary to that effect.

- Mr. C. E. Harrison.  
10 Dec., 1862.
7059. *By Mr. Johnson*: Can you inform the Committee what these remarks were? I cannot; I do not recollect; matters were fresher in my mind then than they are now.
7060. Your memory has been pretty well refreshed, I think, since you have been here? I cannot recollect what the remarks were that I made to Mr. Bentley.
7061. Who was present when you made it? That I do not know. Mr. Boulanger was there, I believe, during the evening; Mr. Wrench might have been there; I think Mr. Wrench went home with Mrs. Bentley.
7062. You can give no more information about that? No.
7063. In your diary, under the date of May 2nd, you say, amongst other things, "I should have left with Boulanger, but she whispered me to stay." Were you present at all when Mr. Boulanger left? I do not know; I may have gone out before Boulanger, and returned again.
7064. Did you not go away leaving Boulanger there, and when you returned found Boulanger had left during your absence? Yes, I might have done that, and that is consistent with that statement.
7065. How is it consistent with it? My intention may have been to have left with Boulanger, and after Mrs. Bentley spoke to me I may have gone out and returned again.
7066. How did you know Mr. Boulanger was leaving? Because probably he expressed his intention.
7067. You appear to represent by this that you were present when Mr. Boulanger left—is not that what you mean to represent? No, because I do not recollect how it was. My intention may have been to leave with Mr. Boulanger, and after Mrs. Bentley spoke to me I may have gone out by myself and returned again.
7068. Did you not intend to represent that you were about leaving with Mr. Boulanger, but that you stopped because Mrs. Bentley whispered you? I meant to represent only what is there set down.
7069. Is not that there set down? What is there may answer both ways.
7070. What time did you first go to Mr. Bentley's that evening? I do not know; it does not say, and I do not recollect.
7071. How was it you happened to go there that night? That I do not recollect.
7072. Do you recollect being fetched from the Victoria Theatre, by Mr. Bentley? I recollect being fetched from the Victoria Theatre, but I do not know whether it was on that night.
7073. Will not your diary tell you anything about that? I looked over the diary before, when under examination, with regard to that fact.
7074. Do you not remember the occasion when Camphin and Mr. Bentley came to the Victoria Theatre for you? Yes, I recollect; I believe it was Camphin coming to the Victoria Theatre with Mr. Bentley in a cab.
7075. That was the occasion when you drove to a post? No, I think we went to Mr. Bentley's house.
7076. Did you not drive until you came to a post at the corner of Castlereagh and King Streets? No, I do not think so. I recollect a supposed letter being posted, and I recollect obtaining some specimens of handwriting from Mr. Bentley, with reference to a letter that might be in this post.
7077. Did you not get these letters that night? It is very possible I did.
7078. Have you any entry of that in your journal? No.
7079. Not of so important a point as that—as getting letters to compare with the letters you were to examine? I do not know whether it was an important point; it might have been nothing in itself. If I had made an entry of all the little circumstances connected with the case I should have required a very large book.
7080. Then you do not consider that a material circumstance? I did not at the time, probably; or it might have been material and I forgot to enter it.
7081. *By the Chairman*: You have made entries of other small matters? Yes, there may have been some that struck me, and others that did not.
7082. *By Mr. Johnson*: Did you not tell Mr. Bentley that Camphin told you that one of the suspected parties—Mr. Montagu—had been seen at that post, and was supposed to have posted a letter there? No, I have no recollection of ever having told Mr. Bentley that Mr. Montagu was ever seen to post a letter.
7083. Did not Camphin tell you that? Yes, I believe he did, but I cannot tell whether that was the occasion.
7084. Other people say it was the occasion? It may be; I do not recollect.
7085. Do you not consider that a most important occasion? I might not have done so, since nothing came of it.
7086. *By the Chairman*: Did you wait on all occasions until you saw whether anything came of the circumstances as they occurred, before you made entries in your diary? No.
7087. Why did you not make an entry on this occasion as soon as it occurred? I might not have made the entry that night —
7088. *By Mr. Johnson*: Have you made an entry of it? I do not know that it was that night.
7089. Did you not tell Mr. Bentley that you must have some envelopes of the anonymous letters, for comparison? Yes, I may have told Mr. Bentley so; I know I got some, but whether that was the time I do not recollect. I cannot recollect whether it was on the night of the 2nd of May.
7090. Let me recall your attention to the 205th paragraph of Mr. Bentley's deposition—Are you prepared to contradict any statement contained in that paragraph? The latter part of it is correct, and yet there are omissions there.
7091. Are you prepared to contradict anything that is there? No.

7092. Will you explain why, under the date of the 2nd of May, there are entries in your diary, and not a single reference to any of the facts mentioned in that paragraph? With regard to the cab? Mr. C. E.  
Harrison.
7093. With regard to any one fact mentioned in it? I cannot say. There is nothing in my journal with regard to Mr. Bentley coming to the theatre, but I believe this is correct. 10 Dec., 1862.
7094. Can you explain so singular a circumstance that you have made other entries, and not a single allusion to the facts mentioned in that paragraph? No, I cannot tell why I did not. I may have a perfect recollection of the facts taking place, and not be able to fix the date of them.
7095. You were twice in Mr. Bentley's house that night, were you not—you went with him from the theatre, and left, and came again, did you not, to get the envelopes? That I do not know from my own memory.
7096. You cannot even recollect whether you went there twice that night? No.
7097. When you finally left that night, who let you out? That I do not know.
7098. Was any detective in the house that night? I cannot say; I have not got an entry of it here on that date.
7099. Will you read now the 207th paragraph of Mr. Bentley's deposition, and tell me whether you are prepared to say there is anything there that is untrue? (*Witness read the paragraph referred to.*) I believe conversation to that effect did take place between Mr. Bentley and myself, but whether it all occurred at the same time as is here stated, I cannot say.
7100. Are you prepared to contradict it? I have no recollection of saying I would make Sydney too hot for Mr. Boulanger.
7101. Will you undertake to say you did not do so? Yes, I think I can undertake to say I did not.
7102. What do you mean by saying you think? I do not think I could have said so, because I could not do it. What I can recollect I will be positive about, and that which I cannot, I will state so. That this conversation from beginning to end has taken place at different times I have no doubt, but that it all took place as here set down, on that particular day, I cannot state.

John Black, Esq., called in and examined:—

7103. *By the Chairman:* You are a merchant in the city of Sydney? I am.
7104. Are you connected with the Philharmonic Society? I am a member of the Committee of that Society. J. Black,  
Esq.
7105. *By Mr. Johnson:* You are acquainted with Mr. and Mrs. Bentley? I have known them nearly two years. 10 Dec., 1862.
7106. You became acquainted with them shortly after their arrival in Sydney? I cannot answer as to date of their arrival, but I can answer that I was acquainted with them about the month of February or March, 1861.
7107. And you have known them ever since? Yes.
7108. Intimately? Yes, I may say very intimately.
7109. From your knowledge of them, what is your opinion of them as to their respectability and veracity in particular? As to their respectability, I never had a doubt in my mind that they were of the very highest class of respectability. Mrs. Bentley I look upon as a thorough gentlewoman, and Mr. Bentley as a gentleman in every respect.
7110. How did they behave to one another during the intercourse you had with them? On the most affectionate terms as man and wife.
7111. How did Mrs. Bentley deport herself to her children? Like any good mother would do.
7112. And to her servants? I should say they treated her with great respect, and she spoke to them as any gentlewoman would speak to a dependent.
7113. Do you recollect Mrs. Bentley playing at the Philharmonic concert in May, 1861? I do.
7114. Will you state how that came to pass? Mr. Aldis informed me that he knew of a lady lately come to Sydney, that might be induced to perform at the Society's concert, and invited me to meet her at his house, to hear her play.
7115. Mr. Aldis is also a member of the Philharmonic Society? He was then Treasurer. I went to his house, and was introduced to Mr. and Mrs. Bentley. I heard her play; and after our next committee meeting we resolved to request her to appear at our forthcoming concert, and play a solo. As I have already stated, she did appear.
7116. Do you know who introduced her at the concert? To the best of my recollection, it was Mr. Plunkett, our President.
7117. Do you remember any criticisms on her performance in the two Sydney daily papers? I recollect reading them.
7118. Of what character were they, favourable or otherwise? Favourable.
7119. After the concert I presume you continued to visit at the Bentleys'? Yes, ever since.
7120. Do you recollect, shortly after that concert, making any inquiries about Mrs. Bentley's birth and parentage? Two days after the concert I received an anonymous letter. (*Letter No. 1 handed to witness.*) That is the letter, signed "a lover of truth," wherein Mrs. Bentley was spoken of as not being an Englishwoman, but as being an Italian, and stating that she had been the death of her mother. Feeling certain in my own mind that the letter was a piece of spite, I put it into my desk and did not take any notice of it for a few days, but I called on Mr. and Mrs. Bentley shortly afterwards, and in the course of conversation I asked them something about their own family history.

7121.

- J. Black, Esq.  
 10 Dec., 1862.
7121. About her birth and parentage? Yes; and they told me that Mrs. Bentley was of English parentage, and, I think, that she was born in Exeter, but I will not be positive.
7122. Did you make any inquiries as to their knowledge of foreigners in the city? I did specially.
7123. What answer did they give? That the only one they knew that they had ever talked to was, I think, Signor Cutolo.
7124. Do you remember Mr. Rawack's name being mentioned? It may have been, but I will not undertake to say now that it was.
7125. Do you remember their ever telling you anything about circumstances which occurred at the Philharmonic concert, in reference to Mr. Rawack? Several times Mrs. Bentley alluded to what she considered rude conduct, on the part of Mr. Rawack, at that concert.
7126. Was it shortly after the concert took place when you made these inquiries? Yes, to the best of my belief it was.
7127. Do you remember Mrs. Bentley, at one of these interviews, saying anything as to having met Signor Cutolo? I recollect I asked Mrs. Bentley, as from myself, that she would look any foreigner she knew straight in the face the next time she saw them in the street. She asked me the reason, and I told her I could not then tell her the reason; but I wished her to do it, for my information.
7128. I want to know whether, at any interview, she informed you that she had had an interview with Signor Cutolo, at which he made some remark? She informed me of it at an interview, but I do not think it was the first interview after our concert, though she may have done so. I was a visitor perhaps once a fortnight, or once a week, shortly after the concert, because they were exceedingly amiable people, and I liked to talk with them.
7129. And musical people too? Yes.
7130. What was the tenor of the remark she told you Signor Cutolo had made? I think it was in reference to the critique on her playing at our concert. She stated she had met Signor Cutolo, and that he had made the remark—"the English for the English," or something to that effect.
7131. Do you remember, shortly after that, Mr. Bentley coming to you with an envelope? No, long after that; I knew of other anonymous letters being received by other parties shortly after that, and we did not take any notice of them to Mr. Bentley at that period.
7132. Did you have any conversations, either with Mr. or Mrs. Bentley, on the subject of any of these anonymous letters, until about the following October? No; some of my friends, who received similar letters, consulted with me, and we determined not to take any notice of them whatever, as it would only pain the Bentleys.
7133. Will you state to the Committee what had occurred, to your knowledge, during the interval after you had received the first letter—in a general way—what you heard on the subject—how many anonymous letters were received, and who had them? Mr. Aldis shewed me a letter that he had —
7134. How soon after the first letter that you got? Perhaps a month or six weeks. I concluded in my own mind that, as I had paid no attention, nor made use of my letter, a second letter was sent to Mr. Aldis, to rouse some feeling against the Bentleys. I do not recollect any other letter but those to Mr. Aldis and myself, until after Mr. Bentley came to me again with an envelope.
7135. When you had this interview, at which you put the question about the birth and parentage of Mrs. Bentley, could you judge from their demeanor whether they seemed to understand the purport of your inquiries? If I read any one's face at all, I should unquestionably say they were in total ignorance of the knowledge of any reason that might be in my breast for asking such questions. I did not go to the house for the purpose of intruding the subject; I merely touched upon it in the course of conversation, and did not make it a special subject at all, so as not to create the slightest suspicion in their mind that I had received any letter whatever.
7136. When Mr. Bentley saw you in October, will you state, as far as you recollect, what took place—Do you remember his coming to you and shewing you an envelope he got from Mr. Hanson? I recollect his coming to me and shewing me an envelope, telling me an anonymous letter-writer had sent a letter to Mr. Hanson. I do not recollect the date, but I am perfectly content to accept Mr. Bentley's dates as mine.
7137. Did he put a particular question to you, as to the inquiries you had formerly made? He asked me why I had been so particular in asking them in reference to Mrs. Bentley and himself.
7138. What reply did you give? I then, for the first time, shewed him the letter I had received.
7139. Did he ask whether your inquiries had any connection with the anonymous letters? Very likely he did. I know that was the first time I shewed him the anonymous letter I had received.
7140. You gave him that letter then? I did.
7141. Did you tell him anything about Mr. Aldis? I mentioned to him that Mr. Aldis had received a similar communication.
7142. Do you remember, some time after, about the end of October, Mr. Bentley coming to you, and stating any impression on his mind as to Mr. Rawack being connected with these letters—that he had thought Signor Cutolo was doing it, but that he could have no object in writing them? I do recollect some conversation of that kind; that is the purport of it; I cannot state in words the exact conversation.
7143. Did he ask you at that time to give him any handwriting of anybody's? I do not recollect.
7144. Do you remember whether he asked if you could get any of Mr. Rawack's handwriting? It is possible he may have done so, but at this date I really could not charge my memory with it.
- 7145.

7145. Do you remember also, about the end of that month, going with Mr. Hanson to see Mr. Bentley at the Australian Club? Perfectly.

J. Black,  
Esq.

7146. What then took place between you and Mr. Hanson before you went there, in reference to your visit? Mr. Hanson and myself had previously been talking on the subject of the anonymous letters, and on the evening of that day I met Mr. Hanson, and he informed me he had received a communication that afternoon, in the same handwriting, to the effect that if he would go to a certain place on the following afternoon, he would witness the perfidy of Mrs. Bentley. We afterwards proceeded to the Australian Club, and there had an interview with Mr. Bentley, and told him of the circumstance, and he shewed us a letter which had been addressed to his wife. I will not be positive he shewed us the letter —

10 Dec., 1862.

7147. Let me ask, do you recollect whether Mr. Hanson shewed him the letter he had received? He did.

7148. Can you recognize that as the letter Mr. Hanson shewed you on that occasion—(*Letter 5a handed to witness*)? I can swear to it, from the expression used here—"at 5 o'clock, in the bush, behind Mr. Lamb's house."

7149. That is the letter Mr. Hanson then produced to Mr. Bentley? It is the same.

7150. Did Mr. Bentley shew you and Mr. Hanson the letter which I now produce, No. 5? That is the same letter that Mr. Bentley shewed to us.

7151. Did you have a conference upon the nature of the object of the writer of this letter? We had. We concluded that they were both written by the same person, and that no doubt there would be some one appointed to be there, of bad character, so that Mrs. Bentley's name might be identified with that person of bad character. Mr. Hanson undertook to proceed to the spot on the following afternoon.

7152. Allow me to ask if you had any conference as to where the supposed spot was? It must have been talked over, but I was not aware of the locality, and could not join in any conversation about it.

7153. Do you remember any map or directory being looked at, at the Australian Club? Yes, perfectly. We looked at the map, to shew us the street in which this house was.

7154. You came to the conclusion that it was some particular place? At the top of Woolloomooloo, we thought.

7155. Was it near where Capt. Lamb lived? Well, I do not know Capt. Lamb's residence; I am not acquainted with that locality at all.

7156. Mr. Hanson undertook the duty of watching to see what would occur? Yes; and I saw him going in a cab, as he stated, to the scene of what was described as would occur in the letter.

7157. Did anything else occur between that time and the following February, that you recollect—I believe nothing did, as far as you were concerned? No; only that I heard of other letters, and was anxious, like other friends of my own, to try and unravel the mystery, if possible. Mr. Rawack was particularly anxious to assist us in unravelling the mystery, and took a good deal of trouble in tracing handwritings, and going about from place to place respecting this matter.

7158. Then you came to the conclusion that Mr. Rawack could not have been a party concerned? I never considered that he was.

7159. Do you remember, in the early part of February last, calling at Mr. Bentley's house, and being informed by them of some fictitious assignation that had been sent? I do.

7160. Will you look at this—do you recollect upon that occasion their shewing you two letters, one addressed to Mrs. Robert Johnson, enclosing the alleged assignation letter? I recollect seeing that letter, and this letter I recollect, from the style in which it is written. (*Letters 13 and 13a.*)

7161. You were informed by the Bentleys of the receipt of these letters? Yes; and I suggested a plan that they should allow me to adopt to have the place watched.

7162. What was the plan? A clerk whom I had had in my office for some time received an appointment under the new Police Act, and was drafted into Captain M'Lerie's office, to do some clerical work, until he was sent up the country. Mr. Gibson was his name. I suggested that he was a gentleman on whose honor they might rely, and that I should ask the consent of Captain M'Lerie to send him out to the place in question on the next forenoon. They willingly gave their consent, and I went to Captain M'Lerie next morning, and told him of the circumstances. He appeared to be aware of the persecution, shook his head, and said they had got their eyes on the parties, and, in fact, that they had no doubt of the parties who were carrying on the business as against the Bentleys.

7163. Had you more than one conversation with Captain M'Lerie on the subject? Only one.

7164. About when was it? The morning I called upon him to obtain leave of absence for Mr. Gibson for the day, to go and watch the proceedings at Newtown.

7165. Captain M'Lerie agreed to Mr. Gibson being employed for the purpose? He did.

7166. Did you understand that he was so employed? I know he was, because he came with me to Mrs. Bentley's, and I introduced him to Mrs. Bentley, and after ten minutes conversation in the drawing-room, we proceeded down the street, and he left me for the purpose of going in the 'bus, ten minutes before she went. He afterwards told me he went; that, a quarter of an hour after, Mrs. Bentley came; that he saw her at a distance, and she was walking along the road at the same rate any lady would walk, and proceeded into a house which, he believed, from what I had previously told him, was Mr. Josephson's. He waited, and did not see any one come for a few minutes, but afterwards he saw an old man walking along the road and looking about as if looking out for a lady. I asked him to describe him; he said he was a tall man, that his eyes were coming out of his head, as it were; he spoke as seeing him from a distance, that he was grey-headed, and had on a peculiar hat, and this peculiar hat especially fixed me in my opinion. From the description given, I had

- J. Black,  
Esq.  
16 Dec., 1862.
- a pretty correct notion in my own mind who the person was. The same afternoon Mr. Gibson walked with me along George-street. We saw Mr. Merewether coming down on the Post Office side of George-street; we were on the other side, and he called out to me, pointing to Mr. Merewether, "He is the man." I said, "Are you quite sure that is the man." He said "I can swear to it."
7167. Which Mr. Merewether? The Honorable Mr. Merewether, the Vice-President of our Society.
7168. Did Mr. Gibson tell you how far that gentleman walked up the Enmore Road? No, he did not mention any distance to me; it was merely the fact of his walking up and down, and looking about as if he expected to meet some one, and then going away. The impression I had formed at the time was this, that Mr. Merewether was in no way connected with this persecution, but that he was merely made the victim of some designing person or persons.
7169. Do you remember, on the evening of that day, being present when Mr. Hanson came in? I do.
7170. Will you state, as well as you recollect, what took place on that occasion—was the subject of who were the guilty parties canvassed at all? Very freely canvassed indeed, especially by Mr. Hanson.
7171. What opinion did Mr. Hanson express? He expressed a strong opinion that, from the circumstances which had transpired, it could be none other than Signor Cutolo, with the assistance of such a colleague as Montagu. I could not see it in the same light, and I begged of them all—the Bentleys and Mr. Hanson—to be cautious, and not to allow their suspicions to rest on any one individual, but to be equally thrown against everybody, until they found the persecutor; and I recollect the whole of them were rather annoyed with me for being so cautious in the matter, Mr. Hanson especially.
7172. *By Mr. Morris*: What reason had Mr. Hanson for believing that Signor Cutolo was the party? He used a long train of argument, which I really forget now.
7173. Did he state any facts which had come to his own knowledge derogatory to Signor Cutolo's character? I do not think he ever mentioned anything derogatory to Signor Cutolo's character, on any subject but in reference to this matter of the Bentleys.
7174. *By Mr. Johnson*: The arguments he put forward were —? To point directly to Signor Cutolo.
7175. He thought the circumstances proved him to be the perpetrator? To be one of the perpetrators.
7176. Did he express these opinions in the absence of the Bentleys? Several times, in his own office and mine too.
7177. He was very strong in expressing these opinions? Yes.
7178. And incautious, you thought? Well, not as I would have been acting upon my then impression.
7179. *By Mr. Morris*: Did it appear to you that Mr. Bentley was influenced by Mr. Hanson's opinion, with regard to Signor Cutolo, more than by any opinion of his own? It is difficult to judge under such circumstances, because Mr. Hanson was there as Mr. Bentley's friend, and the matter was talked over and canvassed, and no doubt the influence of Mr. Hanson's opinion would guide Mr. Bentley's judgment to a certain extent, but to what extent I am not prepared to say.
7180. *By Mr. Johnson*: Do you remember any particular circumstance that Mr. Hanson mentioned, with respect to Signor Cutolo, in reference to Signor D'Apice, having made any statements, at different times, at variance with each other with respect to him—do you remember Mr. Hanson telling you that Signor Cutolo had made use of some expressions about Signor D'Apice, as to his being a Jesuit? Yes, I recollect Mr. Hanson making use of such expressions as that, but the date or the words he used I will not charge my memory with.
7181. Allow me to read the seventy-seventh paragraph of what is called the deposition of the Bentleys (*paragraph in question read*)? Yes, I recollect part of that conversation being repeated to me.
7182. By whom? By Mr. Hanson; but I could not be positive to every word.
7183. Do you remember in particular that he informed you that Signor Cutolo had spoken disparagingly of Signor D'Apice? I do, and I can swear positively to the words—"an Italian"—"a Jesuit"—and "his name is Sica."
7184. Do you remember, a short time after Signor Cutolo gave a concert in aid of the Destitute Children's Asylum, seeing Mr. Bentley, and making any remarks to him as to the conduct of Signor Cutolo on the evening of that concert? I do; I had heard it talked of out of doors that Signor Cutolo was in a state of great excitement, and that he was seen in the lobby of the Freemason's Hall tearing his Garibaldi ribbon, and knocking the covering to his head about in his hand in a very excited manner.
7185. You made that communication to Mr. Bentley? I did.
7186. Do you remember when Mr. Harrison took the matter in hand the second time? I do; I recollect being told of it about the time.
7187. Did Mr. Bentley make any communication to you, as to his being bound to secrecy? He did; he said the matter was now in the hands of the police, and he was bound not to divulge anything that was going on, lest it should in any way hinder them in finding out the perpetrators.
7188. What conduct did Mr. Boulanger observe? He made use of similar expressions; but he was not equally guarded, for he was in the habit of telling me, in great confidence, what was taking place.
7189. Could you judge, from his manner, that he believed the Bentleys were the victims of a persecution? I am positive that his manner betrayed that feeling.
7190. *By Mr. Morris*: And his words too? And his words too.

7191. *By Mr. Johnson*: Do you remember the concert on the night of the 27th of May? Was that the one at which Mrs. Bentley was to have appeared? J. Black,  
Esq.
7192. Yes, when Mr. Merewether declined to lead her to the platform? Yes.
7193. Did you see Mr. Harrison on that night? Yes. 10 Dec., 1862.
7194. Was there anything in his manner that led you at that time to believe that he suspected the Bentleys of being the concocters of this affair? Nothing whatever.
7195. On the contrary? The contrary, certainly. I looked upon him then as being the protector of Mrs. Bentley on that occasion, and he received a large supply of tickets for his men to prevent any assault on Mrs. Bentley.
7196. How many tickets did he get? To the best of my belief, hearing it talked of in Committee, he had ten or a dozen sent him. Mr. Aldis would be able to tell you; I think he gave him the tickets.
7197. *By Mr. Morris*: Has Mr. Harrison ever expressed to you any opinion of his own with regard to this Bentley case, since the concert? No, not until after this inquiry was commenced.
7198. He has since then? He has since then.
7199. Unfavourable? Unfavourable to the Bentleys. I now recollect that I have had conversations with him in Mr. Aldis' shop, wherein I was led to believe from his remarks that he believed the Bentleys were wrongly persecuted people, and that he was doing all he could to find them out; and that he hoped he would find the parties out. I may further state that I watched narrowly—certainly not with a prejudice against the Bentleys, because I believe them to be what I have stated in the first portion of my examination—but I carefully watched their demeanour and conduct on all occasions, having seen them under all circumstances, at times when they had no idea I should call upon them, and I could not discover anything whatever to lead me to believe that they were themselves in any way connected with this persecution. I have seen Mrs. Bentley, when I have visited her house, busily engaged as any good wife and mother would be.
7200. *By Mr. Johnson*: In point of fact, have you observed any indications of levity of conduct in Mrs. Bentley? The very reverse.
7201. Or any tendency to romance? On the contrary, I think a more matter of fact sensible lady I would not meet with in a day's journey.

THURSDAY, 11 DECEMBER, 1862.

Present:—

MR. COWPER,	MR. W. FORSTER,
MR. MORRIS,	MR. PIDDINGTON,
MR. WILSON,	MR. LUCAS.

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

Mr. C. E. Harrison called in and further examined:—

7202. *By the Chairman*: Do you produce certain notes? Yes. Mr. C. E.  
Harrison.
7203. What are they? They are in Mrs. Harrison's handwriting; one is part of an index to a scrap book, or something of that sort; and the other is a bill in Mrs. Harrison's handwriting. 11 Dec., 1862.
7204. *By Mr. Morris*: In this letter, which you have informed the Committee Mrs. Bentley gave to you, and which, as you alleged, she pre-arranged to write, I observe it is stated that Mr. Cowper was very gracious, but that Captain McLerie not having returned, he could not decide upon anything until after having had an interview with him; the letters were, I believe, left in Mr. Cowper's hands for perusal—What does that mean—to whom was Mr. Cowper gracious, do you suppose? To Mr. Bentley, by the tenor of the letter.
7205. And you suppose that Mr. Bentley left letters in Mr. Cowper's hands? I do not know whether it was Mr. Bentley or Mr. Wrench.
7206. Still you think the person to whom Mr. Cowper was gracious was Mr. Bentley—Had you any conversation with Mrs. Bentley, so as to enable you to ascertain to whom Mr. Cowper was so gracious? I had not; the contents of the letter were not the subject of any conversation between Mrs. Bentley and myself.
7207. It appears that on the 20th of June you had an interview with Mr. Wrench, at his office? I had an interview with Mr. Wrench, at his office, one evening, but I forget the date.
7208. Did he inform you that day, that he had called upon Mr. Cowper? I forget whether he or Mr. Bentley informed me that Mr. Wrench had called upon Mr. Cowper; I was informed by some one that Mr. Wrench had called upon Mr. Cowper, but I do not know who it was that told me.
7209. Then you are not able at all to say whether that part of the letter where Mr. Cowper is represented as being gracious to some one, refers to Mr. Bentley or to Mr. Wrench? I am not.
7210. *By Mr. Forster*: You are positive that Mrs. Bentley gave you the letter? Yes.
7211. Do you know whether it is in her handwriting or not? I do not.
7212. Was it in a closed envelope when she gave it to you? No, it was in a plain envelope, neither directed nor closed.



- Mr. C. E. Harrison.  
11 Dec., 1862.
7213. Are you sure she gave it you as a letter she had written herself, or as one that had fallen into her possession, and which she handed to you? I believe the words she used were, "I have written the letter earlier than I intended, so that I may post it to-morrow when I go out to give lessons, as I might not have an opportunity of posting it on Saturday." This was on Thursday night.
7214. Mrs. Bentley had never written to you before? No.
7215. You regard this letter as written in consequence of a promise Mrs. Bentley had made to you to write a letter? Yes.
7216. That was on the subject of the letters? Yes, on the subject of the case itself.
7217. A letter to some extent official, and upon the business of the case? Yes.
7218. Did you ever talk to Mrs. Bentley before, of any belief in her madness? No, I have not talked to her about it; I think it was to Mr. Bentley; there was some conversation concerning a rumour that she was mad.
7219. Did you ever ask her for any explanation of portions of this letter which do not appear quite consistent with her having written it to you? I did not.
7220. Did it not strike you that there were such inconsistencies in it? Yes; I afterwards met her on the road to Newtown, and she told me that if I had not done so already, it would be better to destroy the letter.
7221. This letter in question? Yes.
7222. You have read the letter over and over again, I suppose, and does it not strike you that there are inconsistencies in it, throwing a doubt on the supposition that she wrote it herself? I did not think so at the time I read it; it is written in a style so that if it should fall into other persons' hands, it would not compromise the parties who wrote it.
7223. Do you think that is the object? Yes, that appears to be the intention.
7224. You see these words used—"I am sorry to say the belief in Mrs. Bentley's madness is gaining ground"—is not that inconsistent with the supposition of her writing it herself? No; if you look at a previous part of it you will see that it does not speak of the Bentley case in the first person.
7225. Do you not think that both these matters are inconsistent with the supposition that she wrote it herself? Yes, unless it was written with that object,—that if it fell into the hands of other persons it should not compromise the writer, but lead to the supposition that it did not come from Mrs. Bentley.
7226. Are you quite sure you made no mistake about this letter—that it was not given to you by another lady who had written it? Quite sure.
7227. You are quite certain that Mrs. Harrison did not write it? Quite certain.
7228. *By the Chairman*: What is Mrs. Harrison's maiden name? Carr.
7229. *By Mr. Forster*: Do you know Mrs. Bentley's handwriting? I cannot say that I do. I have no doubt I have seen it.
7230. Have you compared it with this? No.
7231. Are you aware whether Mr. Bentley knew of its being given to you by Mrs. Bentley? No.
7232. How do you come to that conclusion? From the tenor of the letter; I do not think he was aware of it, although he might have been.
7233. Under what circumstances did she give it to you—was any one but yourself and Mrs. Bentley in the room? No.
7234. Was it in her own house? Yes, in the front dining-room.
7235. Was the door shut? I think not; the other people in the house had gone to bed, I believe.
7236. And did she give it to you in such a way that she appeared to wish it to be concealed—in a hurried or hasty way? She took it from her pocket, saying something to the effect that she had kept her promise, and that she had written it earlier than she intended, so that she might post it the next day, as she might not have an opportunity of doing so on Saturday.
7237. Do you regard the letter as confidential? Yes.
7238. How then did you make it public? Because I was told here to produce every letter and scrap of paper I had.
7239. Do you then feel it to be your duty, on that account, to disclose all confidences of everything that occurred between any lady or female and yourself? Certainly not; but in a matter of this kind I have nothing to conceal; I am placed in an awkward position.
7240. Do you think the getting this letter places you in an awkward position? Not more than other circumstances.
7241. Did it surprise you at all to receive it? It did not. From her previous manner, and other circumstances, I was not surprised when she gave it to me.
7242. Would you feel surprised to get a letter of that kind from a married lady of your acquaintance? I should indeed.
7243. You never mentioned the letter to Mr. Bentley afterwards, I suppose? I did not.
7244. Did you shew it to Mrs. Harrison? I did.
7245. Soon after receiving it? It might have been the same evening, or the following day, or thereabouts.
7246. You are quite sure it was not written by some one else, and by some mistake a confusion has arisen in your mind concerning it? That is the letter Mrs. Bentley gave me—who the writer was I cannot say.
7247. *By the Chairman*: Did you ever make a different statement here as to how you received that letter? No.
7248. Under what circumstances you received it? No.
7249. Did you not state that Mrs. Bentley went to the door with you, and gave you the letter? No; she went to the door with me, but gave me the letter in the dining-room.

7250. Did you not state that you left early that day? Yes; I call 10 or 11 o'clock at night early, considering the hours at which I was in the habit of leaving. Mr. C. E.  
Harrison.
7251. You feel sure you did not state that she accompanied you to the door and then gave you the letter? No, she might have accompanied me to the door, and I believe she did, 11 Dec., 1862.  
but she gave me the letter in the dining-room.
7252. Was that on the last occasion you were at the Bentleys? No, I was there some time after.
7253. On what other occasion did you accompany her to Newtown, or meet her on her way there? I cannot recollect just now.
7254. Have you a memorandum in your diary, as to your meeting her on that particular occasion? I do not know.
7255. Does it not strike you as strange, that you should make an entry of some of these occasions, and not of others? There may be an entry to that effect, but if not, it is not less true.
7256. When you read Mr. Bentley's depositions, did you make any remark that Mrs. Bentley only remained up, when you were in the house, for the purpose of shutting up the place? I do not recollect making any remark to that effect; I do not know that it is in the deposition.
7257. Were you in the habit of leaving detective officers in the house when you left? Yes, when they were on duty for the night. If I left before 12 o'clock I left them there.
7258. What detective did you leave in the house all night? I believe Clark and Sanderson have been there all night in their turns.
7259. Sanderson denies being there all night—Do you know any other? I do not.
7260. *By Mr. Johnson:* You say that you produced this letter which you allege Mrs. Bentley gave you, because you were called upon by the Committee to produce every scrap of paper you had—Is that the only reason you had for producing it? I do not think I should have produced it if it had not been for that.
7261. Did you shew it to any one except your wife? I did not—no person.
7262. Did you communicate to Mr. Cowper that you had such a letter? I did not.
7263. Nor to Captain M'Lerie? Yes.
7264. When? I believe the day after he was examined here—either on the evening of that day or shortly after, when he made some allusion to the diary, but with regard to some other entry that there was a doubt about.
7265. Putting your wife out of the question, can you name any person who saw that letter before Captain M'Lerie had been examined here? No, unless some one got it from my pocket-book without my knowledge.
7266. Can you name any one to whom you mentioned the fact of your having such a letter? No.
7267. Then you produce that letter, you say, simply in obedience to the demands of this Committee? Yes; I should not have produced it had it not been for the order the Chairman gave with regard to the matter, when he said that they required every scrap of paper, and I then produced all I had in my possession, in connection with the case.
7268. You did not think of producing this letter for your own justification or vindication? I might have thought it would corroborate certain entries in the diary; nevertheless, I do not think I should have produced it except for the order of the Committee.
7269. During the times when Mr. Bentley had retired to bed before you left, and before Mrs. Bentley went to bed, you state that you occasionally heard noises—have you not said so? No, I do not know that I said so.
7270. Well, you intimated to the Committee that, from some means or other, you were satisfied that Mr. Bentley was at the door, listening? Yes, I believed so; why I believe so I do not know; I thought I might have heard or fancied I heard something, but I was satisfied he was there.
7271. Can you tell the Committee any circumstance whatever, that induced you to form that opinion? No, I cannot; I have already stated that I cannot.
7272. But did you not occasionally hear noises about 12 o'clock at night, when Mr. Bentley would knock overhead? Yes, I believe it was when he wanted her to take something up; I believe when he wanted her he would knock on the floor—that was the signal.
7273. Did you ever hear other noises than those caused in that way? I cannot say why, but I thought I did.
7274. Do you recollect hearing any? I do not.
7275. Do you recollect any circumstance, shortly before the concert of the 27th of May, about reloading Mr. Bentley's revolver? I do not recollect reloading Mr. Bentley's revolver; I might have reloaded it for him, but have no recollection of doing so.
7276. Do you recollect receiving a note from Mr. Bentley to Boulanger, requesting him to return his revolver? Yes, I do; I did not give it to Boulanger, I gave it back to Mr. Bentley I believe; I believe Mr. Bentley had seen Boulanger in the mean time.
7277. Did not Mr. Bentley tell you that he had met Boulanger in the mean time? Yes, and that there was no occasion to give the note to him. I do not think I gave it to Boulanger.
7278. Did you not then state something to this effect—"By the by, this has been loaded for a long time, and you had better have it reloaded or it may miss fire"? I do not recollect.
7279. Do you recollect saying to Mr. Bentley—"I will not leave you without one; I will bring my own revolver for you to-morrow, and then take the other back?" That was my revolver that Mr. Bentley had.
7280. Did you say that to him? I might have said it, but I do not recollect.
7281. Did you accordingly bring him any revolver of yours? I have no recollection.

- Mr. C. E. Harrison. 7282. *By the Chairman*: Have you two revolvers? There are three or four in the office; sometimes I have three of my own. I have three or four of my own. I do not deny that this might have taken place, but I do not recollect the particulars.
- 11 Dec., 1862. 7283. Do you remember the night of Saturday the 10th of May, when you got the letter stating "Mrs. Bentley's life is in danger; look everywhere; I speak from knowledge"? Yes, I recollect it was in the middle of the night.
7284. You went to the Bentleys' did you not? Yes, if that was the date.
7285. Look at your diary, and tell me if that was the date? Yes it was, on the Sunday morning.
7286. What time was it on the Sunday morning that you arrived at the Bentleys' house? About half-past 2 o'clock.
7287. You knocked him up, did you not? Yes.
7288. Who was with him? Detective Carnes.
7289. What did you do—I believe you were let into the house by Mr. Bentley? Yes.
7290. Had he a revolver with him then? I do not know.
7291. Did you ask him if he had one? I do not recollect.
7292. Did you not ask him, and did he not tell you that he had? I do not recollect.
7293. Did you and that detective take off your shoes? I do not recollect doing so.
7294. You say by your diary that you laughed at that letter; and I want to know whether, when you arrived at the Bentleys' house, you and the other man did not take off your shoes? I might have done so.
7295. And you not only asked him for a revolver, but did he not give you the one he had with him? I do not know. I had the one.
7296. *By Mr. Morris*: But you were armed? I am generally armed. That night I know I was, because I was going up to a gang of thieves here in Sydney, and under those circumstances, I generally go armed.
7297. You were there at 2 o'clock in the morning—how long did you remain? I cannot say; probably about half-an-hour—it might have been longer.
7298. How was it you had not looked at that letter, the superscription and postmark, until you got to the Bentleys'? I do not know. I do not recollect whether I looked at it or not.
7299. Do you not know that you were not aware, until Mr. Bentley discovered it, that the letter shewed by the postmark that it had been lying some time for you? I do not know whether Mr. Bentley or I discovered it. It appears in the diary that Mr. Bentley called my attention to it, but I cannot say from memory whether such was the case or not.
7300. I want to know whether you yourself were so careless as not to have discovered it before you got to the Bentleys' house? ———
7301. *By the Chairman*: Would the Central Police authorities allow a letter to you in that form, to remain at the office two days without acquainting you of it? They have done so more than once, frequently. I have had notices of lodge meetings lying there for days and days.
7302. Have you complained of that usage? Yes.
7303. Did you at that time? No.
7304. Not when you found it out? No, I have with regard to other letters.
7305. Does it not strike you, that serious consequences might arise from such conduct? Serious results might occur, from the fact of letters of importance being allowed to lie there without my knowledge. I do not think such results ever did arise, but they may, though I am in the habit of going round in the morning, and that was the reason they did not send it round to me, probably.
7306. Had you any knowledge of the letter being received, before it was sent from the Central Police Office? I did not receive it there, but at my office; and seeing the hand it was written in, I thought it was a hoax, and not of any consequence. I put it into my pocket, and did not open it until I went into York-street, when I did so whilst waiting for a gentleman there.
7307. *By Mr. Johnson*: Whether they were blamable at the Central Police Office or not, you did not put yourself into a position to complain of it, by discovering the fact that it had been lying there, you having got it on the morning of the 11th, whilst it bore the postmark of the 9th? I got it on the morning of the 11th, and my attention was called to the postmark at about half-past 2 o'clock on the morning of that day. I was at the Bentleys house at the time.
7308. If Mr. Bentley had not called your attention to it, you would not have known that it had been lying some time, and therefore could not have complained? I do not know if I looked at the date of the postmark in the street when I opened it. I am not sure whether Mr. Bentley called my attention to the fact, or whether I looked at it previously.
7309. It is possible, then, that you knew the fact before he called your attention to it? It is possible, but I do not think it.
7310. You could not have been very vigilant about the matter, if you did not look at it yourself? With regard to the Bentley case then, knowing that the Bentleys were not in danger, I did not take all the precautions I should have done if the case had been genuine. I thought the matter a swindle, and therefore did not take the same interest in it that I should otherwise have done. But I was equally cautious not to allow them to know that I thought it was a swindle, by acting and speaking in the house as if I thought the whole affair legitimate.
7311. I wish you to read the 215th and 216th paragraphs of the depositions—Is there anything in that statement that you are prepared to contradict? No.
7312. Well, at what time in the day do you say that you next went to the Bentleys'? In the middle of the day, about 12 or 1 o'clock; I do not recollect exactly.

7313. Did you not, before leaving, that night, allude to a fishing party that you had agreed to go to—do you recollect that circumstance? No, I do not.
7314. Were you engaged to go to a fishing party on that Sunday? I do not think I was.
7315. Was not Mr. Bentley aware of that? I have not been to a fishing party for years. I cannot say, however, whether I might have said I was engaged to go to a fishing party, but I know I did not go, because I had other business on hand to prevent it.
7316. Did he not say "How will you manage?" and you said, "I will not go to that now, but come down here again," or something to that effect, and that Mr. Bentley said, "Well, you had better come down and dine with us"? It might have been so.
7317. Were you not invited to dine with the Bentleys that day? I cannot say.
7318. Did you not arrive at their house on that day about dinner-time, about half-past 1 o'clock? I do not recollect. Perhaps I can tell from my diary. I do not think Mr. Bentley was at home. (*Diary handed to witness.*) It does not say at what time I went there, but I know it was in the middle of the day.
7319. Did you go into the loft on that occasion before dinner? I do not recollect whether I did or not. I know that I went into the loft, and that Mr. Bentley accompanied me.
7320. Did you not go up-stairs into the upper rooms, and come down almost immediately, because dinner was waiting? I do not recollect.
7321. Well, was it not nearly dusk that day when you and Mr. Bentley went into the loft? No, nearly the middle of the day.
7322. What do you call the middle of the day? Between 12 and 3 o'clock. I am satisfied it was between those hours that we went up to the loft.
7323. Do you recollect where you took dessert that day? I do not recollect.
7324. Did you not take dessert in the drawing-room? I do not recollect.
7325. Did you not say it would be better to postpone going up there until the servants were gone away? No, because there were no precautions then taken with regard to the servants.
7326. And that the examination of the loft was delayed in consequence? The examination took place in the middle of the day, although that conversation might have taken place with regard to the servants. It was perfectly light when the examination was made in the loft.
7327. Did you take away the gimlet that day? No, not for some time afterwards.
7328. How was it that you eventually took it away? I do not know under what circumstances.
7329. Did not Mr. Bentley give it you? No, I do not recollect that he did. If I recollect rightly, I took it out of the drawer of a cabinet, and made some remark to the effect that I would retain it.
7330. Have you got any entry of that? I do not think I have.
7331. Can you say he did not give it you, and ask you if you could trace where it was got from? No, I am certain he did not.
7332. Do you say you did get it out of the drawer? I believe I did so. The drawer of a small fancy cabinet in the front drawing-room.
7333. Do you mean to assert that you did? I believe so.
7334. Will you assert positively that you did? No.
7335. What sort of a cabinet is this? A small Chinese cabinet.
7336. How many drawers are there in it? I cannot say.
7337. Did you expect to find a gimlet there? No, I saw it there.
7338. Did not Mr. Bentley open the cabinet drawer and give it to you? He might have done so. I may explain, that I have no recollection of going to fetch it, or of his giving it me for a particular purpose. He never did so.
7339. You do not mean to say that you went to the cabinet, and took the gimlet from there? No, I say it was given to me from the cabinet drawer, but not for the particular purpose of seeing if I could ascertain where it was purchased.
7340. You do not deny then that it was given to you by Mr. Bentley—do you not believe it was? I am not certain whether it was Mr. or Mrs. Bentley who gave it to me; I believe both were present.
7341. You kept the gimlet? Yes, I do not recollect under what circumstances; it was either given to me, or I took it from the drawer of this cabinet.
7342. Did you examine Mr. Bentley's tool-chest? I did not.
7343. You do not know the contents? No, I have seen that it contained tools.
7344. Do you not know there is a printed list of tools on the chest? No.
7345. You did not take the precaution to look? It did not strike me about the tool-chest till afterwards.
7346. You believe it came from the new chest of tools in his possession—on what grounds—have you compared it with any of the contents of the chest? No.
7347. You never compared them, or examined the tool-chest? No, I do not recollect that I did.
7348. You never made yourself acquainted with the fact, whether the complement of tools, as appeared on the list, were in the box? No.
7349. But you say you have every reason to believe that it came out of that chest? Yes, from the new appearance of the gimlet, and the peculiar fashion of the tools, if my memory serves me rightly.
7350. What sort of tools are they? They were new tools. But I cannot tell you now whether the head of the gimlet was round or flat.
7351. Can you say whether the same maker's name was upon that gimlet as upon those in the chest? I do not know that.
7352. Can you say whether the gimlets in the box were of that size? I did not take any tools out of the box.

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7353. Have you any reason for supposing that it came out of that tool-chest? From the appearance of the gimlet and the tools themselves, although I never compared them particularly.
7354. *By the Chairman*: How many gimlets have you seen in your life-time, Mr. Harrison—one hundred? I dare say I have.
7355. Have they all been very much alike? Some were old, some were new, some were big, some little; some with light handles, some with dark handles.
7356. Have you seen a hundred new ones? Yes, and not all alike.
7357. Seeing that you took particular care to identify this gimlet with the tools in the chest, can you say what sort of tools they were? I cannot tell you more than I have already done. When I saw the gimlet, it presented an appearance similar to those in the box of Mr. Bentley's tool-chest, but I did not compare them, although I intended to do so, being afraid of doing so, lest I should excite the suspicion of the Bentleys, for they were watching me as closely as I was watching them.
7358. Have you any reason for believing that it came out of that tool-chest? Only from the similarity in the fashion of the tools.
7359. Would it affect your belief, if it were shewn that on Thursday last the box contained the full complement of tools? No; if I had not seen them until afterwards, I might have suspected that another gimlet had been put in.
7360. Do you remember the verandah door being broken open? No, not being broken open.
7361. Being forced open? I recollect its presenting the appearance of being forcibly opened.
7362. Do you recollect its having the appearance of being forced open, when you said it had been done with a jemmy? Yes.
7363. Did you see the box of tools then? Yes.
7364. Did you then see the screw-driver taken out of the box? Yes.
7365. Did you search to see which tool would be most likely to be taken, and shew how the door was forced open? I do not know.
7366. Did he hand it to you? I do not know; he might have done so.
7367. The chest was always in the room? I believe so.
7368. Had you not detectives in the room for days together, when neither of the Bentleys were there? During the night they had no candle.
7369. But they were there in the day-time? I am not aware of the fact; I know when I have seen them there they had no light.
7370. Could you not have looked into the tool chest without exciting the slightest suspicion? I did not like to compare the gimlet with the tools, or to overhaul the tools.
7371. *By Mr. Morris*: Do you not think the statement in your report must have led Mr. Cowper to believe that you had made yourself certain that that gimlet was from that very tool-chest? I said that I had every reason to believe that it was; I did not absolutely say that the gimlet came from Mr. Bentley's tool-box, but that I had every reason to believe it did.
7372. Can you state any other reasons for that belief than you have now given before this Committee? No.
7373. *By the Chairman*: Have you ever seen two descriptions of gimlets different from each other—one with a long wind or twist, and the other with a screw? Yes.
7374. And which of these would you call a peculiar make? Well, I do not know.
7375. Is not the gimlet you speak of a common make, with regard to the worm and the fashion of it? It is an ordinary gimlet.
7376. The others are not ordinary gimlets? I do not know.
7377. Do you mean to say that the plaster on the point of this gimlet is the same as when you got it from the roof? Yes, though there might have been more on it.
7378. You are sure it is in the same state? There might have been more on it.
7379. You can get such plaster as that from the roof? I cannot say that. Holes were made in the roof, with a gimlet, but I do not know whether the holes were made with that gimlet, not being present when they were made. Mr. Bentley can give better evidence as to whether the plaster on the gimlet is the same as that on the roof.
7380. Do you know that Mr. Bentley can prove it to be the gimlet, by the plaster there? I cannot say.
7381. Can you, if I produce you fifty gimlets with plaster on them like this, say whether that is the gimlet you speak of? I only say that I recognize it as the gimlet, on account of the plaster.
7382. *By Mr. Morris*: Have you marked it? Yes, there are two or three marks made on it with the point of a pen-knife.
7383. *By the Chairman*: Have you any plan of them? No, I believe not; they are made with a pen-knife under the wood of the handle.
7384. When did you put the marks on it? At the time I got the gimlet.
7385. *By Mr. Johnson*: On the 28th you say Mr. Bentley had a conversation with you about publishing a letter? Yes, we had a conversation about the publishing of some letters.
7386. On the 28th of May you talked with him about the publication of some letters? I do not know that it was on the 28th of May.
7387. Just look at your diary—in your entry there you state that you advised him to publish everything? (*Diary handed to witness.*) Yes, I have an entry to that effect.
7388. Is it true that you that day advised him to publish everything? Yes.
7389. That is true? Yes.
7390. Now I ask you whether it is not a fact that you that day told him to make no allusion whatever to the steps taken by the police? I do not know that I did so on that day, but I know that I did advise him not to make any allusion to the police.

7391. Do you recollect afterwards his reading the draft of the letter to you? I do recollect him reading a draft to me. Mr. C. E. Harrison.
7392. Look at your own entry, where you say that after dinner Mr. Bentley read a letter to you, when you recommended him to omit all mention of the steps taken by the police in the matter—Was not that request made on the 28th May, and not on the 1st of June? It might have been made on both days, or at three different times; in fact, I believe it was made more than once. 11 Dec., 1862.
7393. Are you sure of that? Yes, certain that it has been the subject of conversation for the police not to be mentioned in those letters.
7394. You say it took place on both days? Very likely.
7395. On the 28th of May and on the 1st of June, when he read the letter to you? Yes, this entry is the 1st of June.
7396. Now, you say that at the time he read the letter to you, you requested him to omit the mention of all steps taken by the police in the matter—is that true? Yes.
7397. Look at that—(*Letter handed to witness*)—see if all mention of the police is not omitted? It is possible there is no mention of the steps taken by the police, but I cannot say that this is the draft, although, if it is, I do not see that there is anything in it to contradict what I say.
7398. How do you account for the entry saying that he read the letter, or copy, and you requested him to omit all mention of the police, when there was no such mention of it? He might have written the draft to submit to his friends, to see whether they were satisfied or not, when I expressed that wish.
7399. *By the Chairman*: Did you see the draft? Mr. Bentley read it to me, but I did not read it.
7400. Was it got up in the same way as that produced? I do not think it was in slips like this.
7401. *By Mr. Johnson*: With that exception, does it appear to be the same draft? I cannot tell. It might have been written within the last few days, or Mr. Bentley might have had it by him for some time. I do not recollect the contents of the draft. There was a conversation on more than one occasion with reference to the omission of any mention of the police in the letters.
7402. Can you account for the apparent inconsistency of your having had a conversation, on the 28th of May, with Mr. Bentley, about publishing everything, at which time you say you requested him to make no mention of the steps taken by the police? I do not say so. I say the subject of the police has been under conversation on more than one occasion, and might have been the subject of conversation on that day, but I do not say it was.
7403. Can you account for this apparent inconsistency—supposing the draft letter now produced to be the draft letter read by him on the 1st of June, and that there is no allusion in that draft to the steps taken by the police, how you came to enter in your diary that, when you heard it read, you requested him to omit all mention of the steps taken by the police? I do not see any inconsistency in it. I do not know whether Mr. Bentley had finished his draft—whether he had not part written it, or had concluded it. I should have made the remark probably about the police, if I thought Mr. Bentley had not finished his letter for publication.
7404. Do you undertake to say he had not finished it when he read it over to you? I do not recollect whether he had or not.
7405. The letter did appear in the newspapers of the 4th of June, did it not? Yes.
7406. And did he not upon that occasion record to you the particulars of the Exeter business, and state that he had told you all he knew about it? Not about the Exeter business; I do not recollect him giving particulars about it on that occasion.
7407. Do you say he did not? No. There were frequently remarks passing upon that subject, but I do not recollect any being made upon that occasion.
7408. When were any first made? By Mrs. Bentley first.
7409. I am asking you about Mr. Bentley? I cannot say.
7410. Did he not tell you of a conversation he had had with Mr. Richard Johnson, on the subject? If I recollect rightly, he said Mr. Richard Johnson called after him in the street, and said, "How about the transaction at Exeter?" and that he went back, and gave him some of the particulars, as far as he knew. I think those were the words.
7411. Was not that the first time you and Mr. Bentley had had any conversation about the Exeter business? No; previous to that we had had conversations about the Exeter business.
7412. Point to an entry in your journal when you had? I do not know that there is an entry to that effect.
7413. *By the Chairman*: Does not your entry in the journal make it appear that you had found out the Exeter case yourself? The entry in the journal, on the 7th July, is with regard to what Mr. Elworthy, the tailor, told me. It says:—"This morning, called on Elworthy, tailor, George-street; and in the course of conversation, knowing that he had lived at Exeter, I questioned him about the Monk family. He told me that a similar case occurred there about fourteen years ago, and that the present Mrs. Bentley, then Miss Julia Monk, was the heroine. He could not give me all the particulars, but referred me to Mrs. Drew, of Montagu House, Church Hill, who was in possession of most of the facts."
7414. You make an entry there about the Exeter case—Is there any previous entry? Yes; I can shew you a previous entry in which the Exeter case is mentioned. It is the 30th of May—the first entry:—"Mrs. Bentley told me that she now felt satisfied that she was in the hands of the Jesuits, and that the object of this persecution was not to drive her out of the musical world, but some other far more terrible. She said she should never be able to give me an explanation of the matter, as she was bound by an oath, but could at once put

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7415. Did she mention Exeter at that conversation? I do not know whether she mentioned Exeter, but I knew she belonged to that place, and I presume she mentioned it.
7416. The question is, when did you first have any conversation with Mr. Bentley about the Exeter case? I cannot say.
7417. Will you deny that it was on Thursday, the 1st of June? It has been the subject of conversation between us on more than one occasion, but I cannot say whether that was the first occasion.
7418. Was it not the first occasion when he said Mr. Richard Johnson had spoken to him in the street about it? I will not be positive, but I think it was.
7419. *By the Chairman*: Did you furnish that portion of an Exeter paper to the *Herald*? No, I did not; and I was quite astonished when I saw it.
7420. Were you ever in Exeter? Never.
7421. *By Mr. Johnson*: Coming back to this entry of the 1st of June. Your entry is to the effect, that after dinner Mr. Bentley read to you a copy of a letter, and you requested him to omit all mention of the steps taken by the police in the matter; after some reluctance he consented; the letter is well written;—now, do you adhere to the statement that, on the 2nd of June, he reluctantly consented to omit all mention of the steps taken by the police in the matter? It was a reluctant consent.
7422. But was it on the 2nd of June? I cannot say.
7423. Was not that on the 28th of May? It might have been on that occasion.
7424. Did it not occur on the 28th of May? I do not see any entry of the 2nd of June with regard to it.
7425. Do you think you may have made the request to Mr. Bentley on the 28th of May? Yes.
7426. Now, will you adhere to the statement that you made the same request on the 2nd of June, and that he then reluctantly consented to it? Yes, it has been made the subject of conversation on more than one occasion.
7427. You say he read the letter, and that it was well written? Yes.
7428. And you will not deny that this is the draft? I do not know that it is.
7429. Nor can you deny that what he read to you was, in substance, the same as the letter, as it appeared in the papers of the 14th of June? I do not know, and cannot deny it.
7430. Can you point to any other entry in your journal, as to any conversation with Mr. Bentley about what you call the Exeter case? No, I do not know that I can. He mentioned it to Dr. Brereton in my presence; but I do not recollect the date, although I recollect Dr. Brereton's remarks upon the subject. He said to Mr. Bentley; there was quite enough mystery in the case already, and that he had better not introduce any more.
7431. You spoke of getting Boulanger's diary for some purpose—what was that purpose? I did not say I got Boulanger's diary for a purpose.
7432. Was it simply to get a key to open it for him? That was all.
7433. Did you look at it for the purpose of deriving information upon any fact? I believe I looked at it.
7434. What for? I have already stated I do not recollect what for. I remember taking it away to get a key for it, at his request.
7435. Are you able to give any more information as to when you gave Mrs. Bentley the stiletto and whistle? No.
7436. Who was the man that you say sharpened it? I do not know; I cannot say for certainty whether any man sharpened it. I say it might have been sharpened by some one.
7437. How many times do you say you were at the Bentleys' house on the day on which you allege Mrs. Bentley gave you the letter? Twice, I believe. I recollect going there in the afternoon to see Mrs. Bentley, and saw her; and I might have been there a third time that evening.
7438. Have you seen Mr. Merewether, the reporter, lately? Not lately.
7439. When did you last see him? I do not know; I might have seen him in the street and not have spoken to him.
7440. Or had any conversation with him? Some weeks ago.
7441. Have you seen him since the commencement of this inquiry? About the time of its commencement.
7442. *By Mr. Morris*: In your diary, under date of the 17th of June, it is stated that you had seen Mr. Cowper with regard to this Bentley case, and that he told you that he had just received from Mr. Wrench all the anonymous letters;—is that true? I believe it was at Government House that Mr. Cowper told me so.
7443. And you afterwards saw him at 2 o'clock? Yes, at his office.
7444. Did you inform Mrs. Bentley, when you saw her that day, of these facts? I do not think it—I do not think I did.
7445. Are you sure? I am positive. I considered the conversation between Mr. Cowper and myself as private.
7446. Did you inform any other person? No.
7447. Any of the detective police? No; they were ignorant of my suspicion.
7448. When you saw Mr. Wrench on the 20th, did he say he had seen Mr. Cowper, and had given these anonymous letters to him? I do not recollect.
7449. Do you recollect Mr. Wrench seeing you, as you supposed, with a view of pumping you—

you—do you think it likely that he did so? He might have done so. I have some recollection of receiving information, from some source, that Mr. Wrench had given Mr. Cowper the letters, but whether it was from Mr. Wrench, Mr. Bentley, or Mrs. Bentley, I do not recollect; but I did not mention the matter to Mr. Bentley or any one else.

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7450. Did Mrs. Bentley tell you on the 19th—the day that you returned? I do not recollect that she did.

7451. Do you not think you would recollect if she had done so? No. I have a recollection of being made aware of the fact, but whether from Mrs. Bentley, Mr. Bentley, or Mr. Wrench, that evening, I cannot say.

7452. Do you think you became aware of that fact from any other source than that letter? I think so. I was aware of the fact from Mr. Cowper; but I am sure I received the information from some other source—either from the Bentleys or Mr. Wrench. I know of no one else, unless it was the Inspector General, who could give me the information; it might have been from him I received it.

7453. But you could not have heard it from the Bentleys or Mr. Wrench until the 20th? Not until the night when the conversation took place.

7454. Are there any other circumstances you wish to make the Committee acquainted with? None.

7455. Have you any further statement to make in reference to this case? No. I may state that Mr. Bentley tried hard to induce me to have the body of Mr. Heath taken up, to have a *post mortem* examination on it, stating that he was certain, and would be able to produce some evidence to the fact, that Mr. Heath was poisoned by Cutolo and his wife. I told him I had not the power to exhume the body—that if he could give any just reasons I would lay them before the Coroner. He then said he would let the matter stand over for a time.

7456. *By Mr. Piddington*: Was that subsequent to your employment as a detective with reference to this inquiry? Just when I took the matter in hand—on the second occasion.

7457. Do you recollect how long it was after the death of Mr. Heath? A considerable time. This was in March or April last, when I became acquainted with Mr. Bentley.

7458. You have no recollection whether Mr. Heath died nine or ten months previous? No, I did not know; I knew it was a considerable time previous.

7459. *By Mr. Johnson*: Was any one present when you say Mr. Bentley made this statement? I think Boulanger and Mrs. Bentley were present.

7460. Did you hear Dr. Brereton say anything upon that subject? No, I do not recollect Dr. Brereton mentioning Mr. Heath's name.

7461. *By Mr. Piddington*: Did Mr. Bentley state any particulars, or in any way make a statement as to the grounds for such an opinion? No, he did not. He asked me if I had the power, or said he supposed I had the power, of getting the body exhumed. I said I had not—that that power rested with the Coroner. He said, "Could you do so?" I said if certain facts were laid before the Coroner, he might have the body exhumed. I think his words were, that it would be necessary to have the body of Mr. Heath taken up, and a Coroner's inquest held upon it.

7462. Are you sure he said that? Yes.

7463. Have you a record of it? No. At that time I was not so well acquainted with him. He said he would let the matter stand over. I have spoken to him since about it, but he always evaded the subject.

7464. Did you treat it as a jest? No; sometimes he would be very excited about it.

7465. Did you consider it a very serious criminal charge? Yes; if he had shewn some reasons for it, it would have been a very serious affair.

7466. Did you ask him for his reasons? I think I asked him what they were.

7467. *By Mr. Johnson*: It startled you? It did; but he did not give any reasons; he said he would let the matter stand over.

7468. *By the Chairman*: Did you think it your duty to let it stand over? I mentioned it to the Inspector General.

7469. What remark did he make in reference to it? He asked why Bentley had made such a remark, and spoke of further inquiry. I spoke to Mr. Bentley about it after that, and he alluded in some way to its being a hasty remark that could not be substantiated.

7470. *By Mr. Johnson*: Did Mr. Bentley make any reference to what Dr. Brereton said in the matter? No, I do not think he heard Dr. Brereton mention it.

7471. *By Mr. Piddington*: Did Mr. Bentley make allusion to the death of Mr. Heath, on more than one occasion? Yes, he spoke upon that subject on more than one occasion.

7472. With regard to the suspicious circumstances? Yes; but I do not recollect what the conversation was. This was the first time it was mentioned, and he mentioned it in an abrupt manner, that it took me by surprise. I recollect the conversation. He afterwards evaded the subject when I spoke to him about it.

7473. You regarded his remarks as indicating a floating suspicion, and made without any intention of making a charge? Yes.

7474. And made when he was under excitement? I attributed it to that. With regard to the letter with the hawk and snake, there is a date of the 27th written on it. I believe that date is in the handwriting of the clerk, but has been put there since, and that on the back of the letter there is a date purporting that it had been received on a date other than that. I formed an opinion that that was written after the letter was torn, and Dr. Brereton expressed himself in the same manner.

7475. *By the Chairman*: Can you tell the Committee your grounds for thinking so? No, I cannot.

7476. Nor the remarks Dr. Brereton made when he concurred with you in that opinion? He said it was a letter in itself, and required nothing more—that the words were complete.

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7477. Is it not perfectly evident that some of that must have been written previously to its being torn? At the time I saw it I formed that opinion; I have seen it since, but I formed that opinion at the time; I cannot say that it is in the same state now. Dr. Brereton expressed the same opinion.
7478. Is it the same paper? I cannot tell you. It is the same kind of paper.
7479. Did you recognize it when you saw it here? I did not mark it.
7480. But do you recognize it by its general appearance, without any particular mark to swear by—are all the words there you took notice of? Yes, the words are the same; this may be it.
7481. Well, do you think it is? I do not know. There was a quantity of matches wrapped up in it when Mr. Bentley handed it to me, and it appeared larger.
7482. How many matches? Five or six; and it appeared larger than that.
7483. Is it not large enough to wrap that number of matches in? Yes, it may be.
7484. Do you smoke? Yes, sometimes.
7485. Do you carry matches with you? Sometimes at night, but not for the purpose of smoking; I carry them in a little brass box.
7486. What sort of matches? Wax matches.
7487. Were those wrapped in the paper similar to the matches you use? Yes.
7488. The same length? I do not know; sometimes I have them longer, sometimes shorter.
7489. Was it at night that you were in the loft, and were they not found next day after you were there? Yes.
7490. Mr. Bentley was there with you? Yes. I said if they (the parties) had been there during the night they would have left something behind them—that they would not work in the dark, as there would be a risk of there getting between the joists through the ceiling. You appear to wish to insinuate that I myself put some matches up there, for Mr. Bentley to find the following morning. In this way there is an attempt to colour my remarks.
7491. What makes you think I insinuated that? Your remark appeared to be tantamount to that.
7492. Why? From the words you use when you ask, was I not up there the previous night, and did I not use similar matches—matches of the same length.
7493. Are you to be supposed to be above suspicion, more than other people—you suspect the Bentleys, do you not? No; I am sure about them.
7494. And may I not be convinced in my mind why certain circumstances arose, and have you any reason to shew why I attempt to colour your remarks—have I put a colouring on your remarks? I cannot say.
7495. Are they not all taken down? Yes, but a different appearance may be given to them to that I intended.
7496. Have you any reason in giving answers that may be coloured? Certainly not.
7497. Are you anxious that questions of this kind should not be answered? No.
7498. *By Mr. Johnson*: I have asked you for your reasons for supposing this letter was written after the paper was torn, and you say you cannot give any reason? I had reasons for believing so at the time.
7499. And you begin to doubt whether this is the identical paper or not? It looks smaller.
7500. You believe it not to be the same? I do not say that, but I think portions may have been torn off since; that may be it, but a part of the paper may have been torn off; it does not present the same appearance it did at the time.
7501. You then dropped the observation that you did not suspect, but knew him to be guilty? I am sure in my own mind.
7502. Guilty of what? Of writing these letters.
7503. It is your conviction that he wrote the letters himself? I have not a doubt.
7504. Have you any further reasons to state in justification of that opinion, besides what you have already stated? None but those I have stated in the different examinations I have undergone.
7505. You cannot state more—you have stated the whole strength of your case? My case! It is not my case. I have stated all I knew to throw a light upon the matter. One remark I may add, with regard to the diary being taken away and shewn to parties unconnected with this inquiry. I told the Committee it was a Member of the House who gave me this information, but it was said by the Chairman that this was incorrect, and I was not then in a position to say who it was. Since then he has told me that there was no occasion to conceal his name—that such was the case—that Mr. Dalgleish was the party who had taken the diary away. The gentleman who so informed me was Mr. Driver. He told me that you took it in your pocket, and shewed it to parties not connected with the Bentley case.
7506. What else? I did not in the first instance mention his name, as I thought he might not desire me to do so; but he has since stated that I could mention his name.

Mrs. Julia Bentley called in and examined :—

- Mrs. Julia Bentley.  
11 Dec., 1862.
7507. *By the Chairman*: What is your name? Julia Bentley.
7508. Are you engaged in any profession? Yes, in the musical profession.
7509. You are the wife of the petitioner in this matter? I am.
7510. *By Mr. Johnson*: You made a deposition, in conjunction with Mr. Bentley and two servants—

servants—are the whole of the statements in that deposition true? They are, all of them.  
 7511. Are there, to your knowledge, any matters omitted or suppressed that have reference to this case? None.

Mrs. Julia Bentley.

7512. Are you at all aware who are the parties who wrote the anonymous letters referred to in that deposition? I am not.

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7513. Do you remember me reading over that deposition to yourself and your two servants? I do.

7514. Do you recollect whether upon any occasion I asked you to leave me alone with the two servants? I do.

7515. And do you remember me saying anything to you and the servants, with reference to the deposition, when I read it over? I remember you stated that if there was anything incorrect in it, or if we wanted anything else mentioned, we were to speak.

7516. Did they mention anything they wanted to add to it, or make any alterations? Yes, a few alterations were made.

7517. *By the Chairman*: Can you explain to the Committee the reasons why you were so frequently left alone with Mr. Harrison, on the evenings when he was at your house? My husband has ill health—he has been very poorly before—and he was obliged to retire early.

7518. Was Mr. Harrison in the habit of sitting in the house when all the other detective officers had left? I think he took charge of the house, when no other detective officer was in it, for a fortnight; but I am not quite sure.

7519. Was he in the habit of sitting in the same room with you when in the house? With me and Mr. Bentley.

7520. Did he ever take liberties with you? Never.

7521. Or show undue familiarity? Never.

7522. Or call you by your Christian name? Never.

7523. Did he address you as “Lily”? Never.

7524. Did you address him as “Charley”? No; I did not know his Christian name.

7525. Did you know it before I mentioned it? Yes.

7526. Did Mr. Bentley tell you that the servants were examined? Yes.

7527. Are you aware that Mr. Harrison has made statements to this Committee, to the effect that he was in the habit of behaving towards you with great familiarity? I am.

7528. And they are false? Yes, all of them. The greatest familiarity he shewed toward me was on the night when he left, when he began to tell me he wished to caution me against something.

7529. *By Mr. Johnson*: What took place then? After sitting with Mr. Bentley he came down-stairs, and asked me not to press for an investigation. I said I would do no such thing; and he replied, it would make things worse for ourselves. I said, “People imagine ‘I am a monomaniac, and that the best thing would be an investigation, as no one could then ‘think so.’ He said he wished he could caution me against something, and I said he had no right to talk to me in that manner. He added, ‘The only thing I can say is, to answer all questions and ask none in return.’ He then left, and I have not seen him since.

7530. Was Mr. Harrison frequently in the habit of meeting you, and accompanying you to Newtown? No, not accompanying me to Newtown; but he has met me, for I was always under his orders. When I left the house, either he or other detectives met me, and directed me what course I was to take, what streets I was to follow; and on two or three occasions he has walked with me up to the omnibus, but saying that the other detectives would be up there when I arrived.

7531. Did he ever accompany you to Mr. Josephson’s gate? I met him at Newtown a few days after the assault, and he went with me from the bottom of the road to Mr. Josephson’s, but he has never been in the omnibus with me.

7532. Was that on the occasion when a man spoke to you a second time at Newtown? No, he was never with me when any one spoke to me.

7533. Have you been in the habit of speaking familiarly with your servants? No.

7534. Or conversing with them about your early life? No, neither on my own private affairs nor Mr. Bentley’s.

7535. Have you not informed them that you were in the habit of attending confession, and that you were educated at a convent? Never.

7536. *By Mr. Johnson*: Had you a sister educated at a convent? Yes, an elder sister.

7537. Do you know that there are people in Sydney who know something of your family connections at Home? Yes, I know two ladies in Sydney.

7538. Whether they know them correctly or not you cannot say? No, I cannot.

7539. *By the Chairman*: Have these persons made themselves acquainted with you since you have been here? One lady called upon me immediately after I landed, but I never returned her call. I have seen her since, but we were never on visiting terms. The other I have also seen, but have never been on visiting or friendly terms with her.

7540. *By Mr. Johnson*: Were you on visiting or friendly terms with them at Home? With one of them I was on visiting terms at Home.

7541. Was that the lady who called upon you when you came here? Yes.

7542. And you did not return her call? I did not.

7543. *By the Chairman*: Have you heard that lady’s name mentioned in connection with any of the letters, or with this case in any way whatever? No, I have not.

7544. Do you know any person in the city of the name of Mrs. Drew? Yes.

7545. Was that the lady you speak of? No, she resided in Exeter, but I was too young for her to know anything of me at that time.

7546. Do you know a person of the name of Elworthy or Leworthy? No.

7547. Were any of the servants in the habit of sitting up with you and accompanying you to

- Mrs. Julia Bentley. to fasten the door when Mr. Harrison left, after sitting late? No, I always closed the door myself, but I do not know whether they were up when he left or not.
- 11 Dec., 1862. 7548. You are perfectly sure Mr. Harrison on no occasion made the slightest advance to anything like undue familiarity towards you? Certainly not; on no occasions has he forgotten himself.
7549. Did you sit on the same sofa with him till late at night? Not after my husband had gone to bed; I have frequently when he was there in an evening, but certainly not after he was obliged to go to bed.
7550. You are aware that the names of other persons have been mentioned in this inquiry, as having been at your house late at night, leaving early in the morning? Yes, I am aware of that.
7551. Have any such cases occurred? None whatever.
7552. Did you ever write a letter to Mr. Harrison? Never.
7553. Is that your writing (*letter handed to witness*)? It is so much like mine that I should not know the difference; but if this is the letter my husband speaks about when he told me that Mr. Harrison says I wrote it to him, I may say that I never saw it before; but I could only tell from the contents that it was not my writing.
7554. *By Mr. Johnson*: I think you before informed the Committee that your husband gave you an intimation about the production of this letter? I was told Mr. Harrison gave it to the Committee as coming from me; and stated that I gave it to him after he came from Bathurst; and my husband has also intimated to me the contents, as far as he could, without telling me the words. If I recollect rightly, it spoke about Mr. Cowper having all the letters, and something about having to wait until Capt. McLerie came home.
7555. *By Mr. Morris*: You say it is so much like your handwriting that you could not tell the difference? If I had not known of any letter having been handed in to the Committee, and this had been shewn to me without my having any information as to the contents, I should say it was mine.
7556. *By Mr. Fiddington*: Have you ever seen any handwriting that resembles your own as much as that does? No, never.
7557. *By the Chairman*: Have you ever met a priest on the way to Newtown, Mrs. Bentley? Never.
7558. Did you ever meet with a priest in Market-street? Never.
7559. Did you ever go with a priest into a fancy wool shop? No, I have never spoken to a priest since I have been in Sydney, neither do I know one.
7560. Did you ever jokingly observe to the servants that you have? No, never; I have never been on such terms of familiarity.
7561. *By Mr. Wilson*: Have you been subject, for any length of time, to attacks of hysteria? At intervals, but not long.
7562. Have you been subject to fainting fits? Yes, very often indeed.
7563. These fits are quite distinct from the hysterical fits? I was quite unconscious when they came upon me.
7564. From what you have been told, by people competent to give an opinion, can you say whether they were really fainting fits? I believe Dr. Brereton always considered them to be fainting fits; I was always unconscious.
7565. You have had several fits of that kind? Yes.
7566. You have had several when Mr. Harrison was in the house? Not more than twice, I think.
7567. And are you aware whether he gave you any assistance on these occasions or not? Yes, I believe on one occasion he assisted my husband in taking me to my bed-room.
7568. Was that after you recovered? Yes, when I was too weak to walk up and down.
7569. Your husband and Mr. Harrison assisted you up-stairs? Yes.
7570. Did Mr. Harrison, to your knowledge, ever assist you to your bed-room when your husband was absent? Never.
7571. Dr. Brereton has attended you as medical adviser—was he doing so at that time? Yes.
7572. And was called in on account of the severity of these fits? Yes.
7573. He was called in on the occasion when Mr. Harrison assisted you up-stairs? I cannot positively say whether he was there or not on that occasion. When I have been ill the servants have been sent for Dr. Brereton at night, and when he has not come he has sent medicine down.
7574. You received some injury when assaulted at Newtown? I did.
7575. That was on the breast—was it not? It was.
7576. Did you consult any medical man upon that occasion? No; it was not considered serious enough to render a medical man's services requisite.
7577. Did Dr. Brereton offer his services on that occasion? He spoke to Mr. Bentley about it, and said he had better come and see it, but he never came.
7578. What sort of an injury was it, a cut or a tear? It was a tear.
7579. Was the tear of any size, or the wound an extensive one? It was sufficient to oblige me for two days to dress in a different way.
7580. From its external appearance, was it an extensive wound? It was not an extensive wound.
7581. Did it go half round the nipple? Yes, it did.
7582. Did it bleed much? Yes, for two days.
7583. What means did you take to heal it; was any one employed to dress it? Yes, the servants were employed in applying poultices.
7584. Did they examine the breast, to see the nature of the wound at all? Mary Ryan, I believe, did; she was called to apply the poultice.

7585. Did she examine the wound? I do not know that she did actually examine it, but she saw it. Mrs. Julia Bentley.
7586. Did she make any remarks about the nature of the wound? Yes, she said it must be causing me a great deal of pain. 11 Dec., 1862.
7587. Might she not have made that remark without seeing it? She herself applied the poultice, and must have seen it. When I say she made no examination I mean there was no careful examination made.
7588. Did the blood flow freely or ooze from the wound? The blood oozed from it.
7589. Were you nursing at the time? No.
7590. Was there any previous excoriation or sore on the breast? No, none.
7591. For what reason was the poultice applied—on account of the pain? Yes, I was in great pain.
7592. And you found the poultice relieved you? Yes; although it was still very sore the next day it appeared to have given me a little relief.
7593. You did not consider the wound sufficiently severe to make it necessary to call in your medical attendant? No.
7594. Have you had any experience of sore breasts or anything of that kind before? Yes, I have, once.
7595. Did the extent and nature of the wound frighten you at all? No; although I am very nervous about anything of that sort.
7596. *By Mr. Cowper:* Where were you when the man attacked you and caused this wound? I was inside Mr. Josephson's gate, at Newtown.
7597. Can you tell how far he was from the gate or from the house? He was close to the gate; so close that he had only to take a step forward to open the gate and go out.
7598. Were you very much injured by the rough treatment more than by this wound—did you feel the shock in your person? Yes, I was dreadfully alarmed.
7599. Did it not occur to you to return to Mr. Josephson's house that you had just left? No, it never struck me; besides, it was more lonely to go back than to go into the road, where I felt I should be safe.
7600. You did not communicate anything, concerning the assault, to any one until you got home? No, I did not.
7601. Did it form the subject of conversation at Mr. Josephson's at the time when you next went there? I never alluded to it in any way whatever.
7602. Has any one seen the wound besides Mr. Bentley and your servant maids? No, no one.
7603. *By the Chairman:* Have you any lady friends on terms of close intimacy with you? No, I can scarcely say I have any acquaintances on terms of close intimacy.
7604. Any one to whom you would shew a wound of that kind? No, none to whom I could even speak of it.
7605. *By Mr. Wilson:* Do you think the wound was inflicted by a ring being thrust against the breast, or by a blow? Not by a blow. I do not know whether it was done by a ring or finger-nail.
7606. Did you receive a push? No, he kept his hand upon my shoulder, and by that means held me tightly.
7607. Was your dress tight at the time, or did you wear a loose jacket? I wore a loose jacket.
7608. *By Mr. Morris:* Did Mr. Harrison require you to keep this matter of the assault secret? Yes, he did; but he told Mr. Bentley that he might mention it to Boulanger. When the man struck me he held out his hand and directed my attention to the ring, which had a cornelian anchor on it.
7609. You would not, under the circumstances, mention the assault to Mr. Josephson or his family, being enjoined to secrecy concerning it? No, it was a thing I should not mention to any person, even after it was known.
7610. But if you were assaulted to-morrow would you have any objection to mention it to your friends? No, if it had not been followed by so long a persecution as this has been.
7611. *By the Chairman:* Have you any letters at home that you have written to Mr. Bentley at any time? No, I think not.
7612. Do you think Mr. Bentley has any such letters? No, I think not; because Mr. Johnson asked him or me for them, and Mr. Bentley looked to see if he had any. I believe he could not find any.
7613. How did you become introduced to Mr. Hanson? On board the "Castle Howard," in which vessel he came from England.
7614. You became intimate with Mr. and Mrs. Hanson some time after their arrival here? Yes.
7615. Mr. Hanson, on one occasion, protected you from some supposed rudeness on the part of a gentleman? Yes.
7616. Was it at your request? No; I did not then know anything about these letters.
7617. When you went out to Newtown, and met with the gentleman you call Mr. Merewether, was he there by appointment to meet you? I believe he was; because Mr. Black had previously sent up a gentleman of the name of Gibson to see if any one was there, and we knew letters had been going to Mr. Johnson, and others, making such appointments; we therefore supposed he was there by appointment.
7618. Did you give him any inducement to be there? Certainly not. When these letters came from Mr. Wrench—the anonymous letters which Mr. Bentley received—making appointments, and when Mr. Gibson said Mr. Merewether had come out to Newtown, I supposed he was there by appointment.

- Mrs. Julia Bentley.  
11 Dec., 1862.
7619. What do you mean by appointment? In these anonymous letters it was stated that I had made appointments with gentlemen.
7620. There were some letters, purporting to have been written by you, making these appointments? Yes.
7621. Have you seen those letters? Not the originals.
7622. Suppose he was there by appointment, you presume that something in the anonymous letters led him to be there? Yes.
7623. Have you any other reason to give for his being there? No.
7624. Did you speak to him? No.
7625. Did he speak to you? No.
7626. Did you walk on the same road with him? He went up in the omnibus, and on crossing the road to Mr. Josephson's I saw he was strolling about the end of the road.
7627. Did he seem to wish to speak to you? I did think so. Directly the omnibus turned into the Newtown Road there was that in his manner which induced me to think he wished to speak.
7628. Had you seen him before? I knew him before by sight, but never met him at Newtown.
7629. Or elsewhere? Never.
7630. When was the next occasion that you saw him? I never saw him at Newtown before. The next time I saw him was at the Philharmonic Society's concert.
7631. Was that the time when he refused to hand you to the platform? Yes.
7632. Was it before or after you saw Mr. Merewether that you were assaulted? After.
7633. Was it Mr. Merewether, the same gentleman, who assaulted you? Certainly not.
7634. Can you describe from memory the gentleman who assaulted you? He was not dressed like a gentleman; he had on a rough shooting-jacket, and a black hat with a French peak. His hand looked like that of a gentleman; it was white, and had not the appearance that the hand of a working man generally presents. But I am quite sure he was in disguise. I before said his hair and eyes were dark, but such was not the case; on one side of his head I could see that his hair was lighter than on the other.
7635. You were self-possessed at the time, so as to make an observation of his person? No; but Mr. Harrison particularly requested me to make some examination of his appearance, so as to recognize him at some future time, and I had sufficient presence of mind to do that.
7636. Did his hand come in contact with your bare breast? Yes; he tore my clothes.
7637. He was very rough? Very rough.
7638. He held you with one hand, whilst he thrust the other into your bosom? Yes, he held me by the shoulder.
7639. Are you subject to fainting? Yes.
7640. Did you faint then? No.
7641. Can you account for your keeping yourself self-possessed at this time? I think I was too frightened to faint.
7642. It is rather a queer thing that he should shew you his jewellery, and describe it, telling you to give a description of it to Mr. Harrison—can you imagine his reasons for so doing? The only thing he wished me to tell Mr. Harrison was about the ring.
7643. Can you describe it? It was a large gold ring with a gold signet, and a cornelian anchor raised on the signet.
7644. From the wound upon your breast do you suppose it was made by the ring? Yes, I do.
7645. *By Mr. Couper*: Who saw your garments when they were in that torn state? My husband; it was a muslin jacket I had on that was torn. I believe Mr. Harrison saw it.
7646. *By the Chairman*: Have you that jacket now? I think Mr. Johnson has it. I gave it to Mr. Bentley a long time ago, when this Committee first commenced.
7647. Was the jacket torn on the right or left shoulder? The left.
7648. Was it the right or left shoulder that the man seized you by? The right.
7649. And he held you with his left hand? Yes.
7650. *By Mr. Forster*: You say the man held your right shoulder with his left hand? The right shoulder.
7651. With his left hand? With his left hand.
7652. Was he standing in front of you? No, he came behind me, and stood at the side of me.
7653. He held his left hand on your right shoulder, and thrust his other hand into your breast? Yes.
7654. Round from your back? No, he was almost even with me, and he thrust his right hand on the other side.
7655. Did you struggle to get away? No, because it was quite useless—he held me so tightly.
7656. Did he tear part of your dress? Yes, the jacket.
7657. With the hand he held you by, or with that he thrust into your bosom? No. I had a shawl on, and he kept his left hand outside of it on my shoulder. It was an under jacket that he tore with the hand he thrust into my bosom.
7658. How did he hold you—partly by the flesh and partly by the jacket? He held me by the shoulder.
7659. And did the blood begin to flow immediately after he struck you? No; I was not aware of it until undressing at night.
7660. You did not feel any pain from the wound until you were undressing? Yes, I did; but I was too frightened to think of the pain.
7661. You say you did not know of the injury you had sustained until you undressed? I knew the jacket was torn, but I did not know that I was wounded. 7662.

Mrs. Julia Bentley.  
11 Dec., 1862.

- 7662. Nor that any blood had escaped? No.
- 7663. Then it did not shew itself through your clothes? I did not perceive it.
- 7664. Were you surprised at finding yourself wounded? I was in pain all the evening, but I never thought I was wounded until I undressed.
- 7665. What did you attribute the pain to—had you felt anything like it before? I thought he had bruised me.
- 7666. You never thought of looking at it until you were undressing? No.
- 7667. Did you complain to any one? To Mr. Bentley.
- 7668. You did not tell any one else then? No.
- 7669. Are you sure you did not tell Mr. Harrison of your feeling a pain? Certainly not; I should not have spoken to him of such a thing.
- 7670. You mentioned to him the circumstance of your being assaulted? Yes. Mr. Bentley immediately sent for Mr. Harrison, and Mr. Harrison returned to the house, when I told him of the assault, and described the man who assaulted me as well as I could.
- 7671. But you did not say a word to him about being in pain? No.
- 7672. Did you feel the pain when you were telling Mr. Harrison of the assault? I did.
- 7673. Did the pain continue from the time the man committed the assault until you were undressing at night? Yes, but I was so frightened that I did not think about it until I became calmer, and then I felt it.
- 7674. I thought you said you did not notice it until you took your dress off? Nor did I; nor did I feel the pain so great before, although I felt I had been bruised.
- 7675. Was it a throbbing pain, like that of a bruise? It was a general faintness.
- 7676. You cannot say whether it was a throbbing pain? No, I cannot.
- 7677. What was the course the wound took—did it fester in any way? Yes, it festered that night. It looked as if it would fester when I had the poultice put on. The next morning those appearances were gone, and it was better the following day.
- 7678. Did you feel any pain the next day? Yes, for two days after.
- 7679. Was it a throbbing pain? No, more a smarting than a throbbing pain.
- 7680. And you are sure there was no festering the next day? No, I do not think there was any.
- 7681. Was there any other discharge than of blood? Yes, there was a small quantity of matter discharged.
- 7682. Did that continue for two days? In a small degree it shewed itself for two days, but before putting on the poultice there was a great deal.
- 7683. You only put one poultice on? I poulticed the wound for two days.
- 7684. What was your reason for not calling in a medical man? I should not do so unless I felt I could not attend to these things myself.
- 7685. You did not think it a serious affair then? I did not.
- 7686. Did not Mr. Bentley think it necessary to send for a medical man? The first night he said, "You had better have Dr. Brereton in the morning." I said I would wait and see if the poultice did it any good, and if not I would see Dr. Brereton.
- 7687. Was Dr. Brereton your medical attendant? Yes, he was.
- 7688. Had he attended you for any length of time previously? Only two other times.
- 7689. Had you any other medical attendant? No.
- 7690. Did he advise you as to the hysterical fits? Yes, he was called in to attend me when it was required.
- 7691. You were in the habit of falling into hysterical or fainting fits when any sudden occurrence or excitement arose—was that the general cause? It commenced in that way, but it was generally after the excitement was over that I felt it.
- 7692. Did this assault cause any fainting fit or hysteria at all? It did not when I came home.
- 7693. Had you any fainting fit that day at all—the day of the assault? I cannot recollect whether I had or had not.
- 7694. Can you recollect any fainting fit caused by this circumstance of the assault? Yes, I believe it was at night; that day or the day after I was ill. I think I fainted.
- 7695. Where did that take place—in the drawing-room or dining-room? I cannot say which.
- 7696. Do you remember who was present when it occurred? No, I do not remember who was there at that particular time.
- 7697. Do you remember whether Mr. Harrison was there? No, he was not present.
- 7698. Not present at any fainting fit that occurred soon after the assault, or that was in any way caused by the assault? No, he was not.
- 7699. You say he was present on some occasion when you had a fit, and assisted you to your room? I remember one or two occasions when he was with me, but when they were I cannot distinctly remember.
- 7700. Did it ever happen that Mr. Harrison was left with you, bathing your head, whilst Mr. Bentley went away? Not to my knowledge.
- 7701. Was he left with you, to attend to you in any way, during any occurrence of that kind? Never that I can remember; he never was whilst I was conscious.
- 7702. Were the two servants in attendance whilst Mr. Harrison was attending upon you? Yes, they were. Whenever I returned to consciousness the servants have always been with me.
- 7703. Can you recollect whether the wound given you on the occasion of the assault was an open wound—above or below—was it a large wound—was any portion of the skin hanging? Yes, there was a small portion.
- 7704. Did the wound open upwards or downwards? I do not quite understand you.
- 7705. Supposing a portion of the skin was hanging—was the wound opening upwards or downwards? I really cannot say.

- Mrs. Julia Bentley.  
 11 Dec., 1862.
7706. Do you recollect on what side of your bosom it was? Yes.
7707. On which side was it—the right or the left? On the right side.
7708. Did it not look as if it were struck from above by an instrument, or by a man's nail? I cannot say whether it did or not.
7709. You are of opinion that it was caused by the ring? Or by the man's nails.
7710. Of that you are not sure? No, I could not be sure which it was.
7711. *By Mr. Johnson*: What opinion in that respect did you form at the time? I think it is more likely to have been done with the ring.
7712. *By Mr. Forster*: Was the wound downwards or across? Downwards.
7713. *By Mr. Piddington*: Was it quite horizontal or slanting? It might slant a little.
7714. *By the Chairman*: Was it above or below the nipple? It commenced above and went round.
7715. *By Mr. Forster*: It healed easily? On the Monday it had ceased to give me pain.
7716. And you have not been troubled with it since? No.
7717. Did you regard Mr. Harrison as an intimate friend? No. He was always treated in the house as a friend, and I have often played with Mr. Bentley and Mr. Harrison at whist. He always conducted himself properly.
7718. He was invited to dine at your house once or twice? Yes.
7719. Did that happen frequently? About half a dozen times.
7720. You are sure you never addressed him by any other name than Mr. Harrison? Quite certain.
7721. Nor he you otherwise except than as Mrs. Bentley? Certainly not.
7722. You say you used to stop up with him sometimes after Mr. Bentley and the servants had gone to bed? For about a fortnight.
7723. I presume that was done because you regarded him as being on official duty? He said he wished to take charge of the house himself, and to see that the men outside were on the watch.
7724. Had the servants gone to bed on this occasion? For a fortnight almost every evening Mr. Bentley went to bed early; but I do not know whether the servants were in bed or not.
7725. Did they come into the room at any time? Yes, to remove the supper, or speak about the children.
7726. You usually let Mr. Harrison out and shut the door? Yes.
7727. At what time did this happen? Always about 12 o'clock. If Mr. Bentley was particular he used to knock down to me. If he had a watch by his side he would knock down to me.
7728. He knocked on the floor overhead? Yes.
7729. Mr. Harrison never remained until 1 or 2 o'clock? Never—not when I remained up with him alone.
7730. Did he sometimes remain there after you retired? Never to my knowledge. On one or two occasions when Mr. Bentley was very tired indeed, we both went to bed, and Mr. Harrison said he wished to remain a little later, and we left him in the house; the detectives had come in to change.
7731. Who let him in and out on these occasions? They had the key of the house.
7732. You placed perfect confidence in Mr. Harrison? Most implicit confidence.
7733. And you considered it part of his official duty to remain up with you in this way? Not with me; but part of his duty to remain until 12 o'clock, and, as some one must lock the door when he went away, I stopped up with him.
7734. You stopped up to entertain him? No, to close the door after him. I was not aware the servants were out. The servants fasten the doors in the kitchen, and I always double-bolted the front door.
7735. He remained in the same room with you? Yes.
7736. Was the door closed or open? I did not notice.
7737. And how did you employ yourselves? I used to work.
7738. You do not play at cards? Never after Mr. Bentley had gone to bed.
7739. Did you read? Never.
7740. What was Mr. Harrison doing whilst you were working? He would sit and talk, and occasionally read.
7741. He never read out to you? Never.
7742. He talked nearly all the time? Yes.
7743. He is an agreeable man, is he not? I always thought he knew how to conduct himself; I can hardly say he is an agreeable man.
7744. Was not his conversation agreeable? Not exactly what a lady would listen to. It was more particularly about his own exploits.
7745. The principal topics were his exploits as a detective? Yes, and occasionally he spoke of places he had visited abroad. They were quite general topics.
7746. Should you say that he was a highly educated man? Certainly not.
7747. Did you find him well informed? No, I can scarcely say well informed, because he appeared to like to talk too much upon his professional duties and enterprises.
7748. He was fond of that kind of conversation, but he made no revelations to you inconsistent with his duty? No; it was simply general conversation.
7749. Is Mr. Harrison acquainted with the languages do you know? I really do not know.
7750. You do not know whether he knows French or Italian? I think I have heard him say he knows French and German.
7751. *By Mr. Johnson*: Does he give any indications or not of understanding English? His conversation was not that of a gentleman.
7752. *By Mr. Forster*: What do you consider to be the particular object Mr. Harrison had in sitting

sitting up in this way until after 12 o'clock, and then going away? He said he had not enough detectives to enable him to place them to watch both the inside and outside of the house, and that therefore he must take charge of the inside himself, and he would have his men on the watch outside.

Mrs. Julia Bentley.

11 Dec., 1862.

7753. Was he supposed to be on guard as a policeman? Yes, although Mr. Bentley and I always said that we did not altogether treat him as a policeman.

7754. But if he was on guard, and in the capacity of a policeman strictly speaking, how was it that he always went away at 12 o'clock? He said that was the time his men had to change guard.

7755. Did the men come and take his place? No, they were to watch outside.

7756. Their watch outside then commenced? Yes, he came about dusk, and at 12 o'clock was relieved by his men, who remained there till morning.

7757. He was on watch before 12 o'clock? Yes. He gave us to understand that he remained there instead of the other men that he took away.

7758. Had you all the lights burning at the time? Yes.

7759. During all the time which Mr. Harrison and the police were watching, they did not find anything out, did they? No, I never heard of anything.

7760. Did not Mr. Harrison always lead you to believe that he considered the parties who were writing these letters were out of the house? Always.

7761. Did he ever tell you he suspected some one in the house? Never. He once said he wished the servants to be watched, but I told him I felt sure they had nothing to do with it. But he remarked that if they were innocent there was no harm in watching them. But afterwards he told me that he did not watch them at all.

7762. You thought highly of your servants? Until lately.

7763. Did Mr. Harrison ever communicate his suspicions regarding yourself to Mr. Bentley? Never; on the contrary, he always spoke in the strongest terms of the parties he did suspect.

7764. When did you first learn that his suspicions rested upon you? Not until the article in the *Empire* appeared.

7765. After that article appeared, did Mr. Harrison continue his intimacy at your house? No, I have never seen Mr. Harrison since then.

7766. You would not be inclined to treat him in the same way as before? Most decidedly not.

7767. You have examined this letter? I have not read it through.

7768. The first paragraph says, "I commenced a letter to you a day earlier than I intended"—Had you any intention of writing to him even officially? Never.

7769. You would not consider it an impropriety to write to him on official matters? Yes; I think my husband would be the proper person to do it.

7770. And you never promised to write to him? Never—most certainly.

7771. Did you ever have any conversation with Mr. Harrison, as to the rumours that were floating about in regard to your own state of mind? Never, until the last day on which he called to see us, when Mr. Bentley expressed himself very angrily indeed. Mr. Harrison, when at the door, stated that people said I was a monomaniac; Mr. Bentley said it was absurd.

7772. That was the first time he had spoken about it? I was told he had said something about it before.

7773. Was that before Mr. Harrison's journey up the country? It was the last time I saw Mr. Harrison; I have not seen him since.

7774. Then it was after he returned? Yes.

7775. You were aware of his intention to go up the country? He came, on the morning of his departure, for the whistle, and told me he was going to try to catch Gardiner.

7776. Did he, on that occasion, make any arrangements with Mr. Bentley to write to him? He said that if anything occurred, Mr. Bentley was to write to him to Bathurst. He said he would send a paper to Mr. Bentley, to shew that he had arrived.

7777. Did he ever send a paper? No. I think he never went to Bathurst. When he returned, he told Mr. Bentley that he could not catch the man.

7778. You saw him then only this once after the occasion you have referred to? I saw him on the night he returned. He came when the Rev. Mr. Moreton was with us.

7779. Looking at this letter, the handwriting of which you say is so like your own, have you any notion whether any of your acquaintances are likely to have written it? I have none; I feel sure none who knew me would write it.

7780. You say it is a lady's handwriting? Yes.

7781. You do not think Mrs. Hanson wrote it? I do not think so.

7782. Do you know her handwriting? No.

7783. You have no letters from her to you? No.

7784. Have you seen Mrs. Harrison's handwriting? No.

7785. Were these two servant girls in your house capable of writing in that style? I never saw any of the nurse's writing; I have seen the other girl's.

7786. Which is the nurse? Maria Bradshaw.

7787. *By Mr. Cowper*: You are aware that Mr. Harrison has stated that you delivered the letter into his hands? I am.

7788. And you distinctly deny having done so? I deny it distinctly.

7789. *By Mr. Forster*: You never saw that letter before, nor a transcript or copy of it? Never.

7790. I think you wrote some note to Mr. Mercwether? No, I have never written to Mr. Merewether.

7791. You are aware, I presume, that it has been stated in evidence, by these two servant women, that you told them you had met a priest on your way to Newtown, once or twice? I am aware that they stated so; but I never stated that I had met a priest.

7792. It is utterly false—you never met a priest, nor told your servant girls that you did so? Entirely so.

7793.



- Mrs. Julia Bentley. 7793. Could anything you said to them have led them into a mistake, and induce them to exaggerate the circumstance? I never had any conversation with them at all, except about their every-day duties and my children.
- 11 Dec., 1862. 7794. *By Mr. Johnson*: Do you recollect whether or not any other persons heard you state anything to Mr. Bentley about your seeing a priest in the omnibus? Yes; I do not recollect whether it was in their presence or not, but I recollect that after the assault Mr. Bentley was particular in inquiring who was in the omnibus, and if anything had occurred on the way. On one occasion that he asked me I told him that I went up almost alone, and said there was only a priest in the omnibus, who handed me out.
7795. You never talked to these girls about meeting a priest at Newtown? Never.
7796. *By Mr. Cowper*: Nor of meeting one at Government House? Never.
7797. Nor in Market-street? Never.
7798. Nor at St. Mary's Cathedral? Never.
7799. The statement is wholly without foundation? It is.
7800. You never met one at the concert, or saw one alongside you? Never.
7801. *By Mr. Forster*: Do you know any priest? I do not think I know a single priest by name.
7802. Do you know any to speak to without knowing their names? No.
7803. Did any priest come to your house to visit these girls? Not that I am aware of.
7804. Did you ever talk to either of these girls about religion? Yes, on one or two occasions. On one occasion when I was undressing my little boy, he cried to kiss a crucifix that was hanging on the wall, and, either at that time or the next day, I told her I did not wish her to teach him to do it. She said she had not taught him, but that he did it of his own will. On another occasion, I remember Mr. Bentley wished me to go to an evening party without him, and he told the nurse to go with me in the cab. It was the night on which she always used to go to confession, and she did not seem disposed to go with me. I asked her if she was ill, and I was told that she was fretting because she did not go to confession. The other girl who told me this spoke in a sneering manner, and I remarked that "If you believe in confession you have no right to laugh at it."
7805. This was to Mary Ryan? I told her that if she attended confession at all she ought to do so seriously.
7806. Then it has been only upon these two occasions you have referred to that you have conversed with them upon religious matters? Yes.
7807. You never introduced the subject generally? Never.
7808. They are both very devout Roman Catholics, are they not? The nurse is particularly so, but I think the other girl was influenced by the nurse. I do not think she would have gone to confession so often had it not been for that.
7809. You have no feeling toward the Roman Catholic faith yourself, have you? Never, most certainly; I have always gone to the Church of England.
7810. You never talked to these girls on the subject of confession except on the occasions you have mentioned? Never.
7811. On what sort of intimacy was Mr. Hanson with your family—did you know anything of him before this matter? Yes, we met him on board the "Castle Howard." He was related to the captain or captain's wife, and he lodged with us at first.
7812. He took a great interest in the matter of these anonymous letters? Yes. I was teaching his daughter.
7813. Did he not sometimes come into your house at unseasonable hours? No.
7814. You had no reason to suspect his motives; his conduct was always creditable? Yes. It was a rare thing for Mr. Hanson to come to our house.
7815. Do you think that either of these two servant girls has sufficient education to write such letters as the anonymous letters now the subject of inquiry? I think Maria Bradshaw has had a very good education, but I do not think she would ever have written such letters as these.
7816. Have you ever known anything of them that would lead you to suppose that they would tell you falsehoods? No; and I never was so astonished as when I heard of what they said before this Committee.
7817. They have both left your service since they appeared before the Committee? Both.
7818. At whose wish? Mine.
7819. And the statement of falsehoods before the Committee was the cause of their leaving? Yes; I wanted to discharge them at once, but Mr. Bentley wished to keep them on until the examination was finished.
7820. *By Mr. Morris*: Are you in the habit of smoking? Not in the habit; but when I have an attack of tic-doloureux I have smoked, as a last resource.
7821. How often this year have you smoked? I might have smoked this year, but I cannot say that I have.
7822. Did you never smoke in the presence of Mr. Aldis? Never that I am aware of; I might possibly have been smoking when he came to the house, but if I was, I immediately took the cigar from my mouth; but I do not recollect doing so.
7823. Do you remember the evening after the assault; did you not then smoke in the presence of Mr. Harrison, and join him with a cigar? No, certainly not. The only time when he could have seen me smoking was when he came at a time when we were alone; but if I was on such an occasion smoking, I should have left the room on his entrance, or have immediately taken the cigar from my mouth.
7824. Do you recollect smoking with Mr. Harrison after the night of the assault? I do not.
7825. Who recommended you to smoke for tic-doloureux? My medical man in England.
7826. Has Dr. Brereton ever recommended it? I do not know; I smoke very little here, but I suffered so much in England that I smoked very much. 7827.

7827. Were they the usual description of cigars? Mr. Bentley always brought them for me. They were very small ones; I do not know what they were called.
7828. You cannot remember having smoked in the presence of Mr. Aldis? No.
7829. What do you mean by the kind of cigars he always brought you? Mr. Bentley bought a whole box sometimes, and also some little ladies' cigars; he did so recently, but I do not think I ever smoked one of them.
7830. When in Italy were you in the habit of smoking? Never.
7831. You saw ladies there smoking? I was so much with Mr. Bentley then that we could see very little society.
7832. Do you remember, after your marriage, leaving Exeter for Paris? I do.
7833. How many days did you take to reach Paris? Three or four. I know we remained at Folkestone for some time, went to Boulogne, and then to Paris afterwards.
7834. Did Mr. Bentley leave you shortly after getting to Paris? No. We were there two or three weeks, and he did not leave me. We both came back together.
7835. Do you often take brandy and water for any ailment? It is often given me when I am faint.
7836. Did you ever drink brandy and water with Mr. Harrison? I might have seen him take it, or he might have handed it to me, but I never took it except as a remedy for fainting.
7837. Can you not remember fainting the Sunday after the assault, when one of the servants was out? No.
7838. Previous to the first concert I think it was? No, I cannot. I fainted so often that I cannot remember any particular instance.
7839. It was on the Sunday after the assault that Mr. Harrison assisted you up-stairs, was it not? I cannot positively say it was or was not, but it was soon after the assault; but Mr. Harrison was never with me when I fainted.
7840. *By the Chairman*: Upon which hand did this person who committed the assault upon you wear the ring? Upon his right hand.
7841. Are you a German scholar at all—do you read German? I know nothing of German.
7842. Can you not sing German songs? No, I cannot.
7843. Did you ever get your fortune told? Never that I know of, but I might have done so.
7844. Did you ever write a letter to a person who professed to be able to tell the character of persons who wrote to him, from their handwriting? Never.
7845. *By Mr. Morris*: Should you be able to fix the date of the evening when Mr. Harrison assisted you up-stairs when you had fainted? No, I cannot fix the date, but it was some time before Easter, and the reason I remember that is from the circumstance that in the Easter week for the first time we had fires in the drawing-room, and then we always took our meals in the drawing-room—Mr. Bentley's breath being so bad that he could not come down-stairs. It was in the dining-room that I fainted.
7846. Can you remember Mr. Harrison giving you a stiletto? Yes, perfectly.
7847. Can you fix the time, or any circumstance connected with it? It was on the Tuesday after the Friday that I was assaulted.
7848. Did not Mr. Harrison on that Tuesday meet you when you left the omnibus? No, he walked with me before I went to the omnibus. He told me, the night before, that he would send the stiletto to me in the morning; but he met me on the way and told me that he wished to have it sharpened, and also that if he was not at our house at 11 o'clock, I was to pass the police office in Elizabeth-street and he would give it me. As I was passing the office, he gave me a whistle and the stiletto which he said he could not get sharpened; it had a smooth sheath with a pink top.
7849. Did you speak to any one at Josephson's about the stiletto—you seem to have lost the sheath then? No, I never talked to them about it. They gave me a scissors sheath instead of the stiletto-sheath.
7850. It was on the first occasion when the assault took place that Mr. Harrison gave you the stiletto? I am not quite certain.
7851. Did I understand you to say that after the assault some person near Mr. Josephson's gate addressed you? No, no one ever addressed me after the assault.
7852. *By the Chairman*: Did any one interfere with you after the assault? No, never; the detectives were there always closely watching.
7853. *By Mr. Morris*: Do you remember the occasion when a detective accompanied you in the omnibus shortly after the assault, and left you on meeting Mr. Harrison? No, I do not.
7854. Do you not remember any circumstance of that kind? No, I do not.
7855. I think you will be able to remember a detective going with you about the time of the assault, and leaving you with Mr. Harrison to walk up to the gate? I never remember a detective going to Newtown with me, but I remember Mr. Harrison walking with me to Mr. Josephson's gate.
7856. From the omnibus? No, from half way up the road.
7857. Did you know that a detective was to be in the omnibus, to see that you were not again interfered with? I imagined that from the moment I left the house there was a detective near me, and that he would not lose sight of me until my return. I was quite sure there was no detective in the omnibus, and afterwards I complained to Mr. Harrison that I did not see a detective. He said there was a detective at the place, although I might not see him. Mr. Harrison also said that the detective told him that after I left the omnibus I hurried on, then looked about, and that when I got to the post I hurried on again. He said the man told him that.
7858. *By the Chairman*: Is this the part of the dress you wore on that occasion—the occasion of the assault—(*Muslin jacket produced*)? Yes.

Mrs. Julia Bentley.  
 11 Dec., 1862.

- Mrs. Julia Bentley.  
11 Dec., 1862.
7859. Have you mended it since? Yes.  
7860. Where was the tear—on the shoulder? No.  
7861. How did you wear it—in front? Yes, and it was fastened behind. It is worn as an under-jacket, and fastened behind. The part torn is over the left breast.  
7862. *By Mr. Morris*: Be kind enough to inform the Committee when you first knew that Mr. Wrench had been to the Colonial Secretary, and had given him a number of these anonymous letters? I cannot fix any date.  
7863. From whom did you learn that? From Mr. Bentley.  
7864. And not from Mr. Wrench? No.  
7865. Nor from Mr. Harrison? No, from Mr. Bentley himself; but I have not the least recollection as to the date.  
7866. *By Mr. Johnson*: Can you fix it with reference to events—do you know whether you heard of it before Mr. Harrison returned from his journey to Bathurst? I really cannot recollect.  
7867. You first heard it from Mr. Bentley? I did.  
7868. *By the Chairman*: You are quite sure, with regard to your smoking, that you did not light a cigar and smoke it when Mr. Aldis was present? Quite sure. He might have seen me smoke, but I was not smoking in his company.  
7869. *By Mr. Morris*: Nor in the presence of any other gentleman? Certainly not.  
7870. *By the Chairman*: You say that although he might have seen you smoke, you would not do so in the presence of any gentleman? Certainly not.  
7871. *By Mr. Morris*: You would not smoke in the presence of Mr. Aldis, or of any other gentleman? Certainly not.  
7872. And did Mr. Harrison never put his arm round your waist? Certainly not.  
7873. And you never took brandy and water with Mr. Harrison—that is, when he was taking it himself? Certainly not.  
7874. Are you aware that he has stated you have? My husband told me so.  
7875. *By Mr. Morris*: On the night of the assault, do you think you smoked—do you think the pain from the wound would not have induced you to smoke that evening? Certainly not.  
7876. Was Mr. Aldis at your house on the night of the day when the assault took place? I could not say positively.  
7877. *By the Chairman*: Did you ever converse with Mr. Harrison, in Mr. Bentley's presence, of your journey to Paris? Never.  
7878. How do you account for his coming into possession of the fact that you were three or four days on the journey from Dover to Paris? I do not know whether Mr. Bentley spoke to him about the matter.  
7879. Have you any lady correspondents in this country, with whom you are in the habit of communicating with in writing? None, except my two sisters, but they are not in New South Wales.

FRIDAY, 12 DECEMBER, 1862.

Present:—

MR. COWPER,	MR. LUCAS,
MR. W. FORSTER,	MR. MORRIS,
MR. HART,	MR. PIDDINGTON,
MR. LEARY,	MR. WILSON.

DANIEL CAMERON DALGLEISH, Esq., IN THE CHAIR.

Edward Wrench, Esq., called in and examined:—

- E. Wrench, Esq.  
12 Dec., 1862.
7880. *By the Chairman*: What are you? An auctioneer.  
7881. *By Mr. Johnson*: You reside in the vicinity of Sydney? At Edgecliff Road.  
7882. How long have you been resident in this Colony? About twelve years.  
7883. Are you acquainted with Mr. and Mrs. Bentley? I am.  
7884. How long have you known Mr. Bentley? Between fifteen and twenty years.  
7885. You knew him before his arrival in this Colony? Many years.  
7886. Did you know his wife? I did not.  
7887. When did you first become acquainted with Mrs. Bentley? On her arrival in the Colony, on board ship.  
7888. How did that occur? Mr. Bentley called upon me at my office in George-street, and said he had arrived with his wife; he gave me the name of the ship in which he had come, and I called upon them and was then introduced.  
7889. Have you known them both ever since that time? Ever since.  
7890. From your knowledge of them and acquaintance with them, what is your opinion of their character for respectability, integrity, and veracity? I should believe everything they said, without question.  
7891. Do you believe that they are persons at all capable of having been the concocters of these anonymous letters, and of the annoyances of which they are complaining? No, I do not.  
7892. Did some of these anonymous letters come from your possession? They did.  
7893. Will you state how and when they first came into your possession? I should think they first came into my possession some time last year; it was a long rigmarole of a letter, stating that Mrs. Bentley was some Italian lady of high rank, who had been compelled to marry Mr. Bentley. I read it, saw it was an anonymous communication, tore it up, and put it into the waste paper basket. 7894.

7894. How did it come to you? By post.

7895. Do you recollect whether the handwriting was like the handwriting of any of the other anonymous letters you saw? Of some; I kept the envelope.

7896. Do you know what has become of that envelope? It is possibly among my papers in the office; I do not remember having given it to Mr. Bentley.

7897. Is that (*handing letter No. 31 to witness*) one of the anonymous letters you received through the post? It is; it bears my initials, for identification.

7898. I presume you received it at the date of the postmark? Yes, it came in the ordinary way with our letters in the morning.

7899. Was the particular letter you describe of the same character of handwriting as the one now produced? Yes.

7900. After you destroyed that first anonymous letter which you received, what was the next circumstance that came under your observation, in relation to the case? Mr. Bentley called at my office one day about some matters—I forget what they were—and in conversation I thought I would see if he had heard about these anonymous letters, and I produced the envelope I had received, and mixed it among other papers that were lying upon my table; I said “You ought to know something about handwriting—do you recognize any of these?” He looked at one and another and said, “I do not”; and I took no further notice of the matter. Some time after, he came to me and asked me if I had had an anonymous communication.

7901. Do you recollect if that was in the early part of October, 1861? It would be about that time.

7902. Do you recollect his expressing his opinion that the handwriting on this envelope was that of a gentleman he was acquainted with at the Australian Club? I cannot say I remember.

7903. Do you remember his mentioning Mr. Francis? I do not think I should like to say that I do. I have had so much talk about it, that little details of conversation of course have escaped my memory.

7904. Do you recollect any conversation in which you stated that you had received an anonymous letter, and his asking you if it was about him? I recollect his calling upon me, in rather an excited state, and inquiring if I had had an anonymous letter about his wife.

7905. Just allow me to read the twenty-second paragraph of the Bentley affidavit, and see how far your memory accords with it—(*Mr. Johnson read the paragraph referred to*)? Yes, I think that is about correct. I think “kicking” was the expression I made use of, and described the action I should have performed.

7906. Will you look at that—(*handing letter No. 6 to the witness*)—Did that letter come into your hands? Yes, I have seen this letter before.

7907. How did it come into your hands? I think it was in the first instance shewn me by Mr. Herman Milford, to whom it was addressed.

7908. Did you take that to Mr. Bentley? I believe I did; I think I asked Mr. Milford to give it me.

7909. Will you look at these—(*handing letters Nos. 10 and 11, with enclosure 11a*)? These are letters that came to me.

7910. They both came to you through the post? Yes.

7911. With the enclosures? Yes. I may mention, knowing that this matter would sooner or later come to a question of inquiry, I put my initials on the letters immediately they were received, in order to identify them.

7912. Did you, about the early part of February last, give these letters to Mr. Bentley? I gave the letters to Mr. Bentley. I think that would be about the time, within a few days, of their receipt.

7913. Had you any interview with Captain M'Lerie, on the subject of these anonymous letters? I had.

7914. Can you state about when that took place? I do not think I could identify the time.

7915. Will you state what took place at that interview? I waited upon Captain M'Lerie with some of these letters, and we discussed the probability as to who was the writer of them, and Mr. M'Lerie then shewed me some letters which he had in a pigeon-hole before him, which were written by a man named Montagu. We compared a great deal of the writing of these letters with the writing of the letters I had taken, and we came to the conclusion that they were written in one and the same hand. There was a particularly distinguishing character about the words “Your's truly.” One was a *fac-simile* of the other.

7916. Did Captain M'Lerie express that opinion? Captain M'Lerie did express that opinion.

7917. Did you inform Mr. Bentley, at that interview, of the conclusion which Captain M'Lerie had arrived at? I think I did. I do not know that I told him about their being Montagu's letters, but that I had seen handwriting in the hands of the police which was remarkably like the handwriting of the letters.

7918. Do you recollect, in the month of February last, informing Mr. Bentley as to any letters that had been received by Mrs. Milford, the wife of Mr. Justice Milford? I did. I was told that Mrs. Milford had received a letter, and I told Mr. Bentley of it.

7919. Look at that letter, No. 31—(*handing the same to witness*)—Do you remember receiving that? I do; I received it on the 28th May.

7920. Was Mr. Bentley with you about the time when you received it? Mr. Bentley was with me on the day when one of the letters was brought to me, but I do not remember whether it was this.

7921. Do you remember that you were coming over to see me, on the subject of this letter, when Mr. Bentley called upon you? If this was the letter, I can tell you by reading it, as

it

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- it was one of the most blackguard letters of the whole. (*The witness read the letter from the printed document.*) Yes, this is the letter; I think the word "prostitute" is mentioned in it.
7922. "Will you still continue to countenance this woman, who is no better than a prostitute?" Yes.
7923. Were you going over with Mr. Bentley to me, to have a consultation as to what was to be done? I was.
7924. You received that letter just as you were leaving? Just as I was leaving.
7925. Did you mention to Mr. Bentley your suspicion as to who had sent that letter? I was always very guarded in mentioning my suspicions to Mr. Bentley, or in pointing in any direction. Certainly in the latter months of this correspondence I never directly pointed to any one.
7926. Allow me to read the latter part of the 231st paragraph—"Mr. Wrench did not then open the letter, but said, 'Let us take it over to Mr. Johnson unopened.' We both recognized the handwriting of the address as being the same as that of the majority of the before-mentioned anonymous letters. We went to see Mr. Robert Johnson, but he was not in, and I then requested Mr. Wrench to open the letter, which he did, and we read it. Mr. Wrench said he had a strong suspicion as to who sent that letter, and then mentioned that on the previous evening, on returning to the concert-room after Mrs. Bentley left, he observed Mr. Montagu talking to a lady by his side in a way which at the time convinced him that he (Mr. Wrench) was the subject of their conversation; which circumstance led him to believe that the letter came from Mr. Montagu"—Do you remember that? Yes, distinctly; but I remember saying something farther. After Mrs. Bentley left the concert-room, and I had been out to see what was the matter, I returned again, and saw Mr. Montagu talking and looking at me. I had a very long coat on at the time, and I thought possibly the guy I looked might be the subject of their conversation, as well as my having gone out with Mrs. Bentley. The whole related there is the fact.
7927. Do you remember being at Mr. Bentley's house a short time after the holes were made in the ceiling? Yes.
7928. Did you see Mr. Harrison there? I did.
7929. Did he come in while you were there? He came in after I was there.
7930. Did you address him—say anything to him? I did not.
7931. Allow me to read this paragraph, and say whether your memory coincides with it—the 250th paragraph—"A few evenings afterwards Mr. Wrench came to our house. Mr. Harrison was there at the time. Mr. Wrench addressed him and said, 'You're the man I want to see; I came to see this loft; I hear that a detective officer has said that in the first place no one could get through the window in the roof, and that, even if they did so, it would be at the risk of their lives.' Mr. Harrison said that he had been through it several times himself, and as to risk of life, there was a parapet four feet high, so that any one could get from house to house with perfect safety, and without being seen from the street. Mr. Wrench said, 'I'm glad I have seen you, as although I did not believe the statement, I'm glad to be in a position to contradict it.'" That is true—every word of it, but I do not think that was the first evening I saw Mr. Harrison. I will tell you why. Mr. Smart told me, at the Union Club, that he had heard a detective had said he would swear, in the first place, that no one could get through the window in the roof, and that even if any one did get out, there was nothing to prevent their falling into the street, and that therefore the statement must be false.
7932. You, I presume, kept no memoranda as to the dates of these transactions? None whatever.
7933. But can you remember at all what was the period when you had that conversation with Mr. Harrison in Mr. Bentley's house—whether it was about the middle of June last, or rather later? Yes, I should say it was about that time—not from direct remembrance of dates, but from circumstances.
7934. Do you recollect having an interview with Mr. Cowper, the Colonial Secretary, on this business? I do.
7935. Did you at that interview place in his possession a number of anonymous letters, or all of them? I think it was at the second interview.
7936. Did you place the anonymous letters in Mr. Cowper's hands? Yes.
7937. Can you at all fix the date of that interview? It was all about that time; I could not fix the precise date.
7938. Do you remember Mr. Bentley coming to you about the time the post was leaving for England, to request you to see Mr. Cowper? Mr. Bentley met me in the street. I was riding on horseback at the time. He said he was very anxious to write to his friends by that mail; it was either a day or two days previous to the departure of the mail. He said it was disturbing his peace of mind very much. I felt rather cross at the time, and said, "You have left the matter in my hands, and I wish you would not disturb it, as I have written to Mr. Cowper on the subject, and it would be most inopportune to call upon him now, as it is about mail time." I allayed his anxiety by the statement that I had written to Mr. Cowper.
7939. Had you seen Mr. Cowper? I had seen Mr. Cowper.
7940. How long was it after you had seen Mr. Cowper that you had this interview with Mr. Bentley? It must have been some days. I thought there was rather a delay in receiving a reply from the Colonial Secretary; some days must have elapsed.
7941. I will bring your attention to some other circumstance. It is stated that your interview was on the 17th June—Mr. Harrison says so? I do not think it was, because I wrote earlier in June than that; I wrote on the 10th June, and I do not think I had seen Mr. Cowper

- Cowper between the 10th of June and the meeting with Mr. Bentley on the 19th, 20th, or 21st. It must have been within a day of the departure of the mail that I saw Mr. Bentley. I do not think I had seen Mr. Cowper. E. Wrench, Esq.
7942. *By Mr. Morris*: Do you not remember that you stated, just now, that you told Mr. Bentley you had seen Mr. Cowper? I saw Mr. Cowper on two occasions, I think, before I wrote to him; but I was speaking of the time between the writing of my letter and of my seeing Mr. Bentley. 12 Dec., 1862.
7943. *By Mr. Johnson*: Do you recollect, on the day before you met Mr. Bentley, Mr. Harrison being at your office? Yes, I do; I think that was on Friday night.
7944. That would be the 20th June? It was, and it was on Saturday morning I met Mr. Bentley nearly opposite Buchan Thomson's.
7945. Did you not, at that interview on that Saturday, tell Mr. Bentley that you had seen Mr. Cowper, and that everything was in a right train, and beg him not to be importunate, and to do nothing till the next week? I did; "importunate" was the word I used.
7946. Had you told Mr. Bentley before that, that you had had any interview with Mr. Cowper? I think not; I think that was the first occasion on which I explained to Mr. Bentley what steps I had taken; it was then done to relieve his anxiety.
7947. *By Mr. Morris*: Had you seen Mrs. Bentley and conveyed to her the fact that you had seen Mr. Cowper? I think not.
7948. *By Mr. Johnson*: Did you ever communicate that fact personally to Mrs. Bentley? As a matter of conversation subsequently I may have mentioned it. At the time it was determined to have the depositions prepared I may have mentioned it, but not as a new thing.
7949. You say you were a little annoyed at Mr. Bentley bothering you when he had put the matter in your hands? I confess it.
7950. Up to this time had you told Mrs. Bentley of any interview you had had with Mr. Cowper? I do not think so; I do not think I told either of them what steps I had taken.
7951. You were desirous, at that time, to carry it on with your own views and in your own manner? Yes.
7952. Do you think it possible you could have told Mrs. Bentley before that, that you had had an interview with Mr. Cowper—did you tell her of it without telling Mr. Bentley? I do not think I did.
7953. Have you any recollection of it? I have no recollection of it.
7954. Do you believe you did? I do not believe I did.
7955. At that interview on the Saturday, did Mr. Bentley ask you what had transpired at your interview with Mr. Harrison on the previous afternoon? He did; that was one of the subject matters of conversation.
7956. What did you tell him? I told him I was perfectly satisfied.
7957. Do you recollect his making this statement:—"Why I ask you is because of the delay, and these reports alleging Mrs. Bentley to be a monomaniac. The police having been once or twice at fault, it makes me a little suspicious that they are throwing obstacles in the way." Mr. Wrench said—"Well, but what has Harrison said to you?" I replied, "Why, that he'll stake his soul that neither Mrs. Bentley nor I have anything to do with it." And Mr. Wrench replied, that the substance of what Mr. Harrison said to him was "to the same effect"? Precisely.
7958. Is that correct? It is to a word.
7959. And it is true that Mr. Harrison made a representation to you to that effect? It is true.
7960. *By the Chairman*: At that particular time? It was on Friday night; he came to my office late in the afternoon.
7961. *By Mr. Johnson*: Would you have the kindness to inform the Committee again, as nearly as you can, what took place at the interview between Harrison and yourself on Friday afternoon or evening? The object of my having Mr. Harrison at my office was with the view of settling some doubts, not that existed in my own mind, but that had been suggested by Mr. Smart and others, with reference to this matter. A long conversation took place between Harrison and myself, my object being to get at his real opinion of the circumstances of the case. I think he must have been with me fully an hour; I know it was getting dark when he left. He left me firmly believing that he believed as strongly in the truth of Mr. and Mrs. Bentley's statement as I did, and I think he made use of strong words at the end of our conversation, in expressing his conviction.
7962. Did he make use of the words that he would stake his soul that neither Mr. nor Mrs. Bentley had anything to do with it? I think so.
7963. Was Mr. Bentley aware that you were going to have that interview with Mr. Harrison? I do not know that he was aware of it; he came into the office and saw Mr. Harrison in my room, or was about the office at the time.
7964. Had you at all preconcerted with Mr. Bentley to have that interview with Mr. Harrison? No, I do not think so.
7965. You had it for your own satisfaction? I did.
7966. And you were thoroughly satisfied, from what Mr. Harrison said, that they were entirely innocent of any complicity in the matter? Perfectly.
7967. *By Mr. Morris*: You have a distinct remembrance of having called upon Mr. Cowper, or have you a distinct recollection of having called upon Mr. Cowper, and Mr. Cowper having said to you that he could do nothing in the matter till Captain M'Lerie returned from some place he had gone to in the country? Yes, I do distinctly remember.
7968. Can you remember how long that was before the mail left that you saw Mr. Cowper, when Mr. Cowper said he could do nothing till Captain M'Lerie returned? I do not think

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- I could fix the date, but I think M'Lerie returned the following morning, or something like that. I think I met M'Lerie by the Victoria Club, the following morning.
7969. Did you state to Captain M'Lerie that you had seen Mr. Cowper? I think so—I think I mentioned it.
7970. Remembering thus much more, can you remember whether, one morning that you saw Captain M'Lerie, you told Mr. Bentley that you had seen Captain M'Lerie and Mr. Cowper—that is, the morning of the 18th? It is possible it may be the same morning; I could not at this moment say whether it was Saturday morning or not, but I can say this, that it was all about one and the same time.
7971. Can you say whether, when you first informed Mr. Bentley of your conversation with Mr. Cowper, it was after you had seen Mr. Harrison on the Friday night or previously? It was certainly after I had seen Harrison on Friday night, because the result of Mr. Harrison's conversation was explained to Mr. Bentley; that is to say, that I expressed my entire satisfaction in the matter.
7972. You are certain, whatever the date may have been, that it was after having seen Mr. Harrison on Friday night? Yes.
7973. Were you aware at the time, that Mr. Harrison was gone into the country, with the intention of going to Bathurst? I was not.
7974. Any way you are certain of this fact, that you did not inform Mr. or Mrs. Bentley until after you had seen Mr. Harrison on Friday night? I state most distinctly that I believe I never mentioned it to Mr. or Mrs. Bentley till that Saturday morning, when it was about mail time, what steps I had taken and what had been done; as I said before, to allay the great anxiety that was displayed by Mr. Bentley.
7975. Can you remember whether about that time there was a ball at Government House? I fancy there must have been some large party, for I think while I was standing there Mr. Josephson passed, and I asked Mr. Josephson how the young ladies were after the party.
7976. That was when you were in conversation with Mr. Bentley? Yes.
7977. *By Mr. Johnson*: What was the party you alluded to? I think it was the party at which the girls came out first.
7978. Where? At Government House.
7979. At which you were present with Mrs. Wrench, and where you had seen them? Yes.
7980. *By the Chairman*: I believe you are very intimate with Mr. and Mrs. Bentley? I believe I may say very intimate.
7981. Have you ever seen anything approaching to levity on the part of Mrs. Bentley? She has always been a welcome guest at my house, and has been the companion and friend of my wife; I need say nothing further.
7982. Have you ever seen Mrs. Bentley smoking? No.
7983. Or drinking brandy and water? Yes, I once administered some to her myself, when she fainted on my verandah.
7984. That is not what I mean. I mean, have you seen her voluntarily taking brandy and water—treating it as a drink? Never.
7985. From what you know of Mrs. Bentley, do you think she would allow any man except her husband to put his arm round her waist, to kiss her, or that she would kiss him? Certainly not. Whoever said so, I would say it was a lie at once.
7986. From what you know of Mrs. Bentley, you believe her to be incapable of an untruth? Decidedly.
7987. Do you remember any further particular with regard to the interview you had with Mr. Harrison on Friday night, when the topic of Mrs. Bentley's innocence or guilt of being the author of these letters was the topic of conversation? I know the reason I got Harrison to come to my office was to clear up some doubts that had been raised, not in my mind but by various gentlemen, Mr. Smart being one of the number, who had discussed the subject at the Club,—I believed Mr. Harrison was the best person to apply to, to set these doubts at rest, and I subsequently repeated the conversation I had had with him to those gentlemen.
7988. Was that before the publication of the particulars of the Bentley case—I allude to the circumstance of the concealment in the roof—had been mentioned in the papers? I think before.
7989. So that Mr. Smart, or whoever it was, must have obtained this information in a private manner? He would not disclose who was his informant, but said he had heard that some detective would swear in the first place that there was no trap-door in the roof, that a man could not get through the window in the roof, and that if he did get out, there was nothing to prevent him from falling into the street.
7990. This was before Friday, the 20th of June, 1862? I think so—it was all about that time; I could not exactly fix the date of a trivial matter of that kind.
7991. It was in consequence of hearing that conversation you went to Mr. Bentley's house, to see the roof? I said to Mr. Smart, "I will trust no one's word; I will go the house myself, will see the roof, and bring the report of what I have seen." I went to the house, saw Mr. Bentley, and asked him to take me up-stairs, without telling my object; he shewed me the trap-door in the roof, shewed me the hole in the ceiling, from which the plaster had fallen down, shewing that the hole had been made from above.
7992. Was the name of Mr. Curtis mentioned at all in regard to this? I do not remember; some name was mentioned with reference to the board work that had been put over the bed. It was some tradesman.
7993. *By Mr. Johnson*: Toose, was it? I do not know; it was some tradesman.
7994. *By the Chairman*: Did you go into the roof at that time? I did not.
7995. You took Mr. Harrison's assurance with regard to that particular? Yes, with regard to the parapet wall four feet high, which went all along that block of buildings.

7996. *By Mr. Leary*: You state that you have known Mrs. Bentley very intimately, that is that you have frequently seen Mrs. Bentley at your own house and at other places? Yes.
7997. At parties? Yes; many of my own circle of acquaintance have been introduced to her, and have been pleased to make her acquaintance.
7998. You have stated that you have never observed the slightest levity on the part of Mrs. Bentley? I state it most distinctly.
7999. *By Mr. Johnson*: Do you remember at what time of day the post left in the month of June last—was it not late on the day of Saturday, the 21st? It would be naturally; falling on a Saturday the post would be open till 6 o'clock.
8000. You have stated, I think, just now, that you thought you had this interview with Mr. Harrison before the letter appeared in the newspaper? I say I cannot fix in my mind whether it was or was not.
8001. In point of fact, I may tell you that the letter appeared on the 4th of June, and you have told us that this interview was about the 20th? I say I cannot speak as to the dates.
8002. Had not the matter of the Bentley case become a subject of very general conversation after that letter appeared? It must have been after the letter appeared, for it was a topic of common conversation at our Club table many days, therefore it must have arisen from the publication of that letter, which, as you know, I was one of the means of suggesting.
8003. Your conversation with Mr. Smart had resulted from the fact of that publication? From the fact of that publication.
8004. *By Mr. Leary*: I suppose you were aware that Mr. Harrison remained occasionally at Mrs. Bentley's, as a detective, watching the house? I was informed so.
8005. Were you ever at Mr. Bentley's on any occasion when Mr. Harrison was there? Yes.
8006. Where used Mr. Harrison to locate himself? In the drawing-room.
8007. Did he join in the general conversation? He joined in general conversation, and favoured us with some of his bush experiences. I objected to it, but still I thought he was doing his best for my friends, the Bentleys, and therefore I did not object to meet him.
8008. Did you ever observe any invitation on the part of Mrs. Bentley to him to be too familiar? Not the slightest.
8009. How did she address him? As Mr. Harrison, of course.
8010. Did you ever hear the Christian name of Mr. Harrison mentioned at that house? No; I do not know it now.
8011. *By Mr. Wilson*: Have you been frequently in the company of Mrs. Bentley when Harrison has been there? I think I have met him there three or four times.
8012. You never saw anything, even a look, that would lead you to suppose there was anything wrong on the part of either of them? Not in the slightest.
8013. *By Mr. Leary*: Did you ever see Mrs. Bentley in hysterics or fits? I once saw Mrs. Bentley in a fainting fit on the verandah of my own house.
8014. Did she wring her hands on that occasion? No. Mrs. Bentley had taken a long walk with several gentlemen and ladies to Guilfoyle's garden; when walking back she tottered very much, and when she got on to the verandah she fainted. When I came up I saw her lying on a chair quite placid—in a faint.
8015. Did you ever see her on any other occasion in a fit? I do not think I ever saw her.
8016. *By Mr. Morris*: Are you aware if Mrs. Bentley is very fond of reading novels? I do not know.
8017. Does she talk much about novels? No; I think she talks the least of novels of any woman I know. She can talk about Italy.
8018. Is she very imaginative in conversation? I should call her a very practical good little housewife, that is how I should describe her; a woman struggling against great difficulties—a sort of heroine. She has a husband, who was expected to die some ten or twelve years ago, and I have expected him to die every day the last six months. She is a perfectly good wife, a perfect pattern I should call her.
8019. *By Mr. Johnson*: You have mentioned that she could talk about Italy—did she ever profess to be acquainted with German? I do not remember to have heard her say so.
8020. Or to sing German songs in the German language? I do not think I ever heard her; I do not think she sings at all.
8021. As far as you know she never professed any acquaintance with the German language? I never heard it.
8022. *By Mr. Hart*: Have you taken any steps to discover, by a comparison of handwriting, who were the authors of these anonymous letters? I did, on one occasion, at the Police Office in Elizabeth-street. Captain M'Lerie shewed me some letters, which he laid before me, I think at first, without displaying the signature. There were a great many features in the handwriting similar to that of the anonymous letters—the handwriting seemed to be the same only with the inclination of the letters reversed. When I came to the words "Yours truly," over the signature "H. N. Montagu," it seemed to be a perfect *fac-simile* of the writing in the anonymous letters; it was a wonderful coincidence if it were not the same handwriting. We even discussed the practicability of getting into Montagu's house to see if there were any traces of this handwriting about.
8023. From your very great experience in the comparison of handwriting, have you formed any opinion upon the subject yourself, as to who is the author, or who are the authors of these anonymous letters? I have not had any further comparison of handwriting than I have told you of in the case of Montagu's letters; and I think, if Montagu's letters are here, I could point out, what was observed both by Captain M'Lerie and myself, that there are



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- two or three features or styles of handwriting in one letter. The person who could write such a letter could turn his hand to anything.
8024. There were several specimens of Montagu's handwriting shewn to you, in each of which the style was different? There was a great diversity of style.
8025. Do you remember a letter signed "Montagu of the Glen?" I should recollect it if I saw it, but I do not recollect it from being so signed.
8026. Is that the letter Captain M'Lerie shewed you (*handing to witness the letter signed Montagu of the Glen*)? I do not think I saw this letter before.
8027. Will you look at the letter now produced, marked G 2 B (*handing the same to the witness*)? There is a peculiarity in this W.; it is more in the German style, which you will also see in all the W's.
8028. Look at some of the anonymous letters in this bundle, and which are said to be in Montagu's handwriting, and point out to the Committee any similarity there is between them? (*The witness examined the letters handed in by Captain M'Lerie.*) You notice a peculiar formation of the capital E in the letter signed "Montagu of the Glen?" I could not give you any practical information upon that. The handwriting of the letter dated July 12th, 1861, is a handwriting that could be turned to write the letter marked Appendix E. If you look at this letter (*referring to a letter dated May 28, 1861, and signed Henry N. Montagu*), you will see that there are two or three styles of handwriting in it. It commences in a clerkly or commercial hand.
8029. The paragraph commencing "Captain M'Lerie," seems to be in a lady's handwriting? Yes; that is not the commencement of a paragraph; it is intended for the superscription. Here again are indications of a woman's fist.
8030. The fourth page seems entirely different? Yes; the fourth page is the best written of the whole. I should say if that letter was all written by one man, he had great power of writing, and could do anything he liked with his pen.
8031. Look at this letter, marked No. 10, and observe the peculiarity of the capital M in the whole of that letter? That is a foreign style of writing—it is more of a German than an English letter.
8032. Do you see any capital G's there? Yes.
8033. If you compare the capital G in that letter with the capital G in this letter of 12th July, 1861, do you see any similarity between them? No, but I should say the hand that wrote that G, if it were reversed, could write this.
8034. Are they not both written in the German style? Scarcely.
8035. Is the G in the letter of July 12th in the German style? No, it is not; it is not an unusual way of forming the letter G.
8036. Does the same remark apply to the capital L in that letter? That capital L is the same feature of handwriting which distinguishes these letter M's. This hand has been written this way (*inclined from left to right*); there has been no stopping for words by any one who wrote this letter; it has been written off flying.
8037. Is it your opinion that these anonymous letters are written in a foreign handwriting, or written by a foreigner? I should be more disposed to say that they were written by a foreigner than by an Englishman. At the same time, if they were written by an Englishman, he must have great power of writing. I should say that and that (*referring to letters signed H. N. Montagu*) if the hand were turned would be that (*referring to certain anonymous letters.*)
8038. *By Mr Johnson*: You were manager of the Joint Stock Bank for some years—were you not? I was.
8039. *By the Chairman*: Do you know Mrs. Bentley's handwriting (*handing witness letter marked No. 8 A*)? I do not think I do.
8040. You do not know whether that letter is in Mrs. Bentley's handwriting? This letter was written by the same hand that wrote the forgeries—that wrote this letter beginning "My dear Edward," enclosed in a letter addressed to me. I will not mind swearing that it is by the same hand. I do not know that I ever saw that letter before.
8041. You have no doubt the letter was written by the same person who wrote the forgeries commencing "Dear Edward"? I have no doubt that this letter now in my hand, sent as an enclosure to me, and commencing "Dear Edward," was written by the same hand.
8042. Have you seen that writing before (*handing to witness the note put in by Mr. Harrison, said to be from Mrs. Bentley*)? I think not.
8043. Do you identify it as the writing of a particular person, or as having a strong resemblance to the writing of any particular person? I think I once saw a note from Mrs. Bentley to Mrs. Wrench; it was a delicate, lady-like, handwriting; that has never been written by an educated woman; that has been written by a man.
8044. Do you think that writing (*the note above referred to*) a *fac simile* of that (*handing witness a sheet of note paper bearing the Legislative Assembly stamp, and containing several words*)? No, I should say not; I should say that was written by some one under a state of nervousness or excitement, whoever wrote it. I do not know whose writing that is. Is that Mrs. Bentley's writing? I conceive that was written here, by the paper; and if you were to ask me to write my name after a cross-examination of an hour and a half I should write such a fist that my banker would not pay a cheque written in such a hand.
8045. Have you anything further to state? I may state that the depositions of Mr. and Mrs. Bentley —
8046. *By Mr. Johnson*: And of their servants? I have not seen the depositions—I have never read them—and of their servants—were prepared at the suggestion of Captain M'Lerie, who said the Government could do nothing till they got these sworn depositions, and when they had them the Government would be prepared to carry out what I had suggested,

suggested, and which was to offer a large reward, and a free pardon to any accomplice who would give information. E. Wrench, Esq.

8047. Do you say that you have not seen the depositions? I have not seen them.

8048. Did not Captain M'Lerie shew them in his office? He shewed me Harrison's cock-and-bull story. 12 Dec., 1862.

8049. *By Mr. Wilson*: Did you ask him to let you see it? Yes; Mr. Cowper referred me to him in order that I might read it; I read it, or glanced over it, in his office confidentially.

8050. Did Captain M'Lerie make that request, that you would consider it a confidential communication? Yes, I so considered it, until I saw it referred to in the *Empire* newspaper, and I then wrote to M'Lerie to say that I should consider myself at liberty to speak of the matter, as it was now public property.

8051. Are you aware whether he allowed any other gentleman to see it at the same time? I think I wanted Mr. Johnson to see it, as the solicitor of Mr. Bentley, and I wrote to Captain M'Lerie to let him see it. I afterwards met Captain M'Lerie in the street, who said he had written to the Crown law officers about it, and had not received a reply. The next day I saw the article in the *Empire*; I felt indignant, and wrote to say that I felt I was released from my bond of confidence.

8052. Did you suggest that Mr. and Mrs. Bentley should make a sworn deposition to lay before the Government? I will swear that Captain M'Lerie suggested it himself, and that I agreed immediately.

8053. *By the Chairman*: Have you anything farther you wish to state to the Committee? Not beyond the facts I have stated.

Mrs. Julia Bentley called in and further examined:—

8054. *By the Chairman*: Can you state about when you first learned that Mr. Wrench had had an interview with Mr. Cowper, the Colonial Secretary? No, I cannot at all. Mrs. Julia Bentley.

8055. Who was it that told you that? Mr. Bentley told me.

8056. You remember the anonymous letter in which the writer stated he had been in the roof and had seen you on the stairs? I do. 12 Dec., 1862.

8057. Do you remember having a conversation with Mr. Harrison respecting the letter about the roof? No, I do not.

8058. Do you remember his telling you you might depend upon it, it was mere intimidation? Yes, I do remember that.

8059. Was Mr. Bentley present at the time? He was.

8060. Do you remember what he said? He said, Yes, he thought it was intimidation, I believe.

8061. Mr. Harrison went up into the roof upon that occasion—did he not? Yes, he did.

8062. Do you recollect what opinion he expressed when he returned from it? Are you referring to the date on which the holes were made?

8063. No; I am referring to Tuesday, the 22nd of April, when Mr. Harrison went up-stairs with a candle to examine the loft; not upon the occasion when the holes were made? I think Mr. Harrison stated that he did not know what to think—that there were footmarks there.

8064. Do you remember his saying anything about a native tracker, or anything of that kind? Yes, I remember the same evening he said he would bring a native tracker the next morning.

8065. Who was present when he said that? Mr. Bentley and myself also.

8066. On the next day did Harrison come? Yes, he did when I was alone, and he told me that his men were down-stairs in the kitchen.

8067. Did you see that man? No.

8068. You do not know whether it was a native tracker or not? No, I do not.

8069. *By Mr. Morris*: In paragraph 171 of your deposition you state that, "On the next morning (Wednesday, the 23rd April last), Mr. Harrison, according to his promise, came to our house with an aboriginal native tracker, and they both went up into the loft together, but I heard nothing of the result of their inquiries—Mr. Bentley was not at home at the time." Did you see the native tracker? No, I did not. Mr. Harrison came and asked me if I would allow him to go up into the loft; he stated that his men were in the kitchen, and I therefore supposed it was the native tracker, as he said the night before he would bring one.

8070. *By Mr. Johnson*: Have you any doubt whatever as to the time when Mr. Harrison gave you the whistle and stiletto? None whatever.

8071. Did you go to Newtown on the following Tuesday to the Friday, when you were assaulted without the stiletto? No, I took the stiletto with me.

8072. And the whistle? And the whistle.

8073. In point of fact how was it you did not go to Mr. Josephson's on Tuesday of the Easter week? Because Mr. Josephson's sister, I believe it was, called at my house and left a message, that the Miss Josephsons' would not take their lessons that day, as they were going out.

8074. On the Tuesday? She called on Monday and said I need not call on the following Tuesday, as Miss Josephson would not be at home that day.

8075. Had you any dispensation on any other day in Easter week, excepting Tuesday? No, I had not.

- Mrs. Julia Bentley.  
12 Dec., 1862.
8076. *By Mr. Hart*: Is it not usual for professional people to take holidays about Christmas and Easter? I do not know whether it is usual.
8077. Do you not take holidays with any other pupils? No, I do not.
8078. *By Mr. Johnson*: You did not consult personally Dr. Brereton about this wound you received on the day of the assault? I did not.
8079. Have you ever declined to see your doctor upon other matters? Yes, several times.
8080. I suppose you have an objection to a doctor or any one else seeing you, unless you feel it to be absolutely necessary? Unless I am really so ill I cannot avoid it, I never call in a doctor.
8081. You have been asked a great deal whether you ever stated that you met a priest going to Newtown—did you ever tell either of your servant girls that you had been in a shop in Market-street, to buy worsted, and had asked a priest to allow you to make a pair of slippers for him? Never.
8082. Or to make a pair of braces for him? Never.
8083. Or any conversation between you and a supposed priest? None whatever.
8084. Did you ever, in point of fact, buy the wool for the purpose of making a pair of slippers, at a shop in Market-street? Yes.
8085. Who was with you at the time? My nurse and two little children.
8086. Anna Maria Bradshaw? Yes.
8087. She was aware that you bought worsted for the purpose of making something? Yes, she was aware that I had bought a pair of commenced slippers, and the materials for working them myself.
8088. About when did you make that purchase? I think it was at the commencement of August.
8089. For what purpose did you make that purchase? To send them to England for my papa.
8090. For your own father? Yes.
8091. Did you work up the slippers for that purpose? Yes.
8092. Do you know whether they were sent? Yes, Mr. Bentley sent them.
8093. Did any unexpected delay take place about their being sent? Yes; I wanted to send them for his birthday, but they were not in time.
8094. When was his birthday? The 22nd November.
8095. I presume you intended to send them by the September mail—the mail that would reach England in November? Yes.
8096. Do you know how it was they were not sent by the September mail? Yes; I think Mr. Bentley found they were too late to send by the mail as a parcel.
8097. Do you recollect having any conversation at which Mr. Harrison was present, respecting the behaviour of Lady Young towards you? No, never—Before Mr. Harrison? Yes, I do remember.
8098. Did you state in terms that Lady Young cut you? No, I never made any such statement.
8099. What was the statement you did make? I stated that about, or more than, twelve months ago, I had met Lady Young in a shop, and she looked at me in so pointed a manner that I was quite sure that her attention was pointed to me unfavourably. I was then aware of these anonymous letters having been sent to several of my friends, and I told Mr. Bentley when I came home.
8100. Do you know whether that circumstance was mentioned in Mr. Harrison's presence? I believe it was mentioned when he stated something about being employed at Government House, with reference to some letters about Signor D'Apice. Mr. Bentley said he wondered if Lady Young had received any letters about me. I think that circumstance was mentioned, but I will not be positive.
8101. We have heard that for some time you have been subject to fainting and fits of hysteria—were you subject to this complaint before you knew of the receipt of these anonymous letters—have you ever suffered from them before? Yes; a few days before I went to a picnic and over-exerted myself; the first time they occurred was after a picnic—after I returned home in the evening.
8102. Have you had them more frequently since? I have.
8103. You recollect wearing that stiletto once or twice, and the whistle more frequently? Yes; I always wore the whistle.
8104. Are you aware whether Mr. Black was aware that you went to Newtown armed with a stiletto? No, I am not aware that he is aware of it now.
8105. Do you recollect the occasion when you saw a man hold up a letter at the concert, shortly after the assault? I do.
8106. Will you describe what took place in reference to that at the concert? I went to the concert, and sat in the front row of seats; and Mr. Bentley told me several times to look round and see if I could see anything of this man. Just as the last piece was being played, nearly all the audience rose to go, and Mr. Bentley said, "Now you can stand up without being conspicuous." I did so. As I turned round I saw this man standing at the top of the stairs by the Clarence-street entrance, with a letter in his hand. I told Mr. Bentley—
8107. Did you observe anything peculiar about his look? Yes, he had a peculiar sneer and grin. I said to Mr. Bentley, "There he is! He held up a letter." Mr. Bentley immediately left me, and went and told Mr. Harrison, who was standing at the entrance—
8108. How did the man hold up the letter? He held his hand up in this way (*describing the action.*)
8109. About even with his chin? Yes. The detective, Clarke, was standing almost close to him at the time.

8110. That was at the Clarence-street entrance? Yes; at the top of the stairs.
8111. Where were you standing at the time? On the front seat by the orchestra.
8112. The orchestra is near the York-street entrance? It is.
8113. And there was a large number of persons between you and the man who held up the letter? Yes; the room was quite crowded, and he was behind us.
8114. What did Mr. Bentley do upon your stating that you saw this man? He went out, and I believe spoke to Mr. Harrison, for when he came back to me he said no such man had passed. I then told him it was not at that, but at the other entrance.
8115. Which way did Mr. Bentley go when you told him you saw the man? He went to the York-street entrance to Mr. Harrison.
8116. I suppose, in the agitation of the moment, you had not explained to him where you saw the man? Yes, I think I said the Clarence-street entrance. I am pretty sure I said so.
8117. You say you were sitting in the front of the orchestra; your back then would be to the Clarence-street entrance. Explain how it was you saw the man who was sitting at the top of the stairs by the Clarence-street entrance? Because I turned round.
8118. Your husband told you to stand up and look round, as you would not be conspicuous when the whole of the people were standing up? The whole of the people were not standing up, but several were leaving at the time.
8119. And you stood up and turned round? Yes.
8120. You think you mentioned the Clarence-street entrance, and Mr. Bentley ran to the other entrance? Yes.
8121. *By the Chairman*: What lady was it who called upon you after the concert to say that she had seen some one at the concert who had excited her suspicions? Mrs. Sigmont.
8122. Do you know where she is to be found? Mr. Bentley had the address of her son, who came with her.
8123. *By Mr. Johnson*: You remember Easter Monday? I do.
8124. During that day did you hear any noise in the house, that excited your attention? Yes, I heard a noise about the bed-rooms as of some one stumbling.
8125. You mentioned that to Mr. Bentley? I did when he came home.
8126. Was it mentioned to Mr. Harrison, do you recollect? Yes, Mr. Bentley mentioned it to him.
8127. What did he say about it? They both said they thought it was fancy on my part; that it must have been a noise next door.
8128. Have you discovered since that anything peculiar took place on the night of that day at your house—has Mrs. Lindsay told you anything? Yes, she mentioned seeing some — Mrs. Lindsay did not tell me, but I heard —
8129. The police, as far as you know, did not remain in the house that night? No; I do not think they were ever in the house all night, till after that letter speaking of their being in the loft.
8130. You have stated in your deposition, as fully as you recollect, everything you know about the case? Yes, I have.
8131. When did you first know Mr. Bentley? The earliest time I can ever recollect seeing him was when I was about eleven, I think.
8132. How did you happen to see him; was he visiting at your father's? He came down and remained with us two days; he came to go with a picnic my papa was giving. He came on Saturday and left on the following Monday, when he left for London.
8133. What time elapsed before you saw him again—you were then eleven? Yes, and when I saw him again I was just seventeen.
8134. Where did you see him then? In London.
8135. Did an attachment spring up between you at that time? Yes.
8136. When were you married to him? Just before I was one and twenty.
8137. Where did you reside from the time you were eleven years of age until you were married? Always in Exeter.
8138. Where did you go to school? At Inslow, North Devon.
8139. How long were you at that school? I was there not quite twelve months.
8140. Have you ever stated that you were engaged to Mr. Bentley at fourteen, and married at seventeen? Never.
8141. You have several sisters I believe? I have.
8142. One of them is also married to a Mr. Thomas Bentley? Yes.
8143. A cousin of your husband? Yes.
8144. *By Mr. Hart*: At what age was she married? I really do not know; it was when I was eight years old; she is much older than I am.
8145. *By Mr. Johnson*: Where was she educated? She was partly educated in a convent at Winchester; but I do not know where else she was educated; she was so much older than I.
8146. People have connected the Miss Munk who was educated in a convent with the Exeter affair? Yes.
8147. *By Mr. Leary*: Were you ever educated at a convent yourself? No, I was not.
8148. Were you ever a Catholic? Never.
8149. If any person had stated that you had informed them that you were in a convent for four years at school—that you were a Catholic, and went to confession regularly, would that be correct? It would not be correct, but entirely false.
8150. *By Mr. Johnson*: Did you ever state to either of these servants, or to anybody, that you were watched by a policeman at Exeter, in order to detect the person who had spoken to you, and that you had made an arrangement to drop a handkerchief when you saw him, but that although you did meet the person you did not drop the handkerchief? Never.
8151. Or any thing to that effect? Never.

Mrs. Julia Bentley.

22 Dec., 1862.

8152.

- Mrs. Julia Bentley.  
 22 Dec., 1862.
8152. Did you ever have a conversation with Maria Bradshaw about the Jesuits? I never had any conversation respecting them; but a week after the article appeared—or rather the extract from the *Western Luminary* appeared—in one of the daily journals, the Sunday before or the Sunday after that appeared, I heard a great noise at the back of our house in Castlereagh-street, and I thought it was a tipsy man who lives behind our house, and when I went into the nursery I said to the servant, Anna Maria Bradshaw, “What a noise that tipsy man is making.” She said, “I do not think it is that tipsy man; it is a Wesleyan ranter preaching.” In the middle of the week I was in the nursery, and I heard a great noise again. I found it was this tipsy man, and I said, “There is that man again.” Maria Bradshaw said, “It was not that tipsy man you heard on Sunday, but a Wesleyan ranter, and he was preaching about you and about the anonymous letters, and stating that “it was all the work of the Jesuits.” She then went on in a very disrespectful manner, and said she thought it was a disgrace she should have to suffer for such things; that the Catholics were too strong for it to matter, but that if it had occurred in England convents would have been burned down, and riots would have occurred; she said whoever put that extract in the paper must be a friend of Mr. Bentley’s. I told her she was forgetting herself, and left the nursery. That was the only time that any conversation of that description occurred.
8153. *By Mr. Leary*: Could you give any account of that affair at Exeter? No, the only account I can at all give is what my husband gave in the papers. My recollection is so very slight of that;—I went away—I was taken away in the midst of it, and came back again, and then left home to go to school.
8154. *By Mr. Hart*: You seem to recollect, accurately, what took place when you were eleven years old—can you not recollect what took place when you were fourteen? I recollect no particular circumstance—no trivial circumstance which occurred when I was eleven.
8155. You stated just now that you recollected Mr. Bentley coming to a pic-nic on a certain day of the week, and returning on a certain other day of the week to London? I do recollect that.
8156. Is it the fact that you were taken into a butcher’s shop by any person, and that any threats were held out to you, such as are stated by the papers? It is the fact.
8157. The statement I suppose that appeared from the *Western Luminary* is correct as far as you recollect the facts? It is.
8158. *By Mr. Morris*: What was the style of handwriting in which the letters were written, purporting to be from some Roman Catholic in Exeter? I do not remember that I ever saw the letters—my eldest sister took them—I do not remember that I ever saw them.
8159. *By Mr. Johnson*: Will you state all you recollect about that Exeter circumstance, without saying whether all that is in the paper is correct or not? I remember being stopped coming from school and some one speaking to me; and I remember since I have read the paper that the subject they always mentioned was religion, but I did not remember it till then. The next thing I remember—I can remember also being taken disguised—I was staying at one of the Magistrate’s houses—and going with two of the Magistrate’s son’s, disguised, to the midnight mass at the chapel at Exeter—or rather I went—there was no midnight mass—I went with them, but I do not remember anything occurring—I can only remember the circumstance that I went.
8160. *By Mr. Hart*: That did not form part of your complaint before the Magistrate—did it? I really cannot remember. I know I did go there.
8161. Is that at all mentioned in the *Western Luminary*—anything about your going to midnight mass? I do not know that it is, but I know I did go.
8162. *By Mr. Morris*: With the object of detecting the person, possibly? I do not know at all why they wanted me.
8163. *By Mr. Johnson*: State, as far as you recollect, what took place respecting your being taken to the butcher’s shop? I remember a paper being read over. The contents of the paper I have not the remotest recollection of, excepting that I promised to be a Catholic; but I had no idea what the contents of that paper were till I read the statement in the papers.
8164. *By Mr. Hart*: In this Colony? In this Colony.
8165. *By Mr. Leary*: Can you state why you promised to be a Catholic—was it in consequence of a threat that you were intimidated? Yes, I was. This paper was read over to me, and I was told I was to swear to that.
8166. Can you remember whether you were very much alarmed? Yes.
8167. Did you say you would become a Catholic merely to be released? I should have said anything at all they had told me then.
8168. Can you narrate anything further; after you promised you would become a Catholic what took place then? I do not know that anything else took place.
8169. You left the butcher’s shop then? Yes, I left it.
8170. When you went home what took place; will you state as much as you remember? I am stating as much as I do remember.
8171. Do you remember what took place when you went home? No; whatever occurred, the subject of the letters was kept as much from me as possible, I was so very ill at the time.
8172. You had a father living at the time? Yes.
8173. Do you remember whether you told your father immediately you went home? No.
8174. Did you tell any one? Yes; I told my medical man, for I was very ill.
8175. Did you not tell your sister or any other member of your family? I cannot positively say; I know I did not tell my papa.

8176. *By Mr. Hart*: Were you in the habit of seeing your medical man without the consent of your parents, or without their knowing the necessity for your so doing? I was always ill at that time; he lived next door, and was a friend; indeed he was almost one of our family. Mrs. Julia Bentley.  
22 Dec., 1862.
8177. *By Mr. Johnson*: I think you said you were very ill at the time? Yes.
8178. You were suffering from illness before this? Yes, I was always very delicate; the least thing upset me.
8179. *By Mr. Leary*: I presume you were in the habit of running in and out of the house of this doctor in the same way as you would into the house of any intimate friend? Yes.
8180. When you told this doctor did he advise you not to tell your papa, or any member of your family? No, I do not remember that he did do so.
8181. You cannot remember why you did not tell your papa? No, I cannot remember why I did not.
8182. *By Mr. Johnson*: Was he at home at the time, do you know? I cannot possibly say; he was very much away from home.
8183. *By Mr. Leary*: When did you tell him, or did you tell him at all? Yes, I did tell him. I told him a few days after.
8184. Was that the first intimation he received of this matter? No, he knew about these letters I believe long before.
8185. When he did receive this knowledge—what took place after? I really cannot remember. I have stated all that I know in the paper, and I can remember nothing more. It is quite useless my attempting to do so, for I may think I remember circumstances which I do not.
8186. *By Mr. Hart*: Have you a copy of the paper with you? I have not. The subject from that time to this has never been alluded to by any portion of my family.
8187. *By the Chairman*: What age were you at the time, do you remember? Fourteen.
8188. *By Mr. Johnson*: A letter I believe was thrown into your bed-room? Yes.
8189. I suppose that came to the knowledge of your friends without your telling anybody? Yes, my sister was sleeping with me, and I believe picked it up.
8190. *By Mr. Leary*: Can you state what the letter contained? No, I cannot.
8191. Are you aware that it has been stated that this paper, which was thrown into your window, with a stone attached, contained a copy of the Decree of the Council of Trent? No, I am not.
8192. You do not know what this letter contained? I do not.
8193. *By Mr. Forster*: Do you recollect March 22nd, being introduced to Mr. Harrison the first time you saw him? I cannot speak as to dates, but I remember Mr. Harrison coming to my house.
8194. The first time you were introduced to him? I was introduced to him.
8195. In a formal manner? Yes; I never saw Mr. Harrison before to my knowledge.
8196. And I suppose on that occasion the letters were shewn to Mr. Harrison, and he was made acquainted with the circumstances? I left the room after supper, and I only know that the letters were shewn to him, for Mr. Bentley I think it was called to me to bring him the key, and when I came into the room I saw a bundle of letters on the table, and Mr. Harrison and he were tracing the similarity between the anonymous letters and some other letters, but I left the room before anything of this matter was discussed.
8197. It was not discussed in your presence? It was not that night.
8198. You had not any conversation with Mr. Harrison? Not that night.
8199. Not that day or night? No, he came in about 9 o'clock at night, and we sat down to supper. I sat down to supper with my husband and Mr. Harrison, and immediately after left.
8200. You did not communicate to Mr. Harrison that you were in a delicate state of health? No.
8201. That you had ruptured a blood vessel in the lungs? Never.
8202. Have you any reason to believe that Mr. Bentley mentioned that to him at the time? No.
8203. Do you recollect on April the 14th, or about that time, Mr. Harrison being in the house, and Mr. Boulanger too? I do not recall anything about that. I cannot speak as to dates.
8204. Do you remember Mr. Boulanger playing at the piano when Mr. Harrison sent him up-stairs to play, with a view to watch what any one might do? No, I never remember Mr. Harrison sending Mr. Boulanger up-stairs. We always, after tea, used to go into the drawing-room, which is up-stairs, but I do not remember this particular occasion.
8205. Do you not remember any occasion when Mr. Harrison was watching the house, and Mr. Boulanger was playing, for some time? Never, that Mr. Harrison was out of the room.
8206. Did you ever hear Mr. Harrison remark that Mr. Boulanger played in his heavy style? No.
8207. You do not remember Mr. Boulanger's playing being used as a means of watching by Mr. Harrison, whether any one came into the house? No.
8208. Did Mr. Harrison, at the time Mr. Boulanger was playing in your house, communicate his suspicion, that some one had got into the house at that time? No, never.
8209. I suppose you have heard Mr. Harrison remark it was probable that people entered the house while Mr. Boulanger was playing? No.
8210. Did you ever see Mr. Harrison disguised in female attire? Yes, only once.
8211. Was that when he was watching in your house? He came in one evening disguised.
8212. Was his object to watch? I really do not know what his object was; I believe it was that they should not know that he had come into the house.

- Mrs. Julia Bentley.
- 22 Dec., 1862.
8213. *By Mr. Hart*: You know that he wears moustaches? You do not mean false ones?
8214. No, real ones? I really forget; I know he has a great beard.
8215. *By Mr. Forster*: Do you remember playing at an evening concert with Mr. Boulanger on April 19th, or somewhere about that time? No, I never played at any concert with Mr. Boulanger.
8216. Do you recollect a long conversation taking place between Mr. Bentley, yourself, and Mr. Harrison, about an advertisement? I do, perfectly.
8217. Did you upon that occasion tell Mr. Bentley that you had a presentiment you would fall a victim? No; certainly not.
8218. Nor on any other occasion? No.
8219. You did not express to Mr. Harrison at any time, that you were afraid your life was in danger? I did after I found the holes had been made in the ceiling.
8220. Not at this time? Certainly not.
8221. When you are speaking of the holes made in the ceiling, are you alluding to the time, when you are said to have been startled by a noise in the nursery? No, after that.
8222. Do you remember when you were startled by the noise in the nursery? Yes, it was Easter Monday.
8223. Is this a correct account:—"I called on the Bentley's in the evening; Mrs. B. informed me she had been very much startled about 12 in the day. She was occupied in the nursery, when she was alarmed by hearing a noise in the roof, over the room she was in; she rushed down-stairs with the baby, and was some time before she could recover herself." Did you make that statement to Mr. Harrison? Not to such an extent as that. While I was in the bed-room I heard a noise overhead, and I took my boy with me, and went down-stairs.
8224. It is substantially correct? Yes.
8225. Did you ever make any discovery, or did the police make any discovery, with regard to what started you? Not that I am aware of—we never did.
8226. There is a statement here, on May 4th, to this effect—will you say whether it is true or not:—"I cannot make this woman out; that she is a party to this deception is certain, but is she willingly so, and on what footing is she with Bentley? She told me to-night that she was very unhappy, and laying her head on my shoulder, burst into tears—genuine ones, no doubt."—Is that true or not? Most decidedly not.
8227. Nothing at all ever occurred to give any justification for such a statement? Certainly not.
8228. Not in the slightest degree? Certainly not.
8229. Do you know anything about a letter said to have been received by Mr. Harrison on or about the 11th, in which it was said your life was in danger? Yes. Was that the day Mr. Harrison called us up in the middle of the night?
8230. Yes, that was about it. Did Mr. Bentley write that letter? Write that letter?
8231. I thought you said you knew something of this letter? Mr. Harrison told us of it.
8232. You knew nothing else of it? Certainly not.
8233. Did you, on or about May 16th, or at any time, ever communicate the particulars of your past life to Mr. Harrison. These are questions it must be more satisfactory to yourself to be able to contradict them, and it is merely to give you an opportunity of contradicting them I am asking you. On May 16th it is stated:—"Mrs. Bentley communicated some particulars of her past history"—Is there any foundation at all for that statement? None whatever; I have never had any conversation with reference to my own or my husband's private affairs with Mr. Harrison.
8234. Did Mr. Harrison ever make such a remark as this to you—the date here is May 17:—"I remarked to Mrs. Bentley that Mr. B. could not be of a very jealous disposition to leave us so constantly together"? Never.
8235. Nothing of the kind? Nothing of the kind.
8236. Were you aware that Mr. Bentley communicated to Mr. Harrison the letter that he was about to publish in the newspapers? Yes.
8237. Were you present? I was.
8238. He asked Mr. Harrison's advice about it, he shewed it to him? Yes.
8239. Was he at all concerned in the composition? Mr. Harrison?—No.
8240. It was simply shewn to him when it was prepared for the paper? Yes.
8241. *By Mr. Johnson*: Do you recollect Mr. Bentley reading over the letter a day or two before it appeared in the paper—were you present at the time? Yes, I do; I believe it was on the Sunday.
8242. Sunday, as it appeared on the following Wednesday? Yes.
8243. Was the whole of that draft, as it appeared, read to Mr. Harrison? I believe it was.
8244. Do you know whether it was in substance the same as the letter that appeared on the following Wednesday? Yes.
8245. Did Mr. Harrison make a request to Mr. Bentley to omit all mention of the police? No; on the night Mr. Bentley told him he would have to publish it, Mr. Harrison said he must suppress all mention of the police.
8246. There was no reluctance to comply with Mr. Harrison's wishes at the time the draft letter was written? No.
8247. There was nothing about the police in it at that time? No.
8248. *By Mr. Forster*: Had you any reason, from your own knowledge of Mr. Harrison, to suspect that he told you falsehoods at any time? Yes; on one occasion he stated that he had watched the suspected parties for three days and three nights, and one of them had never left his house, and the other had been seen walking up and down his verandah at a late hour of the night. We knew that there was no verandah to the house of the party he named, and we therefore knew that his statement was incorrect, and we found out at the same time that the other party he named had been out every day to attend to his duties.

8249. He told you positively that he or the police had been watching these parties three days—day and night? That they had been watched three days and nights, and that they had never left their house the whole of the time; but that one night these parties had been walking with Mr. Hellyer up and down the verandah.
8250. Did he mention the name of the party? He did.
8251. Who was he? Signor Cutolo.
8252. You found out afterwards, from the circumstance of there not being a verandah to his house, that it was not true? Yes.
8253. Did you from other circumstances? We found he had been giving music lessons at Mrs. Nutt's that day.
8254. Then even supposing he had made a mistake about the verandah, it was not true that he had not left the premises? It was not true that he had not left the premises.
8255. And Mr. Harrison positively stated that he had not left the premises for so long? Yes.
8256. Was this the first occasion that gave you reason to suspect Mr. Harrison's truthfulness? Yes; I do not think we had any occasion to think him untruthful before.
8257. Was that the only time? I think so.
8258. Can you mention the time at all; was it before Mr. Harrison's journey to Bathurst that this occurred? Yes, long before that.
8259. Was it before you became aware that the police suspected you and Mr. Bentley? Yes; I was not aware of that until the letter appeared in the *Empire*.
8260. Can you give any notion at all of the date? I believe it was before the 2nd May.
8261. *By Mr. Morris*: Was it before Mr. Boulanger quarrelled with you? Yes.
8262. *By Mr. Forster*: Somewhere about the end of April? It must have been somewhere about that.
8263. Did Mr. Harrison himself ever give you reason to believe that he suspected you and Mr. Bentley at all? Never; on the contrary he always led us to believe he had not the least doubt who were the parties concerned.
8264. Have you now ascertained whether, at the time he was on friendly terms with you, he was only pretending to believe in your view of the case, and entertaining suspicions of you all the time; can you ascertain whether that was the case? I do not believe it was the case; on recalling all that Mr. Harrison ever said about it he appeared to be so sincere in his expressions of who he believed to be the parties.
8265. Do you now believe he was sincere? \_\_\_\_\_
8266. *By Mr. Hart*: From the entries you have heard read from his journal, do you now believe he was sincere? Certainly not, if that diary was made at the time.
8267. *By Mr. Forster*: During the time you had any acquaintance with Mr. Harrison, did he continue to express in conversation with you the same suspicions that you believed him to have held in the beginning? He did, even after the publication of Mr. Bentley's letter. He came in one day and stated that every one mentioned Signor Cutolo's name, and he had done nothing to remove that impression; and he gave us to understand that he was quite certain who it was.
8268. Was that up to the time of the publication of Mr. Bentley's letter? After the article that was.
8269. Up to the time of the publication of the article, did Mr. Harrison continue to make you believe that he suspected these other parties? I think Mr. Harrison ceased to come to our house sometime before the publication of that article in the *Empire*.
8270. All along he never led you to believe he suspected any one else? Never.
8271. Do you believe now that he was sincere all that time? I did believe so; but after hearing the contents of that diary, if the diary were made at that time or before that time, he certainly could not have been sincere.
8272. You have no other reason? No.
8273. Do you know anything of Signor Cutolo? I have been introduced to him; I know but little of him. I have met him in society.
8274. You concur in the belief that he had something to do with the writing of these letters? Yes. I have always imagined so, principally from what other people have said.
8275. It has been suggested to you by other people? A great number.
8276. You did not entertain it of yourself? We were obliged to suspect some one. We suspected two persons at first.
8277. What reason did you imagine Signor Cutolo would have for persecuting you at all? I cannot imagine what reason he could have, neither could I imagine what reason any one could have.
8278. Do you know anything of Mrs. Cutolo, formerly Heath? No, nothing. She has called at my house with Signor Cutolo since the publication of Mr. Bentley's letter, but I never saw her before.
8279. You know nothing of her? Nothing whatever.
8280. Do you know anything of Mr. Montagu, who has been talked of? I know him only by sight—Mr. Hanson first pointed him out to me; I did not know there was such a person till Mr. Hanson mentioned his name.
8281. Nothing occurred to make you believe he would be an enemy of yours? Certainly not.
8282. Do you know a Mr. San Juste, whose name has also been mentioned? I have also met him at evening parties; I know nothing more of him. I do not know that I ever spoke to him.
8283. You know no reason why he should be an enemy of yours? No.
8284. You say, I think, of all your acquaintance you are not aware of having given any, even imaginary causes of provocation? None whatever.
8285. Would you think it a likely motive for a persecution of this kind, that parties might



- Mrs. Julia Bentley. entertain a professional jealousy or wish to drive you out of the field in a measure? I have always considered that could be the only object.
- 12 Dec., 1862. 8286. You think that the most likely motive? I cannot conceive any other whatever.
8287. In what way was it likely that your giving lessons, or practising your profession, would interfere with Signor Cutolo? I do not know that it would have interfered with him in any way, any more than with any one else.
8288. Do you think if he had succeeded, on the supposition that he wished to do so, in driving you out of the Colony, that it would have added to his income or business? I do not know that it would, for I teach in none of the families he does.
8289. I suppose it is possible, if you were not teaching in those families, he might do so? He might.
8290. In that way there is a sort of competition between his business and yours? Yes.
8291. Do you think it possible that a motive of that kind might influence him? That is the only motive that I could see in it.
8292. Has it ever occurred to you that the same parties who made the attempt to coerce you into the profession of the Roman Catholic religion in England, could have followed you into this Colony? Never.
8293. Do you think that likely? No such thought ever came across my mind for a moment.
8294. I think you stated that, on one occasion, Mr. Harrison gave you a stiletto to carry about? Yes.
8295. What was the object of giving you a stiletto? After I was assaulted he asked me if I should have courage to use a lady's pistol. I said, "No." He then said he would bring me a stiletto. I said I should not have courage to use it; and he said, "If you saw any one coming towards you you would." As he expressed a wish, Mr. Bentley said I had better wear it, but I was obliged to carry it so low in the band of my dress, to prevent its being seen, that I was afraid of its falling out of its sheath, and I wore it only twice. I always wore the whistle.
8296. You wore the stiletto more to please Mr. Harrison than because you took his view of the case? Mr. Bentley said, as Mr. Harrison wished it, I had better do so.
8297. Do you think you would have been able to use it? Certainly not; I am sure I never could.
8298. It would have been easier to fire a pistol? If a person were at a distance.
8299. Do you think you could make a better shot at a distance than if a person were near? I should be afraid of having the pistol taken from me.
8300. Did you ever fire a pistol? Yes, I attempted to fire one that Mr. Harrison brought for Mr. Bentley to practice with.
8301. Did Mr. Harrison produce the article called a lady's pistol? No; he asked me, after the Monday night, if he brought a lady's pistol, whether I could use it? I said I could not.
8302. Did you ever hear of a lady's pistol before? No, I never did.
8303. The stiletto—was it a large instrument? No, a little thing about that length (*about six inches*).
8304. You were never placed in such circumstances as to be induced to use it, or to be called upon to use it? Never.
8305. *By Mr. Morris*: I believe you stated to the Committee that you had not smoked openly in the presence of Mr. Aldis? Yes.
8306. Can you remember on one occasion, when Mr. Aldis was present, that you were suffering from some affection, either affection of the heart or *tic douloureux*, that you went on the balcony and smoked a short time? No, I cannot.
8307. Do you think it likely? No, I do not, most certainly not. I stated before that I had no recollection of ever smoking at all while Mr. Aldis was in the house, but if it were so, Mr. Aldis must have entered the room while I was smoking, and then I am sure I should either have removed the cigar or left the room.
8308. Is it not possible that Mr. Aldis might have come into the room and found you smoking, and that you went out of the room into the balcony? No, for the balconies were so very small you could scarcely call them out of the room.
8309. *By Mr. Hart*: Did a medical man prescribe the use of these cigars for you? Yes, in England.
8310. What was his name? Mr. Pridham.
8311. *By Mr. Leary*: Had you frequently to use cigars? I have not since I have been here; in England I had a great deal.
8312. Do you find great relief from it? Yes, it is the only thing that at times will arrest the pain.
8313. *By Mr. Hart*: It is not unusual for ladies to use them under similar circumstances? I much object to the practice; I never resort to it unless I am obliged.
8314. I ask you if it is unusual for ladies to use cigars under similar circumstances? I think not when ordered by medical men.
8315. *By Mr. Leary*: Did you ever observe anything in the conduct of Mr. Harrison which you considered presuming? Never in any way whatever, always most respectful in his manner.
8316. He never attempted any familiarity at all? Never in any way whatever.
8317. Did he ever converse with you about your husband in any way, about his health or disposition, or any questions of that kind? No; the subject of Mr. Bentley's health may have been the topic of conversation when Mr. Bentley was in the room.
8318. *By the Chairman*: You are aware of the contents of the diary—Mr. Bentley has made you aware of them? Yes, I believe the principal portions.

8319. You are aware that your name has been made very free with? Yes.
8320. And that Mr. Harrison has made statements in that diary of having taken unwarrantable liberties with you? Yes, and they are entirely false—the whole of them.
8321. *By Mr. Hart*: Were you in the habit of talking to this girl, Anna Maria Bradshaw, about religious matters? Never, except on the one occasion—the two occasions I have stated.

Mrs. Julia Bentley.

12 Dec., 1862.

Frederick Sigmont called in and examined:—

8322. *By the Chairman*: What are you? I am in a bookseller's and stationer's just now.
8323. Were you at the concert at the Masonic Hall, on the 27th May last? Yes.
8324. Did you see anything there that particularly attracted your attention—any particular circumstance—was your mother with you? Yes, my mother was with me.
8325. Was you, or your mother's attention called to any particular person or circumstance? Yes, both of ours were.
8326. What was the circumstance? When we went in we took our seats in the front row of seats, in the front of the platform, and at the side of us was a curious kind of a man. He did not seem to be a gentleman, but evidently appeared to be in disguise; he had on some long coat or cloak, and I fancied he had a false moustache. He sat with his hands stuck to the bottom of his pockets, and never looked up at anything that was going on at all. I noticed it to my mother—but when we went neither of us knew anything about the case till the next day, when we saw the whole report in the paper, and then it called it to my memory my seeing this suspicious character there.
8327. What made you think he had false moustaches on? He seemed to be evidently disguised; they did not appear to be natural to him. I could not swear to it, but they did not look like his own.
8328. Had he a hat on? No, not in the concert-room.
8329. Do you think he had his own hair or a wig? I could not say positively to that; it was his face took my notice more than anything else, but if I had known anything about this case I would have noticed.
8330. Was he a young or an old man? I think he was a young man, quite a young man.
8331. Did he appear to be a boy or a man—was he old? He was verging towards middle-age almost it appeared.
8332. What kind of whiskers had he? All dark from head to foot.
8333. What kind of eyes had he? He seemed dark all over him, complexion and everything else.
8334. Did you see him make any motions or signs, or try to conceal himself in anyway? No, we took the front row, and Mr. Muriel came with some ladies and wanted us to move, but my mother did not wish to sit from here, and we kept our seats, and he moved some chairs off, and when he did move he did not stand upright but seemed to double himself up. I did not see much of him after that, not fancying anything at the time, and I missed him almost afterwards.
8335. Do you know whether he remained in his seat till the conclusion of the concert? I cannot say. I might have known if he had not moved when these ladies came in, but then he moved several chairs from us, and of course he was hidden; I could not quite see him.
8336. Do you know how a priest would be dressed? Yes.
8337. Was he like a priest? Nothing at all like a priest.
8338. Did you ever say you thought it was a priest? No, I never did; in fact the only one I related it to besides my mother, was to Mr. Bentley sometime after.
8339. Did you relate it to your mother or to Mr. Bentley first? In fact we both knew it at the same time; it struck us the next day when we saw the whole report in the paper.
8340. And you waited upon Mr. Bentley to make him acquainted with what you had seen? Yes; we went to see Mr. Bentley, after we had seen the report, and related to him what we had seen.
8341. Could your mother give the Committee any further information than you have given? No; it ended with us both in the same way; what she thought I thought.
8342. *By Mr. Johnson*: Do you remember your mother objecting to your removing from your chair, so as to put her nearer to this man? Mr. Muriel wanted me to give up my seat, but as that would have taken me from my mother she requested me not to move, and then Mr. Muriel and the ladies went to these chairs.
8343. Was your mother's objection to removing, that it would place her more nearly in contact with this man? Not at all; merely because it would separate me from her.
8344. Were you present with your mother when she related to Mr. Bentley the circumstance? Yes.
8345. Did you mention, on that interview, the fact of your mother's objection to remove? I do not think so, but I cannot remember.
8346. You cannot account for their knowing it without your telling them? No.

Frederick Sigmont.

12 Dec., 1862.

TUESDAY, 16 DECEMBER, 1862.

Present:—

MR. MORRIS,		MR. WILSON,
MR. W. FORSTER,		MR. LEARY,
		MR. HART.

DANIEL CAMERON DALGLEISH, Esq., IN THE CHAIR.

Mr. Johnson appeared for Petitioner.

M. Edward  
Boulanger.

M. Edward Boulanger called in and examined:—

- 16 Dec., 1862. 8347. *By the Chairman*: What are you? I am a professor of music.
8348. You have been resident in Sydney for some time? I first arrived a long time ago; I have been residing here nearly twelve months now, since I returned from Melbourne.
8349. You are aware of the purpose for which this Committee has been appointed? I received a letter informing me that I was summoned to give evidence on the Bentley petition.
8350. You are acquainted with the petitioner? Yes, I know Mr. Bentley.
8351. When did you first become aware of the existence of the anonymous letters? When I received one myself. It was on the day of my first concert, after I returned.
8352. What was the purport of the letter you received? The letter was handed over to Mr. Bentley.
8353. Is the letter you received the one printed in the seventy-first paragraph of Mr. Bentley's deposition? Yes.
8354. You received that letter yourself? Yes, it was handed to me at the Royal Hotel; it was sent to me by post, I believe, at the Royal Hotel. Mr. Bentley has the letter and the envelope.
8355. Do you know Mrs. Bentley's handwriting? Yes, I have seen it.
8356. Did you consider the letter you received bore any resemblance to Mrs. Bentley's handwriting? No, it did not strike me at all as such.
8357. Is that the letter you received (*handing a letter, No. 8 a*)? That is the enclosed one; that is not the one I am questioned about at present. (*Another letter, No. 8, handed to witness.*) Yes, this is the one.
8358. *By Mr. Johnson*: Did you receive it in that envelope (*handing envelope*)? Yes.
8359. Through the post? Yes.
8360. *By the Chairman*: Have you any idea who the writer of that letter is? Not the slightest.
8361. Have you ever formed any opinion upon the subject? As far as I am concerned myself I have not formed an opinion, but I have adopted the opinion of some others since. At the time I formed no opinion.
8362. Whose opinion have you adopted? For some time I believed with Mr. and Mrs. Bentley that two parties might be implicated in writing the letters, and they were stated to me by Mr. and Mrs. Bentley as Signor Cutolo for one, and Mr. Montagu for the other.
8363. Do you still retain that opinion? No, I have altered my opinion since.
8364. Is that the opinion you state you have adopted? My opinion is of course not a very settled one, but I am unwilling now to follow the same opinion that I held at the time. There is a great deal of doubt in my mind now.
8365. What is your present opinion with regard to these letters? I could not give my present opinion at present, because it is not exactly an opinion; I have not come to any conclusion yet.
8366. Did you receive any other letters? Yes, I must have received some others; I think I received two or three.
8367. Were these letters sent personally to yourself? Yes; this was sent where I was living, at the Royal Hotel.
8368. You say you received other letters? Yes; other anonymous letters in the same handwriting as this letter here.
8369. Did you receive that letter (*No. 16*)? Yes.
8370. Is that letter in the same handwriting? Yes.
8371. Did you come in contact with Mr. Harrison pretty frequently while at Mr. Bentley's? I used to see him almost every day at Mr. Bentley's house, and sometimes I met him in the street.
8372. On what terms was Mr. Harrison received at Mr. Bentley's, as far as you were able to judge—was he received more as a friend than as a public officer? He came there as a public officer of course, but I found him received quite as an intimate friend, enjoying the same privileges as an intimate friend should do.
8373. Were Mrs. Bentley and Mr. Harrison frequently alone together while you were in the habit of visiting there? I do not recollect any circumstance of that kind. I dare say Mrs. Bentley has occasionally been alone with Mr. Harrison, as I have been myself.
8374. Did you see any approach to undue familiarity on the part of Mr. Harrison towards Mrs. Bentley? Never.
8375. From what you know of her, do you believe Mrs. Bentley would permit anything of the kind on the part of Mr. Harrison? I cannot answer such a question. It has nothing to do with me at all whatever. I shall be very ready to answer questions addressed to myself, as far as I am concerned.

8376.

8376. I only ask from your knowledge of Mrs. Bentley? It would not have struck me that Mrs. Bentley would do it. M. Edward Boulanger.
8377. Did Mr. Harrison and you quarrel at any time? No; we disagreed upon certain things. 16 Dec., 1862.
8378. Did you at one time report to Mr. Harrison that you had been stopped on the Racecourse by a man with a pistol? I did.
8379. Have you since informed Mr. Harrison, or any other person, that that was not true? I have not informed Mr. Harrison of that.
8380. Or any other person? Yes, other persons.
8381. You do not remember having any quarrel with Mr. Harrison at any time? I disagreed upon a great many things with Mr. Harrison several times, at Mr. Bentley's house even. Mr. Bentley must recollect it.
8382. Do you remember Mrs. Bentley being assaulted at Newtown? I remember the circumstance being mentioned by Mrs. Bentley, and it is mentioned in my diary.
8383. Were you present on the evening of the assault? I do not know whether it was that evening or the next day, but I know it was very close to the assault.
8384. Do you remember being in company with Mr. Aldis and Mr. Black on either the evening of the assault or the following evening? I could not say that, but I dare say it will be found in my diary.
8385. Have you ever been present at Mr. Bentley's when Mrs. Bentley has been drinking brandy and water, and smoking cigars? I do not recollect her smoking cigars, but I have seen her drink brandy and water several times.
8386. But you have not seen her smoke? No, I do not recollect it.
8387. If you had seen her smoke you would not be likely to forget it? No; but it would not strike me as very impossible.
8388. If you had observed it you would have remembered it, I presume? Very likely I would.
8389. You never saw Mr. Harrison venture on undue familiarity with Mrs. Bentley? Never.
8390. He was always respectful in his speech and demeanour to Mrs. Bentley? I always found him very respectful to Mrs. Bentley.
8391. Have you seen her drink brandy and water as a drink, or as medicine? It was not for the enjoyment of it as a drink, decidedly.
8392. Do you mean that she has taken it at times after fainting fits? Yes; I have handed it myself, as well as Mr. Bentley, and I thought it must be even advisable at times.
8393. Can you give any reason why you reported that you were stopped on the Racecourse? Yes. I conceived some doubt as to Signor Cutolo and Mr. Montagu being the authors of this matter. It had struck me several times that letters had got into Mr. Bentley's house in a very suspicious way, and I thought it might be possible that Mrs. Bentley might be aware of the details of it, and my object then in reporting that I had been stopped was to lay a trap for Mrs. Bentley. I informed Mr. Bentley of the matter.
8394. Of what matter? Of my object.
8395. *By Mr. Forster*: Beforehand? No, not beforehand, but since—recently. I requested Mr. Bentley even to avoid bringing me here, if possible, on account of that. I gave a description of the man who attacked me, and described an assault as made upon me by that party to Mrs. Bentley, and to Mr. Bentley also; and to Mr. Harrison I gave the same description. My reason for doing so was that I had heard Mrs. Bentley mention, several times, that she was watched at Newtown. I do not know if I must go any further—I think I have answered the question at present.
8396. Explain your reasons at large? I conceived some suspicion, and I laid a trap for Mrs. Bentley.
8397. Because Mrs. Bentley had said something about Newtown? Mrs. Bentley had complained of being watched very closely at Newtown.
8398. By whom? By several persons.
8399. Did she name them? No, she did not name any one, except on one occasion afterwards.
8400. *By Mr. Johnson*: Do you say Mrs. Bentley had "complained" of being watched? Yes, of observing persons watching her movements.
8401. *By the Chairman*: Who were they she complained of? I cannot tell you the names of those she complained of watching her movements.
8402. I thought you said you could tell the name of one person? I could tell the name of one person Mrs. Bentley mentioned to me.
8403. What was the name? Mr. Merewether.
8404. Did you know the Mr. Gibson that was engaged in this case? I do not recollect him.
8405. Do you remember an officer being sent from the Detective Office to watch Mrs. Bentley on her way to Newtown; and are you aware that that gentleman reported that Mr. Merewether had been seen —? Yes, I understood that; it was from Mrs. Bentley I learned that.
8406. Will you explain to the Committee in what way your describing that you had been attacked on the Racecourse could have any connection with Mrs. Bentley being watched at Newtown? It arose from my suspicion how the letters got into the house. Mrs. Bentley of course connected the persons she said were watching her with, as being almost agents of Mr. Cutolo and Mr. Montagu. That, combined with my suspicion, induced me to pretend that my object was to see if Mrs. Bentley would be attacked in the same way, which she was eventually, a few days afterwards, in the very same manner.
8407. You adopted this, you say, merely as a ruse? Yes.

- M. Edward Boulanger.  
16 Dec., 1862.
8408. Did you not report it to Mr. Harrison as a matter of fact? Mr. Harrison was in the house at the time —
8409. Did you not report it to Mr. Harrison, as a matter of fact, that you had been stopped? Of course.
8410. And the particulars of the circumstance? Yes, the same particulars as I stated to Mrs. Bentley; exactly in the same manner.
8411. Did you not appear to be exceedingly alarmed at the time? I do not remember that.
8412. Do you think that your demeanour at the time would have satisfied any one that you was a coward? I should like to answer polite questions, if possible.
8413. Mr. Harrison says, in his diary, it is quite evident you must be a great coward from the way in which you made the report to him;—I only ask whether you did it in a way that would exhibit terror or fright? I do not think so. I told him that I pointed my pistol at the man, and he took to his heels; therefore the coward could not be me in that case.
8414. You think your demeanour was not such as to impress any one with the idea that you were a great coward? No, I do not think so.
8415. That is the whole explanation about the stoppage on the Racecourse? Yes, as far as being stopped; but this is connected with some other matters, and of course I expect some other questions.
8416. *By Mr. Morris:* When, on the night you told Mr. Harrison and Mr. Bentley of that assault, you asked Mr. Bentley to ascertain whether Mr. Harrison had been watching your movements, I apprehend it was somewhat in reference to this story of yours that you had made up with regard to the assault? Maybe I did say that, but I cannot recollect it as a particular point. I cannot recollect everything. I have told you only the substance of what I said as to the assault.
8417. Can you not remember having asked Mr. Bentley to ascertain from Mr. Harrison whether he had been watching your movements on the evening on which you said you were assaulted? I do not recollect that. It was on the evening of the concert I asked the question of Mr. Bentley in reference to the concert. It was not on the same occasion. I remember something of the kind was said on another occasion about the concert. I do not remember exactly whether it was as to watching my movements. I recollect Mr. Bentley being very much alarmed about my safety once after the concert. We had been threatened with—I do not know what—something extraordinary—some infernal machine under the stage, I think. I recollect asking Mr. Bentley then if he knew whether Mr. Harrison had followed me at any time.
8418. With regard to this alleged assault upon you, did you not first tell Mr. and Mrs. Bentley, and did not Mr. Bentley tell Mr. Harrison, that you had been assaulted? It was the same evening. I believe they were all there. Mr. Harrison was up-stairs or somewhere about the house, at the time I mentioned it to Mr. and Mrs. Bentley.
8419. Did you not ask Mr. Bentley to ascertain, before the occurrence was related to Mr. Harrison, whether he had that night been watching your movements? No. I do not recollect anything of the kind. I went myself to Mr. Harrison, and informed him of the matter up-stairs.
8420. You told them first? Yes; Mr. Harrison was engaged about something in the house. It will be easy found out by my diary.
8421. *By the Chairman:* What was the purpose for which you gave your diary to Mr. Harrison? He asked me for it for reference. I lent it also to Mr. Bentley on one occasion.
8422. Mr. Harrison asked you for it for the special purpose of making a reference? Yes.
8423. Do you know at what date that was? No. A very short time after this assault on Mrs. Bentley at Newtown, I fell out with Mr. Bentley, and I did not see Mr. and Mrs. Bentley since—I mean not at their house—except that I saw Mr. Bentley the other day at his own house, because I called on purpose. It was during the time I was no more a friend at the house, that Mr. Harrison called for my diary.
8424. There were certain entries you say in your diary relating to this attack on the Racecourse? No, there are no particulars of that given in the diary. I only wrote “Incident on Racecourse,” to fix the date. But there are the particulars of the attack on Mrs. Bentley a short time afterwards.
8425. Did you make any remarks on it in your diary? Yes, it is mentioned. The description of the man, and the manner in which Mrs. Bentley was attacked, was put down on purpose by me.
8426. Did you put down any of your own suspicions? No, I did not put down my own opinions on my diary.
8427. Mr. Harrison, at the time you had fallen out with Mr. Bentley, asked you for your diary? Yes, he used to come sometimes to see me.
8428. Did Mr. Harrison keep your diary long—had he possession of it for a long time? I think he had it a good bit. Really I cannot say. I should say he had it more than a week.
8429. You are perfectly sure he asked you for your diary to —? He wanted to consult it with his own. He mentioned something about his own diary, that he had some doubt about some matters. At any rate I was under the impression that he had some doubt about some detail—some name or some date.
8430. It was not for the mere purpose of getting a key fitted to the lock that he got your diary? No. I lost the key at Mr. Bentley's, and when Mr. Harrison came he asked me for the diary, and I told him I could lend him the diary, but I had not the key; so he said he would get one made, and would take care of it.
8431. There is not any mistake whatever about the facts of the case, that Mr. Harrison wanted your diary to make extracts from it, and not for the mere purpose of fitting a key to it? It was for the purpose of referring to my diary.
8432. The fitting the key was a mere incident, in consequence of your having lost the key? Yes, quite so.
- 8433.

8433. Mr. Harrison called purposely, for the express purpose of getting the loan of your diary? Yes, only for the loan of it; I had not the key, but he said he would get one for it, and I then lent it to him. Not having the key of the diary I was going to keep the diary.

M. Edward  
Boulanger.

16 Dec., 1862.

8434. Not having the diary in your hand do you think you could fix about the date that you lent the diary to Mr. Harrison? I could not fix the date, but very likely I might recollect somewhere about the time.

8435. After Mr. Harrison called upon you for the loan of your diary, and you had promised to lend him it, he then said he would get a key fitted for you? Yes, he took the diary with him the same day.

8436. Did he give you the key afterwards? He returned it with the key.

8437. Will you take your diary and see if you can fix anything about the date when the diary was lent to Mr. Harrison. (*Witness referred to his diary.*) It must have been after the 8th May, because when I fell out with Mr. Bentley of course I had given up this matter altogether, and did not put down any more about it. I think about the last thing I wrote is this description of the assault committed on Mrs. Bentley.

8438. Will you read your description of that assault? I will hand it to you. (*Mr. Boulanger's diary handed to Chairman.*)

8439. Did you know Mrs. Bentley was badly hurt? She mentioned it to me, but I did not see it.

8440. Did you see any portion of her dress torn? No. I do not know whether she had changed or not.

8441. Did you hear of it? Yes, I think I heard something of the kind—the dress being torn, or the man making an attempt to take a revolver that he supposed her to have in her bosom.

8442. Then you do not know that Mrs. Bentley was badly hurt? She did not seem hurt the next day when I saw her.

8443. *By Mr. Johnson:* Did you make the entries in your journal on the days they bear date? Sometimes, as I was coming in so late, I would put them in the next day; but I always wrote the entries to the date of the day I was writing. For instance, if I was writing to day, and referring to a matter of yesterday, I would then mention that it happened yesterday.

8444. *By the Chairman:* This entry, which appears in your diary under date of April 25, is a correct one:—"Went to Bentley's at 7 $\frac{1}{2}$ —Learned that Mrs. Bentley had been attacked "at Newtown, coming out of Mr. Josephson's. Mrs. Bentley badly hurt. Description of the "man, viz.—about Harrison's size, features not quite so strong—not quite dark complexion—red shirt with fox heads and tails—hand of a gentleman—brown eyes—"supposed to have had false beard—eyebrows darkened. He shook Mrs. Bentley by the "shoulder, hurt her in the breast, and remarked she could not speak."—That is correct? Yes.

8445. *By Mr. Johnson:* I presume that entry was made on the day it bears date? I think so.

8446. After you went home at night? Yes, it must have been at night. I am under the impression that it was on the 25th I learned that, and that I entered it on the right date.

8447. *By the Chairman:* Do you remember the occasion of the music being torn in Mr. Bentley's house, when an anonymous letter was found pinned to the leaves of a music book? Yes, that is also mentioned in my diary.

8448. Were you very much alarmed on that occasion? No.

8449. Do you think you shewed great signs of fear? I did not shew the slightest fear; I only shewed anxiety for Mrs. Bentley.

8450. Then this entry of Mr. Harrison's you think would not be perfectly correct:—"Bentley and Boulanger are both timid and fear murder, but I never saw such a courageous little woman as Mrs. B.; she is perfectly fearless." Do you think you did fear murder on that occasion? No, I did not faint; I do not think I ever got pale. At any rate this is the way I entered that in my diary on the 1st of April:—"Afterwards we found the after "dining-room disturbed, questioned servants who could not account for it. I insisted upon "things being left exactly in same position. Mrs. Bentley very ill. Stayed until 20 to "1 a.m."

8451. *By Mr. Johnson:* Did you write that the same night? It might not be written the same night—Yes, I fancy it was, because it is written as if I was rather tired.

8452. *By the Chairman:* Was Mr. Harrison present on that occasion? No, I insisted on things being left as they were on purpose that Mr. Harrison should see them that way.

8453. Were you present when Mr. Harrison came? I went to see Mr. Harrison I believe after that. The entry in my diary the next day is this:—"Went to Bentley's and dined "with Harrison. Looked to disturbed room and found anonymous letter. Lives threatened. "Took copy of it for Mr. Plunkett. Mr. Plunkett has a copy of all these letters."

8454. Had you any idea then who was the writer of the letter found in the music? I was then under the same impression as when I got acquainted with Mr. Bentley at his house, that it was perpetrated by Cutolo and Montagu. It seemed to be the general opinion. It was the opinion of the editor of the *Empire*, who was very sure about it, and seemed to have all sorts of proofs in his head.

8455. *By Mr. Johnson:* You mean Mr. Hanson? Yes.

8456. *By the Chairman:* Was Mr. Hanson or Mr. Bentley the more positive? They were both very positive; but if there was any difference Mr. Bentley must have been more positive after all.

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8457. Do you know who the idea originated with? That is difficult for me to say, because the idea must have originated before I came back from Melbourne. I know that in the mind of Mr. Bentley the suspicion must have existed before from what he told me.

8458. Did you ever assist to identify the writing with that of any of the parties named? I have been looking at it very attentively, and once I went when Mr. Harrison had a magnifying glass, and he felt quite positive it was the writing of Mr. Montagu; he told me he would stake his life it was the writing of Mr. Montagu.

8459. Did you coincide with that opinion? I was following the same impulse. I had reason to believe Signor Cutolo was the sort of man to do bad things to me. I followed the stream, and nearly got drowned too.

8460. Can you give the Committee any reason for changing your opinion? I used to be often at Mr. Bentley's in the evening, and it struck me, as I said before, that the letters were coming in in a very suspicious manner, and I remarked that previous to letters being found in the house Mrs. Bentley used to absent herself from the drawing-room, but of course that looked like as if she was attending to some duty—some part of her business at home. Still it struck me, this was repeated so very systematically. Afterwards she used to come back to the drawing-room and sit with us, and when we were all together Mrs. Bentley used to be the first to notice some extraordinary noise. I did not hear the noise at the time, and even Mr. Bentley was not struck by the noise. Then we would look about the house until we always found something—some letter or something disturbed—and I thought it was very strange.

8461. How often did this take place? Well, I cannot tell you how often, but several times.

8462. Was Mrs. Bentley, do you say, absent on all occasions before letters were found? No, because several times letters were not found, or I heard of letters being found after I had left. I know on one occasion I could take my oath we were disturbed in that manner, and that Mrs. Bentley used to hear noise we could not hear; that might have been on account of her state of nervousness.

8463. Were you ever very nervous yourself? No.

8464. Have you any idea how a person would feel when under nervous excitement? I think I have.

8465. She might start even when there was no noise? I think that might possibly be true. What I meant by the nervousness of Mrs. Bentley was that I understood she was attended by the doctor for disease of the heart, or something of the kind. It is connected with nervousness I think. Mrs. Bentley seemed to me generally very cool. I quite agree with this part of the diary where Mrs. Bentley's courage is upheld.

8466. Do you agree with the other part of it? Not exactly.

8467. Where your courage is questioned? Mine is decidedly questioned.

8468. You agree with one part and not the other? If you please, I will.

8469. *By Mr. Wilson:* You state that Mrs. Bentley was in the habit of absenting herself from the drawing-room previous to letters being found—was she only in the habit of absenting herself on those particular occasions? I cannot say that. I did not remark every occasion.

8470. I think you state that she systematically left the room on these occasions? Yes.

8471. When your attention had been drawn to this circumstance so forcibly, if she had been in the habit of frequently leaving the drawing-room on other occasions you would have noticed it? No, that would not have struck me. The only thing I mean is, that after leaving the drawing-room and returning, Mrs. Bentley always used to be the first, a short time after, to notice a noise in the house. That was what made me suspicious when letters were found in some extraordinary place.

8472. You do not mean to say it was only on these occasions that Mrs. Bentley was in the habit of absenting herself from the drawing-room? No, of course not.

8473. Did you take any pains to discover what she was doing when she absented herself? No.

8474. Did you ever mention the circumstance to Mr. Harrison or the detectives? No, I took great care not to mention anything to Mr. Harrison.

8475. Why? Because I had not much confidence in him at the time, and I expressed my want of confidence to Mr. Bentley.

8476. *By Mr. Morris:* Why had you no confidence in Mr. Harrison? I thought he would be likely to treat the matter as a joke; that was my impression. He was continually there, and used to have his brandy and water and wine, and all sorts of things, which was very agreeable, no doubt, and I thought perhaps he might like to go on in the same way.

8477. *By Mr. Johnson:* Have you given all your reasons for changing your opinion? Well, there might be another opinion.

8478. Have you given all your reasons for changing your opinion? No, I have not.

8479. Will you state the rest of them? I should not like to state this without being compelled to.

8480. I should wish very much that you should. I, as Mrs. Bentley's representative, extremely desire that you should state everything? I should be most happy to do my very best, but I do not think I can comply with the request in this matter. If I were on oath before a Court I would do so of course.

8481. *By the Chairman:* It would be far preferable that you should do so now, if you could make it consistent with your ideas? It might also cause some other questions. I do not know how far the question might lead us.

8482. *By Mr. Morris:* Why are you so unwilling to state your other reasons? That is almost putting me the question in a different manner. Perhaps it may be possible I have said enough already—perhaps even too much—to lead you to suppose more than existed. So after all, I think it is better I should state it. I remarked that Mrs. Bentley was a

little

little affectionate towards me—holding my hands, pressing them, and such things—not exactly shaking hands like she would shake hands with everybody. It struck me as not being quite right. This took place after a certain time that I had been in the house, and it contributed to my altering my opinion.

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8483. You thought these pressures of the hands were much more affectionate than was usual with ordinary acquaintances? Yes. I may have been mistaken. At the same time it struck me as not being merely matter of form or matter of politeness.

8484. Had you not exhibited in your conduct, and expressed in your language, very great sympathy with the Bentleys? So I did, a great deal at first.

8485. Did you not exhibit, as far as they knew, the greatest interest in the affair? Yes, so much so that to almost all of my pupils I was talking of the matter, and told them how much I felt for Mrs. Bentley. But then that was previous to the attack.

8486. Could you not then suppose that Mrs. Bentley's extreme cordiality may have arisen out of gratitude for the exertions you were making to discover the persons who were persecuting her? No, Mrs. Bentley could not have had any feeling of gratitude towards me. The case was rather the reverse. I was under a great deal of obligation to Mr. Bentley, and I was rather particular myself in not shewing too much gratitude in my manner. If there was anything of gratitude in the matter it could not be on the side of Mrs. Bentley towards me, because I was only expressing the feeling that everybody was doing at the time.

8487. Did you not tell the Committee, just now, that you took an immense deal of interest in this matter, and that you used a great deal of exertion to discover the parties? Yes; but you see I was an interested party in the matter myself. These letters had been directed against me. In the case of a persecution, if any one had been discovered, I was one of the prosecutors myself.

8488. Then you think there was more in Mrs. Bentley's manner towards you than she ought to have exhibited, for the exertions you made in the matter? Yes, more than made me feel comfortable in the matter in respect to Mr. Bentley.

8489. Was she much more impressive in her manner than ladies in France? Yes; they very seldom shake hands in France. Once anything takes place, the first thing is a kiss.

8490. Then she was more impressive, you think, than if she had given you a kiss? No, I cannot say that. I wish to be confined to my own words; I study them as much as I possibly can.

8491. Was this pressing of your hands, when you met, the only indication of great interest in you? Pressing my hand in her two hands; that is not exactly shaking hands.

8492. Are you not aware that that is an extremely common thing among English people? I do not think so.

8493. Are you not aware that it is invariably done by the lady of the house, where any person becomes intimate with the family? I have been very intimate in many families, but this never happened to me before.

8494. It is only from her taking your hands in her two, and pressing them in the way you say she did, that you have any feeling against Mrs. Bentley, as to her motives or character? Motives about what?

8495. As to her propriety of conduct—These are the only reasons you can allege against her character—these that you have given with regard to the way in which she pressed your hand—are these the only indications of impropriety of conduct? The only ones I can state.

8496. Could you state other reasons? I may state generally this, that I often remarked that Mrs. Bentley's fits were carried on in a manner I did not understand. I know she had some attacks of some kind. It is a very unpleasant thing to put me to this detail in the presence of Mr. Bentley.

8497. I am to understand from you, that Mrs. Bentley's general manner of receiving you was the way you have described—taking your hand in both of hers? Yes; not receiving me at first, but very often in the dining-room this happened, when Mr. Bentley was away. That is what I did not like.

8498. Did it ever occur when Mr. Bentley or any other person was present? I do not recollect it; I do not think so.

8499. How often have you seen Mrs. Bentley in fainting fits? Several times. (*Witness referred to his diary.*) This is one instance—Tuesday, 1st April. It merely mentions that Mrs. Bentley was very ill. That is what I usually put down when she was in these fainting fits.

8500. Did you suppose, on the 1st of April, when Mrs. Bentley fainted, that she was only pretending? No, not the first time, I did not think so.

8501. On what occasion did you suppose — ? I saw her in several of those fits.

8502. What led you to suppose she was pretending to faint? Perhaps I have seen a great many of these things before. A person of experience—

8503. *By Mr. Wilson:* Perhaps you will be kind enough to inform the Committee what peculiar difference you have observed between a female in a feigned fit and one in a real one? They were prolonged.

8504. Which were prolonged? These feigned fits.

8505. How long was Mrs. Bentley in any of these feigned fits? More than an hour—sometimes two.

8506. Did you ever see any females in hysterical fits? Yes, but I did not call that hysterics.

8507. I was asking how long you have seen a female in an hysterical fit? About half an hour.

8508. Did you ever hear of a female being in an hysterical fit many hours? I do not know.

8509. Or for days? That may be possible.

8510. Have you heard of such a thing? I may have heard of it, but I do not recollect.

8511. You have stated these were not hysterical fits—How do you know they were not hysterical



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hysterical fits? I understood hysterical fits were a sort of nervous excitement, which was evidenced by exaggerated laughter and crying, and of course, some shakes of the body. But it is almost a question that ought to be put to a medical man. I have stated my opinion as an opinion, and that is all. It is my opinion; I do not know how it got into my head.

8512. It is very necessary we should ask you on what your opinion is founded, so that we may know what weight to attach to it? Well, I have said all I could.

8513. Did you ever hear it stated that hysteria assumes the symptoms of almost any and every disease? No; very likely fits that I might have taken for hysterical ones would not be called so by a medical man.

8514. The only reason why you thought these feigned fits was on account of the length of their duration? No; it was when Mrs. Bentley was coming to, that I remarked more positively about the —

8515. In what way coming to? The way she was pressing my hand—pressing it against her side.

8516. While she was placing your hand against her side was any other person in the room? Mr. Bentley was in and out of the room, and it was when he left the room that these things took place.

8517. What did he leave the room for? To fetch something.

8518. How long was Mr. Bentley out of the room on these occasions? Not long.

8519. Did Mrs. Bentley converse with you at all when he was out of the room? No, no words, except—give me this, give me that. Sometimes she appeared as if she could not speak.

8520. Then the only two reasons you can give for thinking these fits were feigned are, first, the duration of them; and secondly, the circumstance of her seizing your hands and pressing them? Yes, when Mr. Bentley was leaving the room.

8521. I think you stated that she has done so when Mr. Bentley was in the room? Once, on the occasion of the first fit, when she had a pain in the heart.

8522. Are you aware whether she had a pain in the heart on other occasions? I am not.

8523. She might have had on other occasions also? Yes.

8524. You have heard she had disease of the heart? I have heard so from Mrs. Bentley herself.

8525. Have you been much in English society? I have been a short time in England.

8526. Have you been in the habit of being in the society of English ladies? Yes.

8527. Do you think it quite possible for an Englishwoman to do such a thing as you have described, in reference to Mrs. Bentley seizing your hands and pressing them warmly, when receiving an intimate friend, and yet that her motives should be perfectly pure? It is possible.

8528. Are you not aware that it is the habit of English people to do so, when meeting persons who have done them particular kindness? I am not aware.

8529. *By Mr. Morris:* Do you believe very much in the purity of women? Well I think so.

8530. Have you never expressed yourself quite differently from that—have you never said that you believed very little in the purity of women? I have not said anything of the kind.

8531. Have you not boasted of being looked upon by women generally with very favourable eyes? Never; rather the very contrary opinion, I assure you. I have often stated the reverse. It is very unfair to make such a remark. This is becoming quite a personal matter to me. I do not see how it could have anything to do with this matter at all.

8532. Do you remember telling Mr. Black that you were assaulted on the Racecourse? Very possibly I did, but I do not remember the particular circumstance; I have told many people.

8533. What was your object in telling many people when you knew it was false? Because I wanted Mrs. Bentley to be assaulted herself at Newtown—that was why I reported it.

8534. Then you think you were perfectly justified in telling a falsehood to obtain a particular end? I think that is what everybody does, in a case of this description surely.

8535. Then if you have some slight faith in the purity of women, you have very little, I apprehend, in the honor of men. Have you any belief in the honor of men? Certainly I have.

8536. Then you think a man who would tell a falsehood to obtain a particular end might still be an honorable man? If he did not injure anybody.

8537. Did you not continue to go armed after this invented assault of yours? I was armed long before that.

8538. And you continued after that to be armed? Yes, I did, for a few days. I brought a pistol into Mr. Bentley's house with me, but I did not walk about with the pistol.

8539. Did your relation of the assault made upon you appear to frighten Mr. and Mrs. Bentley? No, not in any way.

8540. Did they not go armed as well as yourself? I do not think Mrs. Bentley went armed. I know Mr. Bentley was armed in his house.

8541. *By the Chairman:* Was not Mrs. Bentley armed with a whistle? I do not remember that.

8542. *By Mr. Morris:* As a matter of fact, did not Mr. Harrison give her arms? I remember Mr. Harrison lending his pistol to Mr. Bentley; that is all.

8543. Do you not remember Mr. Harrison having given Mrs. Bentley some means of defence? No.

8544. Do you not remember having told Mr. Black most distinctly that you and Mrs. Bentley had to go armed? No.

8545. Do you not remember Mrs. Bentley being armed with a stiletto? No, decidedly not.

8546. You never heard of it? Never.

8547.

8547. And never mentioned it to any one? Never.
8548. *By Mr. Forster*: What was your object in writing your diary—was it for your own private information? Yes, because I expected the matter to come before a Court, and of course I thought it better to have some memoranda of things that occurred.
8549. Then you wrote this diary under the expectation of having to refer to it? Yes.
8550. Not for your private information? I looked upon the matter as if we were partners in the affair.
8551. You intended your diary to be shewn to other people? No, not to be shewn to everybody; but I expected it might be wanted in the case of evidence in Court, if this matter was proved against any one.
8552. You intended the diary to be shewn to other persons as well as to refer to on your own account? Not to those not concerned in the matter.
8553. Did you intend it as a reference, to strengthen your own memory? I did it as well for Mr. Bentley.
8554. Was Mr. Bentley aware that you were committing everything to a diary? Yes.
8555. Was that the reason why you wrote it in English? I always write in English now. I am so much accustomed to it that I probably do it more readily than in French.
8556. Do you prefer writing in English as a private reference for yourself? Yes, there are many things that I could write in English better than in French.
8557. What was the meaning of putting down "Incident on Racecourse"? Merely to remember the date when I stated it.
8558. There was no assault at all? No.
8559. Was not that putting down what was not true? Of course, if you like to call it so.
8560. Then you could not state that everything in your diary is correct? Everything except that. It coincides very well with other diaries.
8561. Everything else in your diary is correct? Yes.
8562. You say that incident was invented by yourself, to lay a trap for Mrs. Bentley? Yes, that was my object in doing it then.
8563. Were you not a friend of Mr. and Mrs. Bentley then? Yes, to a certain extent. I looked upon myself more at that time as an acquaintance, because I was altering my opinion, and that must have altered my feeling.
8564. Have you ever laid traps for your friends? If I have a suspicion that my friend has done anything against me, surely he is no more my friend.
8565. You would give up your friend because you suspected him? Certainly I would.
8566. Has it been a habit of yours to lay traps for your friends? No, I never was concerned in a case of the kind before.
8567. This is the only time you ever practised deceit to your friends? Yes.
8568. Are you quite sure that in making your statements to this Committee we can rely upon you? In making statements to this Committee I state facts exactly as they have happened.
8569. How are we to know you are not laying a trap now? I might be laying a trap for myself.
8570. If you had been asked if you were laying a trap, then you would have denied it? Very likely.
8571. If you were asked the question now you would deny it also? If you do not choose to believe me you need not do so.
8572. You mentioned this invented incident to a great number of persons, you say? No.
8573. To several persons? Not as a trap. My object was not to bring Mrs. Bentley before the public.
8574. You told it to several persons? Mr. Bentley mentioned it to other persons, and when they asked me I could not say no, after I had said yes to Mr. Bentley.
8575. Did you always mention exactly the same particulars? Yes.
8576. Did it not give you some trouble to stick to the same particulars? No, not the slightest.
8577. *By Mr. Johnson*: Did not Mr. Bentley send you, after you had quarrelled with him, as you were a party jointly interested, the draft or a printed slip of a letter, which he proposed to publish in the *Herald*? Yes.
8578. Was not the incident on the Racecourse mentioned in that letter? Yes.
8579. Did you not return it as correct? Yes; of course I had stated that to Mr. Bentley, and I could not say it was not so.
8580. You allowed it to go before the world as your statement? Yes.
8581. Mr. Bentley sent you that printed slip before it was published, in order that you might have an opportunity of making any correction? Yes.
8582. And you returned it without any remark whatever on the subject of your statement that you had been assaulted on the Racecourse? Yes. Mr. Bentley's words were these:—"Mr. Boulanger stated to me that on such a date he had been attacked on the Racecourse," and as I had stated that to Mr. Bentley, of course I let it go on.
8583. *By the Chairman*: At this time, had you made any confession to Mr. Harrison that your being stopped was a fiction? I never spoke of that to Mr. Harrison.
8584. *By Mr. Morris*: Never at any time? Never at any time.
8585. Not since this Committee has been appointed to inquire into this matter? No.
8586. You will positively state that? I can swear it.
8587. Then if Mr. Harrison states that you have done so, he states what is false? Yes.
8588. *By Mr. Forster*: Did it give you no trouble in inventing this story? No, I made a very short statement of it.
8589. You prepared yourself beforehand with the story—you took some pains in arranging it in your own mind? I only made up my mind about it.

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8590. Did you ever commit it to writing, at any time, yourself? No, I did not write anything about the anonymous letters.

8591. Were you prepared for the possible consequences of making such a statement as that—Supposing you had been called on to give evidence in a court of justice, what course would you have taken? I would state what I have stated to the Committee—that I never was attacked; and I would state my reasons as I have stated them here.

8592. At the time would not that have prevented the object you had in view? I could not go and state a falsehood there.

8593. Supposing the very day, or the day after, you had told Mr. Bentley this story, a man had been arrested on suspicion, and you had been called on to give evidence, what would you have said then? I would have stated exactly what I have said in this Committee, and I would have stated my reasons to justify my doing so.

8594. *By Mr. Morris:* I wish again to ask you a question with regard to your conversations with Mr. Harrison—Is the Committee to understand that you have, on no occasion, informed Mr. Harrison that this assault upon the Racecourse was a mere invented one of your own, and that you did it to lay a trap for the Bentleys? I never did.

8595. You understand the question? I understand you.

8596. You had no conversation with Mr. Harrison, with regard to this assault having been invented by you? No.

8597. *By the Chairman:* When did you see Mr. Harrison last? I saw him last night, when he brought me the letter of the Committee.

8598. *By Mr. Forster:* You were on very intimate terms with the Bentleys? Yes, I was going there every day until then.

8599. What was the occasion of your falling out with Mr. Bentley? That was a different matter, not connected with this matter.

8600. You did not fall out with Mr. Bentley on the occasion of your telling him you had laid a trap for him? No, that was a different occasion altogether.

8601. When did you fall out with him? Some short time after the assault on Mrs. Bentley.

8602. You are sure your quarrel had nothing to do with this matter? No.

8603. You would have hardly expected to be on intimate terms with them after telling them you had laid a trap for them—that would have prevented you from having any further intercourse with them of an intimate sort? Yes.

8604. Can you give the date when you told Mr. Bentley this incident on the Racecourse was a fiction? I think it was on a Sunday, about three weeks ago.

8605. It was after this inquiry began—was it not? Yes; I was at the *Café* when I was told, I believe by Cheval, that Mr. Harrison had made a statement about Mrs. Bentley's intimacy with him; that this statement had been made here by Mr. Harrison—something about a letter that he produced that had been written by Mrs. Bentley. Then I went to Mr. Bentley and told him my opinion, as I said before, that it would be found that Mrs. Bentley was very possibly the author of these letters; and as I had always expressed my opinion, and had told him himself before that I was satisfied that he had nothing to do personally with the matter, I asked him if he could consult Mr. Johnson on the matter, and if he would think it better to try and avoid bringing me here, because I saw my evidence would be unpleasant, and compromise his wife's case. I wished not to see Mrs. Bentley at all then. Mr. Bentley was telling me his opinion about the letter produced by Mr. Harrison being false. So I wished to speak about the matter with myself to him—my own matter—but I did not like to do it in the house. Then we went out, and Mr. Bentley, of course, at first felt a little hot on the matter, when I was mentioning the matter about his wife.

8606. After going out of the house on this occasion, will you tell the Committee what you told Mr. Bentley exactly? I told Mr. Bentley what I have said about his wife's taking my hands in that way, and I expressed to Mr. Bentley that I really had my suspicions against Mrs. Bentley. I told him about the Racecourse; and I told him how the description Mrs. Bentley had given about the assault coincided with the one I had reported as being perpetrated on me. I told him also that my evidence would perhaps be unpleasant to hear; and that if it was not of much importance to the case, I should be glad if he could, for himself, avoid bringing me here, because, I said, if I am summoned I must state everything that has happened to me or with me, or through me. Mr. Bentley agreed with me that my evidence would be injurious to his case; he said, "I can see very well now that if you come forward it will be injurious to the case, and I am very much obliged to you for mentioning it to me." He said he would consult Mr. Johnson, and do his best to avoid my coming here. Mr. Bentley was very friendly then —

8607. You said just now that he was very hot? Mr. Bentley was very friendly with me when we separated.

8608. He got very warm in the course of your disclosures? Yes. This was about my expression:—"Well, look here, Bentley, I cannot agree with you that Mrs. Bentley is altogether innocent in this affair"—and then he shewed indignation and annoyance.

8609. He did not shew any inclination to commit an assault upon you? Not the slightest.

8610. He separated from you quite friendly? Yes; he shook hands with me, and thanked me; and stated that he thought it would certainly be far better if I was not called for.

8611. Do you know whether you came here on the invitation of the Committee? I received a letter to that effect.

8612. You are not aware whether Mr. Bentley had anything to do with bringing you forward? No, I had no idea I should come forward until last night, when Mr. Harrison gave me the letter, when I was at Mr. Ellard's.

8613. Have you been in Mr. Bentley's house since this? No. I met Mr. Bentley a few days

- days after in George-street, and I was going to speak to him, but he said that during the time this affair is on we had better not speak. M. Edward Boulanger.
8614. Have you seen Mrs. Bentley at all since the time that you had your explanation with Mrs. Bentley? No. 16 Dec., 1862.
8615. What was your object in laying a trap for Mrs. Bentley? I answered that question before.
8616. I did not quite understand you? I stated to Mrs. Bentley that a man stopped me on the Racecourse, and shook me on the left shoulder —
8617. You said that? Yes.
8618. Shook you on the left shoulder? Yes. That I took a revolver out of my pocket, and he took to his heels—that was my statement to Mr. and Mrs. Bentley. Mrs. Bentley afterwards stated, in her report of the assault on her, that the man shook her by the left shoulder also, and said to her, "Oh! you have got one too," when she put her hand to her bosom. She pretended the man was alluding to a revolver.
8619. You did carry a revolver at that time? At that time I did—not always.
8620. Did you give any description of the man you said had stopped you? I gave a description of a man about the size of Harrison, as stated in my diary, with short hair, and dressed in common clothes, just like a man of the working-class—not that he was a man of the working-class himself, but that he was dressed like one.
8621. Is it your opinion that Mrs. Bentley's account of the assault upon her arose out of the story you told? That was my opinion, and it is still my opinion.
8622. You thought one fiction produced the other? Yes, I thought so, and I still think so.
8623. Did you think it was wrong of Mrs. Bentley to tell such a story as that? Decidedly.
8624. Did you think it was worse in Mrs. Bentley than in yourself? Decidedly.
8625. Why? Because mine was a trap, and she fell into it. My reason is this, that it is very strange a woman like Mrs. Bentley should find any necessity of being assaulted in the very same manner so soon after I was.
8626. How do you assume the necessity? I do not believe she has been assaulted.
8627. Where was the necessity? I often heard Mrs. Bentley mention it was very strange she never had been attacked yet, and that she was expecting to be attacked, and she had the detectives several times watching, to prevent any assault being committed upon her.
8628. Was it this remark of hers, about expecting to be attacked, that put it into your head to invent this fiction? Of course this contributed to it, but it was not that exactly. The other matters I have mentioned aroused my suspicions.
8629. Where did you derive the idea of this incident on the Racecourse—was it entirely out of your own head? Of course.
8630. And not taken from a novel? No, that would not look very handsome in a novel; that is not sufficiently complicated.
8631. It was not suggested to you by anybody? No, it was quite my own idea, and I kept it quite secret too.
8632. Was the time you told it to Mr. Bentley the first time you disclosed it to anybody—before you mentioned it to Mr. Bentley had you ever told the whole truth to anybody? No, not before I told Mr. Bentley; he was the first person to whom I gave the detail.
8633. You never mentioned it to Mrs. Bentley? No.
8634. Did you never converse together, as to the curious coincidence of these two assaults? Yes, Mrs. Bentley several times said how strange it was; and Mr. Bentley himself remarked that this assault should have been made in the same manner, and he agreed with me that the description of the man, who assaulted me was so much like the man who assaulted his wife.
8635. You did not say anything about a ring on the finger of the man who assaulted you? No.
8636. On the supposition that this story of Mrs. Bentley's was untrue, how do you explain the circumstance of her being wounded? I understood she was not wounded; I heard she was not.
8637. From whom did you hear it? Mr. Bentley acknowledged to me that Mrs. Bentley had refused to allow her medical attendant to see her breast, and he added that that gentleman at the time told him how impolitic it would be not to insist upon his seeing the breast at the time, because as evidence it would be very important.
8638. The medical man suggested —? The medical man suggested to Mr. Bentley that it would be greatly in their favour —
8639. This was Dr. Brereton? Yes. However, Mr. Bentley told me he could not prevail on Mrs. Bentley to let the doctor see her breast, and he did not think it would be a matter of such importance as it is now.
8640. Was that your principal reason for believing that Mrs. Bentley had not told the truth? No; at the time I did not believe her.
8641. Did you see her at the time? I saw her the next day, I believe.
8642. Did she then complain of pain? She looked very well, that is all I can say. She told me she was in pain, but she did not look as if she had been hurt.
8643. Did she complain of pain without its being suggested to her by any one else, or was it from the question being asked? It never struck me she was in pain. If she had been in pain, very likely I would have observed it without anything being spoken about it.
8644. She told you she was in pain, did she not? She said she had been hurt.
8645. Are you aware whether the wound was at the time being dressed? I understood she told me it had been dressed—at least I think she told me it had been dressed.
8646. It was in her own drawing-room you saw her the day after the assault? In the drawing-room or dining-room.

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8647. And you say she looked very well? Yes.
8648. You did not believe she had been wounded at all? I did not think so; of course Mrs. Bentley did not give me the detail of the description of the wound, because it was not a thing we could very well talk about. The detail was mentioned by Mr. Bentley, part of the nipple being torn or scratched off, as if torn off by the nail of the hand.
8649. I thought you said, just now, that you did not think Mr. Bentley was an accomplice in the affair? I am perfectly sure—at least I am still of this opinion—that Mr. Bentley was not then aware of anything. Of course I am only stating my opinion, but I think that Mr. Bentley has become aware of it since.
8650. On that supposition, do you think Mr. Bentley told you the truth when he told you there was a wound? Mr. Bentley might have told me the truth then, but it struck me that Mrs. Bentley could have wounded herself, because it is easy to create some inflammation on the nipple, I believe. Of course, also, Mr. Bentley may be very willing to take the word of his wife in this matter.
8651. Do you know the two servant girls they had in the house? Yes.
8652. Did you ever talk to them about this particular matter of Mrs. Bentley's breast being wounded? Yes. I met one of the servants in the street—no, it was before that—I think I met one of the servants in the street after Mrs. Bentley had been ill; I cannot tell you the date.
8653. You never asked any questions about Mrs. Bentley's wound? No, not about the wound. I met the servant passing in the street, and I said, "How is Mrs. Bentley?" Oh! I remember, it was after I had fallen out with Mr. Bentley, and when I was no more visiting at the house, I met one of the servants, and I asked, "How is Mr. Bentley; how is Mrs. Bentley?" I had heard Mrs. Bentley had been very ill, but I do not know what the cause was.
8654. Nothing relating to the question before the Committee? No.
8655. Was it owing to these occurrences you have related now, that you were led to the conclusion that Mrs. Bentley had something to do with these anonymous letters? Yes. Of course what I have read also in the papers since then about the Exeter affair, confirmed me in that opinion. There were some statements made to me by Mr. Bentley that made me look upon Mrs. Bentley as rather an extraordinary character.
8656. Was that before you laid the trap? Yes.
8657. Was that what first excited your suspicions? No, but it was one of the things that induced me to—
8658. The statement that Mr. Bentley made? Yes.
8659. That and the manner of Mrs. Bentley made you suspect her? The way he spoke to me of Mrs. Bentley as a pupil of Thalberg—that she had her lessons at a nobleman's. It seemed to me that the lessons she would have from Thalberg could not be very important ones, because he said Thalberg would say, "Will Lady So-and-so go to the piano?" It struck me from Mrs. Bentley being called Lady So-and-so, that she must have been notorious in life. This was in reference to a matter which, it appears, had offended Mrs. Bentley; I was speaking of Thalberg, and she got uncomfortable about it, and Mr. Bentley then told me not to be any more sarcastic with her about Thalberg. What I mention now has not been mentioned by me to the public in general, and I mention it now to give my reasons for getting my suspicions excited. It was said when she came here that she was a pupil of Thalberg, but Mr. Bentley told me that on her taking her lessons from Thalberg, he did not say more than, "Will Lady So-and-so go to the piano?"
8660. That is, that Thalberg called Mrs. Bentley Lady So-and-so? Yes.
8661. What name did he call her—did he call her Lady Bentley? I wish to explain. He said to me, "Of course we say Mrs. Bentley is a pupil of Thalberg, because she must earn her living; but, between us, Mrs. Bentley was not a regular pupil of Thalberg, because, when she had her lessons, it was merely at a nobleman's, and the only way she took her lessons was that Thalberg used to say, 'Will Lady So-and-so go to the piano?'"
8662. Meaning Mrs. Bentley? Yes.
8663. Then you infer that Mr. Bentley told you more than he would like to tell the public? Yes, he told me more than he would like to tell the public; but that has been left between us.
8664. Do you mean to say there were other things told you that you do not like to tell now? There was one thing Mr. Bentley told me was to be kept between us.
8665. *By Mr. Johnson:* Mr. Bentley desires that you will keep nothing back that he either said, or you pretend he said? He has told me a secret which I have really forgotten, but it could not have any connection with this matter.
8666. I tell you again he desires you will not conceal anything, and he wishes you would speak the truth? I can only say what I know.
8667. You have not stated it yet? I have stated all I could. I know Mr. Bentley has told me something in the form of a secret, asking me not to mention it again. I remember it was something about Mrs. Bentley being at nurse—something about the birth of Mrs. Bentley.
8668. *By Mr. Forster:* It had nothing to do with the present inquiry? No, it could not have anything to do with the present inquiry, but Mr. Bentley seemed to infer that perhaps the Jesuits could have had something to do with it—that perhaps the birth of Mrs. Bentley might be connected with the matter.
8669. Are you sure it had nothing to do with the Exeter case? I am sure of that. It was merely something about the birth of Mrs. Bentley.
8670. You seem to have formed a very poor opinion of Mrs. Bentley's veracity? Of course I could not very much believe in what Mrs. Bentley said.
8671. Did you not at one time talk very highly of Mrs. Bentley? Yes, once I was inclined to do so. Even after this statement of Mrs. Bentley's about the assault, I would sometimes

- say to myself that it would be a strange coincidence if she really had been attacked that day, and yet I could not come back to believe it, because every statement of hers corresponded so well with what I had said about the attack that was not made upon me. From the evidence of things upon record, I sometimes thought it possible I may have been mistaken.
8672. Sometimes you have thought it was possible there might have been a mistake? Yes, seeing how Mr. Bentley persisted in having the matter before the public; it seemed very strange he should do so unless he felt convinced he was right. Yet I could not take away from my mind the idea that this must have been an untruth, because of the similarity of the description of the assault.
8673. You sometimes then thought what Mrs. Bentley said was true, and sometimes you came to the other conclusion? Sometimes I had doubts.
8674. What is your opinion now? That it was all untrue. As I have stated, from my experience of the case, I am willing to come to the idea that Mrs. Bentley had something to do with the matter, but I am not accusing Mrs. Bentley; I have no proof, because I consider if I had proof I could have prosecuted Mrs. Bentley.
8675. For the letters written about yourself? Yes; if I had proof I certainly would have a right to do so, though it is possible I would not have done it.
8676. If you were satisfied your suspicions were all true, would you think it your duty to prosecute Mrs. Bentley? That is my business. It is not likely I would prosecute a woman though.
8677. Did you come to this conclusion upon any comparison of handwritings at all—did you ever look at any of these letters at all carefully? Yes, very carefully. At one time Mr. Harrison was so sure it could not be anybody but Mr. Montagu that I very carefully looked at the letters myself, and it struck me very much at the time too. That was one of the things that created a doubt in my mind; yet always, why the assault? That was always what I thought.
8678. Mr. Hanson was sure—was he not? Yes, he accused Signor Cutolo.
8679. Then your judgment was rather shaken, but never very positive? Well, I knew, being on very bad terms with Mr. Cutolo, because I did not acknowledge him as a professional man —
8680. Would your not acknowledging him as a professional man lead you to believe he would write these letters? Of course, from the character they give him—knowing he is of a very jealous disposition—after all these absurdities of his in the papers, which certainly shew great feelings of jealousy towards other people, I certainly felt inclined to think he might be connected with the matter, in order to keep his place in the profession. I am given to understand that I am a leading man in my profession, as far as talent goes, and of course I must be in the way of Mr. Cutolo in the profession.
8681. You thought he would have a motive —? Yes, that he might be annoyed if the public inclined to think me his superior. This caused a probability in my mind as to his being connected with it.
8682. Looking at the letters, you thought there was a little similarity between the writing of some of these anonymous letters and Mr. Cutolo's writing and Mr. Montagu's both? Yes.
8683. You thought Mr. Cutolo had a motive for it? One reason why I felt inclined to believe Mr. Cutolo was in the matter was, that Mrs. Bentley told me once—I think Mr. Bentley was present—that Cutolo recognized her the first time he saw her, and he said where could he have seen her, or something of that kind.
8684. Have you entirely given up this impression about Signor Cutolo and Mr. Montagu? I think Mr. Cutolo had nothing to do with it.
8685. And Mr. Montagu—do you also entirely exonerate him? Yes, I do.
8686. That is entirely different from what your opinion was at first? Yes.
8687. You say you arrived at that opinion by your observation of the conduct of Mrs. Bentley? Yes, and of course by a great many things I heard too. That assault at Newtown seemed to me so very strange that I began to adopt the public opinion.
8688. Do you know anything about Mrs. Bentley's handwriting? I had a letter from Mrs. Bentley once, thanking me about some concert.
8689. Do you think you could find it? I might.
8690. You think you know Mrs. Bentley's writing? Yes, I think so.
8691. Would you say that (*handing a letter*) was her handwriting? No.
8692. Is that (*handing another letter*) her handwriting? That would be more like it.
8693. Would you say positively that is her handwriting? I would not swear positively to handwriting in any way.
8694. What do you think of that writing (*handing letter marked B. 1. Vide Appendix*)? I think it is Mrs. Bentley's.
8695. You think that is Mrs. Bentley's? Yes, it is very much like her's.
8696. Are you tolerably positive? I could not be positive at all; I only had one letter from her.
8697. Are you sure that is a woman's writing at all? I am not an expert, but I should fancy it is.
8698. Do you know that (*letter marked B. 3*)? No, I would not take that to be her writing.
8699. You think this (*B. 1*) is her handwriting? Yes.
8700. Have you seen any other letters of Mrs. Bentley's besides the one to yourself? No.
8701. Did you ever see any letters of Mrs. Bentley's to which her name was signed? No; I think all I saw of Mrs. Bentley's writing was that one—"Mrs. Bentley presents her compliments," and so on.
8702. Do you recollect the occasion of Mr. Harrison going away up the country, after he had been watching in the Bentleys' house for some time? Yes.

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8703. Are you aware whether any arrangement was made for Mr. or Mrs. Bentley to write to him with regard to the occurrences that might take place? No.
8704. Did you ever hear Mrs. Bentley speak of having met a priest going to Newtown? I have no recollection of that.
8705. Did you ever hear the circumstance mentioned in Mr. Bentley's house at all, of Mrs. Bentley having met a priest going to Newtown? I do not recollect it.
8706. You were talking of something extraordinary in Mrs. Bentley's manner towards you—squeezing your hand—I want to know whether you ever looked her in the face at the time she did so? I may look people in the face —
8707. I mean to ask what you should judge from the expression of her face—did it coincide with the pressure of her hand? It was a very kind expression; that is all I can say. I cannot say any more than that surely.
8708. Was there anything improper in the expression of her face at the time? No, I cannot say there was.
8709. Was it merely friendly? Yes, it was friendly.
8710. Was it more than friendly? It was not an expression of the face to induce me to believe that Mrs. Bentley was in love with me.
8711. Although you judged it from the pressure of her hand? I do not know exactly how to express myself; it was not a shake of the hand—it was a pressure. She would say, "Do come; say you will come." It was very friendly. It was the keeping of my hand so long that made me think it was not right. As I stated before, I can quite understand a lady taking the hand, in that way, of a person with whom she had been very intimate, but I do not understand keeping it too long.
8712. Did you ever notice Mrs. Bentley shake hands with any one else? Yes.
8713. Did you ever notice anything in her way of shaking hands with any one else, which resembled this particular occurrence with yourself? No; I have remarked her shake hands warmly, but merely shake hands.
8714. Did you notice her shaking hands with Mr. Harrison? Often.
8715. Did you ever notice anything particular in her way of shaking hands with Mr. Harrison? I never noticed anything particular between Mr. Harrison and Mrs. Bentley, never. The only thing I have against Mrs. Bentley is, that I thought she was going too far in her way of shaking hands with me. I am not attacking Mrs. Bentley's virtue in any way.
8716. Did you ever play cards at Mr. Bentley's when Mr. Harrison was also playing? I do not know.
8717. You have dined there with Mr. Harrison? Often.
8718. On what sort of terms was Mr. Harrison with the Bentleys—was he treated in quite a friendly way? Yes, quite intimately.
8719. You do not recollect playing cards? It is possible I may have played cards there; I think I did, but I do not know with whom it was.
8720. Were you ever at the house on those nights when Mr. Harrison was on the watch and was to sit up at night in the house? No, I do not recollect Harrison sitting up at night; I recollect his staying one night, but we were all together.
8721. Did Mr. Harrison go away with you? I think it has happened several times.
8722. Did Mr. Harrison go away with you always? Generally.
8723. Did you ever hear of his sitting up there late at night on duty? I have heard it was mentioned here in the Committee. I know there was something said about that he was to be there late, but I think it was Mr. Bentley that was sitting up with him.
8724. How long is it since you were at the house? Well, I cannot tell; I think it was in May I left.
8725. You have not been there much lately? Only once.
8726. You are not acquainted with Signor Cutolo to speak to him? No; I used to speak to Signor Cutolo, but we fell out almost immediately. I think it was on account of this affair, and also on account of my opposition to him. I wrote him a letter about his diploma that would not please him very much, and we have mutually cut each other since.
8727. *By the Chairman:* You were, I think, more than intimate as a friend with the Bentleys—you were treated in a different position from ordinary acquaintances? Yes, I considered myself quite a friend. It was a short friendship, but it took place very soon through Mr. Bentley's kindness to myself personally.
8728. From your diary I find you dined there almost every day? Frequently, for a short time.
8729. When you did not dine you called in the evening and had tea? Yes, for some short period I made a point of being there every day.
8730. On the 31st of March you dined with Mr. Harrison at the Bentleys? Yes.
8731. And on the 2nd April you dined there, and got the loan of a revolver. What caused you to get the loan of a revolver? I think it was on account of the threatening letters.
8732. Before the attack on the Racecourse? Yes. I know Mr. Bentley volunteered the revolver.
8733. See what you say in your diary—"2nd April.—Went to Bentley's, and dined with Harrison. Looked into disturbed room, and found anonymous letter. Lives threatened. Took copy of for Mr. Plunkett. Got Bentley's revolver lent to self." What caused you to ask for a revolver at that time? It was, I believe, on account of the opinion expressed by Mr. Harrison that the matter was a serious one. At that time Mr. Bentley had one lent to him by Mr. Harrison, when he lent me his.
8734. Did you think of using it at that time? Certainly I did not think I would kill anybody with it.

8735. Did you load it on the 3rd April? That is possible. I know Mr. Bentley got his loaded. I got mine loaded by Cheval. I did not even know how to manage it. M. Edward  
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8736. Did you not load it yourself? Of course, afterwards.
8737. Look at the entry in your diary of 3rd April, and see if you did not load it yourself? 16 Dec., 1862.  
Yes.
8738. That was the day after you got it? Yes, I suppose so.
8739. Then you dined at Mr. Bentley's again on the 4th, when one of the anonymous letters was found? Yes.
8740. And on the 5th you dined again in company with Mr. Harrison? If it is there (*in the diary*) I did. I do not remember now the days I went to Mr. Bentley's to dinner.
8741. And on the 6th you had tea at Mr. Bentley's? Yes.
8742. And Mr. Harrison and you left at half-past 12? Quarter past 12.
8743. On the 7th of April you waited at Mr. Bentley's, for Mr. Harrison, and he did not come? I do not know if I dined there that day, but I know Harrison did not come.
8744. On the 8th you got an anonymous letter—did that come by the post? Yes.
8745. Was that the letter you have identified this morning? I do not know.
8746. You went to Mr. Bentley's after receiving it, and saw Mr. Harrison there—Just see if you did not see Harrison at Bentley's on the 8th? Yes.
8747. Was it you or Harrison that was too ill to talk about the matter? That was me.
8748. Was your illness caused by receiving this anonymous letter? No, of course not.
8749. On the 9th you dined at the Bentleys', and you had a long discussion about publishing the anonymous letters? Yes.
8750. Did you want them published? Yes.
8751. Who did not want them published;—Mr. Harrison was there? Mr. and Mrs. Bentley objected too. Mr. and Mrs. Bentley wanted a part of it published. I said, no, if anything was published it should be the whole. I know Mr. Harrison seemed to be very anxious it should not be, because he said he had the matter in his hands. I remember betting a new hat with him at the time, that in one month from that time he would have proved that it was these parties—Cutolo and Montagu.
8752. That was on the 9th April? Yes.
8753. Then on the 10th you dined with the Bentleys and Mr. Hanson, and Mr. Black came in the evening? Yes.
8754. Was Mr. Harrison there that day? No, I think if he had been it would have been marked in my diary.
8755. You dined there on the 11th? Yes, I think I went there every day.
8756. And you saw Mr. Harrison then? Yes.
8757. You dined there on the 12th? Yes, with Mr. Harrison.
8758. On the 13th? I went to Bentley's, but I did not dine.
8759. On the 14th? Dined at Bentley's, and saw Harrison.
8760. *By Mr. Hart:* Is there any conversation entered in your diary as having taken place with Mr. Harrison on the 12th April? No; "dined there with Harrison," that is all it says.
8761. *By the Chairman:* If anything particular had occurred, would you have put it down? I could not recollect now.
8762. Was the house disturbed at all that day? I do not remember; I should have mentioned it in my diary, I think, if it was.
8763. On the 15th you dined there? Yes.
8764. And the 16th? Yes.
8765. You were there on the 17th, but did not dine? Yes.
8766. It is quite evident you were almost a member of the family, from these entries;—did you feel any delicacy about going there so frequently? I used to be there, to be on the watch for the enemy, as much as anything else.
8767. Did you ever object to go at all? No, not until a certain time.
8768. On what occasions was it that Mrs. Bentley used to take your hand and ask you, "Do come"? Before I was going there every day.
8769. Then this ceased as you became on a more intimate footing? No, that was where it began, but it did not cease.
8770. Did it increase in fervency—did the shaking of the hands increase in warmth? No, I did not find it so.
8771. Then although there was an increase in the familiarity with which you were received at the house, still the warmth of shaking hands did not increase? No.
8772. After Mrs. Boulanger came to Sydney, you were still in the habit of dining and taking tea there? I do not know about dining, but I used to continue going there.
8773. You were there on the 18th April? Yes.
8774. On the 19th you say Mrs. B. was very ill? That was on the occasion of Mr. Bentley having lost his child. Mr. Bentley called upon me then; he had a cab, and I went with him, looking for the child, till we were met by another cabman who had found the child. We found Mrs. Bentley very ill that day.
8775. You were there on the 21st? Yes.
8776. Was Mr. Harrison there? Yes, I dined there that day; Mr. Harrison was there too.
8777. Did anything particular occur on that day? I cannot see that, because I have put "nothing new."
8778. If anything particular had occurred with regard to the anonymous letters, most likely you would have mentioned it? Yes, it is very likely I would. There is in my diary, "nothing new."
8779. Did Mrs. Bentley hear a noise in the roof on that occasion, or did she state she thought



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- thought she had heard a noise on the roof, do you remember? On the roof, or in the upper rooms do you mean?
8780. In the loft above the upper rooms? We could not hear a noise there from the dining-room. That was generally where I was.
8781. On the 22nd you will find you were at Mr. Bentley's to tea, saw Mr. Harrison, and searched the house from top to bottom? Yes.
8782. Were you with Mr. Harrison when the house was searched? Yes.
8783. You went with him to the different places that he searched? Yes.
8784. Did you go in the roof? No, I did not go in the roof on that day. I only went partly in the roof once—I think it was at the beginning of the affair altogether—and I put my head up merely to see what it could be.
8785. What do you say was the cause of your falling out with Mr. Bentley? It was a private matter of our own, concerning my own affairs.
8786. In no way connected with this matter? In no way. After that I did not keep any more a diary, when I lost the key and could not open it for a long time.
8787. You afterwards received Mr. Harrison at your own place? I received Mr. Harrison two or three times that he came to see me. He came to see if there was anything new—if he could do anything for me.
8788. He was in the habit of seeing you at Mrs. Nutt's? Yes, he saw me there two or three times.
8789. Has Mr. Harrison ever expressed his opinion of your musical talents? Well, I do not know; he might have said something; it did not strike me as anything very important.
8790. You do not remember that he has had any conversations with you on the subject? No particular conversation; I do not recall it.
8791. He has not complimented you on your abilities as a musician? He might have done so, but I really do not remember it exactly.
8792. You feel sure Mrs. Bentley never lighted a cigar and smoked it when you were present? I do not recollect Mrs. Bentley at all smoking in any way.
8793. Have you any entry on the 26th April in your diary? Yes.
8794. Were you at Mr. Bentley's that night? "Went to Bentleys"—saw Harrison"—that is all.
8795. Did you stop there long? I cannot remember. It is not here.
8796. It was after the assault on Mrs. Bentley, was it not? The very day after.
8797. Had the letter you supposed would come, acknowledging the assault on Mrs. Bentley, arrived at that time? I fancy the letter almost followed the attack.
8798. Do you remember if that letter was the subject of conversation on that night—the 26th April? I do not know; I think if there had been anything important I would have mentioned it there.
8799. Is there any entry of the 25th April? Yes.
8800. Was Mr. Aldis present there at that time? There is nothing mentioned about Mr. Aldis.
8801. If Mrs. Bentley had lighted a cigar that night, would you have remembered it? I think if she had lighted a cigar at any time I would have remembered it.
8802. If Mr. Harrison has stated that Mr. Aldis and you were present, and that Mrs. Bentley lighted a cigar and smoked it, do you think it is true? I should say it is not impossible. It strikes me now that Mrs. Bentley has lighted my cigar, merely for fun, and handed it to me; but I do not call that smoking. I think that is very likely what he is alluding to.
8803. Were you present at Mr. Bentley's on the 27th April? It is not marked here.
8804. Do you remember Mrs. Bentley having a fainting fit shortly after the attack at Newtown? I do not remember; I could not say so.
8805. There is no entry in your diary of the attack made upon you on the Racecourse? No, except "Incident on Racecourse."
8806. *By Mr. Johnson:* About that attack on the Racecourse—did you describe to Mr. Harrison the circumstances which you concocted about that? The same thing as I have stated here exactly.
8807. You described the imaginary height of the man? Yes, I told him he was about his height.
8808. And what sort of a man he was? Yes; short hair, and the same kind of dress as the working class of people—short-cut grey looking things. I described to him that he shook me by the shoulder, and that I pointed the pistol at him, and he took to his heels.
8809. Did you say anything more than that to Harrison? No.
8810. Was it part of the story that the man who attacked you was drunk? I said it might have been a drunken man, on purpose.
8811. Did you say that to Mrs. Bentley? Yes, and to Mr. Bentley also.
8812. And you fully described the man in the way you mentioned? I said he did not look like a drunken man at the same time.
8813. You did describe him to Mr. Harrison in the way you have mentioned here? Yes, I remember doing that.

Mr. Thomas Charles Bentley further examined :—

8814. *By Mr. Johnson* : Had you ever any conversation with Mr. Boulanger, when you requested him to keep your communication secret? I had a conversation with Mr. Boulanger when he requested me to keep his communication secret.

Mr. T. C.  
Bentley.

8815. What was that communication? He asked me if there could be any truth in the anonymous letters about Mrs. Bentley's birth. I said the letters bore a lie on the face of them; that they stated that Mrs. Bentley had been the death of her mother two or three years previously, whereas the fact was, that Mrs. Bentley's mother had died when she was quite an infant, so young that she was obliged to be put out to nurse; and if there was any truth in the letters, Mrs. Bentley must be a changeling. He then stated to me that he had a secret on his part, which I suppose every gentleman will consider I am now released from, but I would rather not repeat the secret unless I am forced.

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8816. In relation to a conversation about Mrs. Bentley having received instruction from Thalberg, did you at any time make such a communication as he alleges to Mr. Boulanger? I never had any such conversation at all. I recollect a conversation between Mr. Boulanger and Mrs. Bentley, with reference to Thalberg, but not to the effect mentioned by Mr. Boulanger.

8817. What was the effect of it? Some conversation took place about Thalberg and some book of studies, and Mrs. Bentley told him that the book of studies she used was that of a young lady with whom she had taken lessons at the same time at that lady's house. Those were the only words that passed.

8818. Was Mrs. Bentley, in fact, a pupil of Thalberg's? I think she had some eight or ten lessons of Thalberg.

8819. *By the Chairman* : Has this secret you spoke of any connection with this mystery? It was entirely connected with Mr. Boulanger—a matter entirely relating to himself. It has no reference to these letters in any way, except in so far that the secret he conveyed to me arose from the question he had put to me in reference to there being any truth in the anonymous letters.

8820. You are aware that Mr. Harrison has made a statement that you had a conversation with him respecting the death of Mrs. Cutolo's first husband—Will you state what (if any) conversation you had with Mr. Harrison on that subject, and what the nature of that conversation was? Early in April Mr. Harrison came to my house, and stated that he had done a good day's work. I asked him what he meant. He said, "I have engaged a servant that used to live with Mrs. Cutolo during the life of her former husband." I said, "What bearing has that upon the case you have in hand." He replied, "Well, she still calls occasionally at Signor Cutolo's, and therefore I may gather something in reference to our case; but the matter I have in hand is of a far more serious nature, and if what I mean is correct, there will be no difficulty in believing that the same person is capable of carrying on this anonymous persecution." He stated also that it was in reference to Mr. Heath, Mrs. Cutolo's former husband. I said, "Are there any rumours out of doors, Mr. Harrison, in reference to that?" and he shook his head in a very mysterious way, and said "Well, we shall learn, we shall learn!" I said, "I ask you for a particular reason, because I have had a conversation with a gentleman, which in itself amounts to nothing, but what you have told me gives it life and meaning, and I feel I ought to repeat that conversation to you in confidence, as a privileged communication." I did so, without mentioning the gentleman's name.

8821. What communication? I communicated to Mr. Harrison this fact, that I had spoken to this gentleman—that I had called upon him at the time of Signor Cutolo's marriage, and that that marriage was announced in the *Sydney Morning Herald* in an unusual manner. Mrs. Cutolo was spoken of, not as the relict of Mr. Heath, but in her maiden name. That led to further conversation, and this gentleman informed me, speaking of Mr. Heath, that towards the latter end of his life he was unhappy, and expressed an opinion that he should die of a broken heart; that at that time Signor Cutolo was a frequent visitor at that house, but that Mr. Heath never explained what he meant by that statement. I then observed, "But Mr. Heath died of diarrhoea, did he not—not of a broken heart?" This gentleman replied, "Well, I know little or nothing about it; the fact is, all I know is this, I had a present of some pine apples sent me from Brisbane, and I sent some of them to Mr. Heath. No acknowledgment was made of them, and, fearing that Mr. Heath was ill, Mrs. ——— called to make inquiry; found he was unwell and in bed, and the next day we heard he was dead; and that during the medical treatment which he received, he had made the observation that the opium was killing him." I made some observation to this effect, "Surely if an overdose of opium had been given accidentally or otherwise," (I will not abide by the exact words) "that would easily be known." I forget the answer I had in reply. I then said, "I have understood that Signor Cutolo was very much affected at the funeral, and cried like a child." The reply was, "Yes, if he had been acting upon the stage the part would have been over acted." The gentleman then made the observation, "It is a curious fact too, I heard," (I believe he said on the day of the funeral) "that Mrs. Heath was very much overcome, and expressed a wish that she should be alone, and a lady" (the name was mentioned, but I forget it) "who lived at Balmain, undertook to clear the house, or to convey Mrs. Heath's wishes to her friends. She did so; and when she came to Signor Cutolo, he rose from his chair and said, 'Madam, I am here by appointment.' All the other guests left, and Signor Cutolo remained." That is all the conversation that took place. I thought not much of it at the time, but Mr. Harrison's remarks seemed to my mind to give it certain life and meaning, and I felt bound, as a privileged communication, to repeat it to him, as a detective officer, never expecting that Mr. Harrison would feel justified in repeating statements which were given to him in the utmost confidence, and with a good end in view when they were given.

8822.

- Mr. T. C. Bentley.  
16 Dec., 1862.
8822. Do you acknowledge having these conversations with Mr. Harrison, with regard to his power of raising the body? No.
8823. *By Mr. Johnson*: Did you, at any conversation, ask Mr. Harrison whether he had the power of exhuming the body? I have no recollection of doing such a thing, neither do I believe that I asked him the question.
8824. Have you related the substance of all the conversation that took place between you and Mr. Harrison on that occasion? I have, and the subject was never alluded to since that day.

M. Edward Boulanger re-examined:—

- M. Edward Boulanger.  
16 Dec., 1862.
8825. *By Mr. Johnson*: You did describe this imaginary individual to Mr. Harrison with as much particularity as you have done to the Committee? The same.
8826. You say you made the statement that the man was drunk, on purpose? Just on purpose not to give any suspicion to Mr. Harrison of my object.
8827. You had given, you say, the same description of the occurrence to Mr. and Mrs. Bentley, before you saw Mr. Harrison? The same evening, before I spoke to Harrison.
8828. Did you not ask Mr. Bentley to ascertain from Mr. Harrison whether he knew anything of your movements that night when you said you were assaulted? I do not recollect anything of the kind.
8829. Will you undertake to say you did not? Of course if I do not remember it that is all I can say. I do not remember having any reasons for saying so.
8830. You say you were received on the footing of an intimate friend in Mr. Bentley's house? Yes.
8831. Was he not, in fact, extremely kind to you in many ways? Many.
8832. He identified his cause with yours, considering you as a party attacked as much as his wife? I do not think he exhibited a great deal of fear about me. I consider that Mr. Bentley was extremely kind to me in matters of business at first.
8833. In what way? Well, he acted very kindly in assisting me at first, and it was that caused me to go to him the day I called upon him lately—his personal kindness to me.
8834. Will you tell the Committee the nature of that kindness? If Mr. Bentley has told the Committee, it is not necessary for me to do so; it was a matter of my own business, which had nothing to do with this affair at all.
8835. I want to know to what you attribute the extreme kindness of Mr. Bentley to you? I found Mr. Bentley very kind to me; that is all I wish to say.
8836. *By Mr. Hart*: Did he assist you in a pecuniary manner? I have answered the question I think sufficiently. If Mr. Bentley likes to state the details of his kindness to me, he is perfectly welcome; at the time it was not for publication, and I do not see that it is necessary now. It was personal kindness at any rate; it had nothing to do with my going to his house. I considered that his kindness to me was not so much caused by my taking any interest in the way his wife was treated, or shewing my regret to see any one treated in that manner; I think it was quite personal; it seemed to be a personal feeling in my favour, on his side, which prompted him to act kindly to me.
8837. Shortly after you heard of Mrs. Bentley being assaulted at Newtown, you quarrelled with them? Yes.
8838. The subject of that quarrel was totally unconnected with the anonymous letters? Yes; but there was some coolness, and I thought I remarked that Mr. Harrison and Mr. Bentley had kept things from me, with which I taxed Mr. Bentley at the time, which, of course, increased the quarrel.
8839. The quarrel having nothing to do with this case? The beginning of the quarrel had not, but the end had.
8840. In what way? Perhaps I would not have left his house so promptly were it not that something seemed to be kept back from me, and I taxed Mr. Bentley with it.
8841. Did he tell you that Mr. Harrison had told him not to say anything to you? No, he denied it at the time; he denied anything being kept away from me.
8842. How long after the time that you ceased to be a friend at the Bentleys' house was it that Mr. Harrison applied to you for your diary? It is difficult to say. Shall I say about?
8843. Say, as near as you can, how long you had lost the key when he applied to you for your diary? I had lost the key at Mr. Bentley's.
8844. When did you quarrel with Mr. Bentley? On Saturday, the 3rd of May, it must have been; I remember the date, because that was the day I left Lyons' Terrace.
8845. Are you sure it was not Friday, the 2nd? It is put in my diary as the 3rd. "Left Mrs. Nutt's as resident"—that is all that is here, and that was the day I quarrelled with Mr. Bentley.
8846. Would you undertake to say you were at Mr. Bentley's house on Saturday, 3rd May? I find it in my diary; I must go by it.
8847. Would you undertake to say you were there after Friday, the 2nd? I can only go by what is in my diary. I might have put it in the wrong place—it seems to have been written very hastily.
8848. You say you lost the key there? When I was at Mr. Bentley's, I found I had lost the key of my diary.
8849. Was it at the time you were at Mr. Bentley's that Mr. Harrison applied for your diary? No.

8850. How soon afterwards? I should say about a fortnight or three weeks; it would not exceed that. It may have been perhaps a month; I cannot tell. My present impression is a fortnight or three weeks. M. Edward  
Boulanger.
8851. How can you account for there being an entry in your diary of the 3rd May, if on that day you had left Mr. Bentley's house, and the diary was locked up, and you had lost the key while you were at Mr. Bentley's? This has been done afterwards. All these things you see in pencil have not been written at the time; they were written when Mr. Harrison got me the key of my diary. 16 Dec., 1862.
8852. Was that written after you got the key? After I got the key from Mr. Harrison—after lending him my diary. I put them down from memory carelessly, when I re-opened the diary.
8853. Then you have no confidence about that being the right date when you left Mr. Bentley's house? Not when you find pencil marks.
8854. You think it was about a fortnight or three weeks after you had quarrelled with Mr. Bentley that Mr. Harrison applied for your diary? Yes.
8855. Tell the Committee again what he got it for? He asked if I would have any objection to lend him my diary, as he wanted to consult it about some matters of his own.
8856. In connection with the Bentley case? Of course it was on account of the Bentley case.
8857. *By Mr. Hart:* How did he know you kept a diary? He had seen it often.
8858. *By Mr. Johnson:* Did you ever shew your diary to Mr. Bentley? Yes, I lent my diary to Mr. Bentley.
8859. When did you lend it to Mr. Bentley? I do not know.
8860. Do you know for what purpose you lent it him? It was to consult it about these letters that have been published. Mr. Bentley told me he was going to write a letter in the papers, and I lent him my diary. At that time I had already ceased visiting at Mr. Bentley's.
8861. You have stated before, that he sent you a proof of the letter which appeared in the newspapers on the 4th of June? Yes.
8862. And you read over that proof? Yes.
8863. Did you suggest any alterations or corrections in it? I think I must have mentioned something; I forget now what it was—not anything of great importance.
8864. Did you observe anything in that letter which was not strictly accurate? I do not remember anything now, but if anything is mentioned to me perhaps it might bring my recollection to it.
8865. You read the whole of it? Yes.
8866. As far as you know, was there a single circumstance in it that struck your mind as being inaccurate? I do not think there was.
8867. *By Mr. Hart:* Except the incident on the Racecourse? It was perfectly correct that I had told him so.
8868. *By Mr. Johnson:* You said, in part of your evidence, that you remarked that previous to letters being found in the house, Mrs. Bentley absented herself from the drawing-room, or something to that effect? Yes.
8869. How many times did that occur? I cannot tell.
8870. Did it occur more than once? Yes, I think so.
8871. Do you undertake to say so? I noticed it particularly once, and that is all I will undertake to say positively.
8872. Will you undertake to say it occurred more than once? I will undertake to say I am under the impression that it did.
8873. Will you undertake to say letters were received in the house more than once? The card was received —
8874. The card is one of the instances to which you refer? No, that was not a case when Mrs. Bentley left the room.
8875. You instance the card as one of the instances? No, I do not.
8876. Then why did you mention the card? Because it is a thing that has happened.
8877. Why did you instance the card as one of the instances when Mrs. Bentley left the room? I did not mention it as such.
8878. Had it any reference to my question? It struck me it had not.
8879. Now you withdraw the card? Very well.
8880. Now give me another instance if you can? What question do you put?
8881. What instances can you mention of letters being received in the house, upon occasions previous to which you observed that Mrs. Bentley left the room? The only letter I can mention now is the day it was found on the staircase window.
8882. Then you can only mention one? Yes, as far as a letter goes; but I can mention that on several occasions I have remarked Mrs. Bentley leave the room and afterwards say she heard a noise, and make us search the house, when, of course, we did not find anything.
8883. Did you not say before something to this effect, that she reported that she heard a noise, and that you and Mr. Bentley would then search the house, until Mr. Bentley always found something? I must have meant —
8884. Is it true that Mr. Bentley ever found anything except on one occasion? Next day I used to hear of a letter being found in the house.
8885. Is that true? Yes.
8886. How often did you hear of a letter being found in the house? Three or four times.
8887. That you are positive of? That is what I fancy; I could not swear to any number.
8888. *By the Chairman:* Were there more than two? I could swear to two.

- M. Edward Boulanger.  
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8889. *By Mr. Johnson*: Which were they? I have seen one that was found in the dining-room down stairs, and one that was found on the staircase.
8890. Can you state any more? No, not any letters found. There may be some more, but I could not state more than two.
8891. You remember the letter being eventually found mixed up amongst the music? Yes.
8892. Do you mean to assert that Mrs. Bentley was previously absent from the room on the occasion when Mr. Bentley went down and found the music in a state of disorder? Yes, I mean to say I was left with Mr. Bentley, and Mrs. Bentley was absent for some time.
8893. Do you remember what occasioned him to go down-stairs? No.
8894. Was Mr. Harrison there? No, Mr. Harrison was not there that night.
8895. Do you mean to say Mrs. Bentley on that occasion said she heard a noise? I cannot say that.
8896. Do you say that Mrs. Bentley on that night said she heard a noise? I cannot say that; I cannot recollect the detail of that night.
8897. Can you recollect any other occasion? I know I remarked Mrs. Bentley being absent for some time before the discovery of this letter took place—that is what I remember perfectly well I noticed; and the other occasion was after that, when the letter was found on the window of the staircase, when I remarked that Mrs. Bentley had left the drawing-room, and left Mr. Bentley and myself together, and when she came back she pretended she heard some noise, and said to Mr. Bentley—"Charley, I am sure there has been some noise."
8898. I want to know if you can state any other night? I cannot be more positive than I am at present.
8899. You remember very well hearing Mrs. Bentley describe the assault at Newtown? Yes.
8900. Cannot you tell the Committee whether or not Mrs. Bentley fainted that night or the following night? There is something here I cannot make out—it is marked in my diary the day after the assault. If Mrs. Bentley had been ill that night, surely it would have been marked in my diary. There is one thing marked in my diary which I cannot make out, and which I was speaking about before. It is on the 25th April, where I mention the description. Now here I find on the 24th —
8901. Is there something missing? No, there cannot be any page missing there. On the 24th I find I went to dinner on invitation to Mr. Bentley's, with my wife and Mrs. Nutt, and I understood it was on the 24th Mrs. Bentley was attacked.
8902. You told the Committee, on looking at your diary again, that you heard of the assault on the 25th, and entered it on the 25th—is that so? That is what I said then. That must have been the day it was perpetrated, because it was in the evening I went.
8903. Did Mrs. Bentley faint that night? I do not see it marked here.
8904. Cannot you recollect? I do not see it.
8905. *By the Chairman*: We only ask can you remember? How can I remember any particular day Mrs. Bentley fainted? she has fainted so many times.
8906. That is a particular day—the day of the assault? Exactly; I know that.
8907. *By Mr. Johnson*: How many times can you recollect Mrs. Bentley fainting when Mr. Harrison was present? I can only recollect that once I think.
8908. Were not the servants at that time coming in and out to assist her? Yes.
8909. Did you observe anything peculiar connected with that fainting? No.
8910. You say on the 24th (that was Thursday) you mentioned this incident on the Racecourse? No, the 23rd.
8911. When do you say you mentioned it? I mentioned it on the 23rd.
8912. Do you stick to that, that you mentioned it on the 23rd? I see it marked in my diary; I do not see how it could be there unless —
8913. I am asking you when you say you mentioned to Mr. and Mrs. Bentley that you were attacked on the Racecourse? I do not know what date it was, but I know it was a very short time before the assault on Mrs. Bentley.
8914. Did you not mention it on the 24th? How mention it?
8915. Speak of it to them? Of course I did—I kept it up.
8916. Now, was it not on the night of Thursday, the 24th April, that you mentioned that incident to Mr. Bentley? No, that was not the first time.
8917. When did you mention it at an earlier period? I must have done that the day before.
8918. When do you allege you first told Mr. Bentley of what you call the incident on the Racecourse? I say it must have been two or three days before Mrs. Bentley was attacked at Newtown.
8919. Will you swear it was not the day before, or rather the night before? I cannot swear it; it cannot be less than two days before.
8920. Why do you say it cannot be less than two days before? Because the day after it was talked of. Before Mrs. Bentley was attacked we were at dinner with her.
8921. That is when she told you of her assault? No, because Mrs. Boulanger was there and Mrs. Nutt, and it can be easily proved that that was not when she spoke of her assault.
8922. I am afraid I do not make myself intelligible—I want to know whether it was not the night before Mrs. Bentley told you she was assaulted that you mentioned the incident on the Racecourse? No, certainly not.
8923. *By the Chairman*: Mr. Johnson wishes to know if it was the evening before Mrs. Bentley was assaulted that you mentioned to Mr. Bentley that you had been assaulted? I say I know it was not that evening—that is all I can say.
8924. *By Mr. Hart*: When did you enter in your diary that the incident took place? On the 23rd, it stands in my diary.
- 8925.

8925. When did you see Mrs. Bentley, after you made that entry? It must have been the day before — Then that must be a wrong entry.
8926. When did you make the entry? I made it afterwards—I put it very likely on the wrong dates. I know it took place before. It can be corroborated by lots of people.
8927. *By Mr. Johnson*: What can be corroborated? That I said I was assaulted. It is corroborated by Mr. Bentley's own statement that it took place four days before.
8928. What do you refer to in Mr. Bentley's statement, as corroborating your statement that that fiction was supposed to have taken place four days before Mrs. Bentley was assaulted? Mr. Bentley says it was on such a date—the 22nd or 23rd.
8929. He says the 24th? Well, then I cannot make it out.
8930. Well I think you have got into a difficulty? Not the slightest.
8931. *By Mr. Hart*: Do you mean to say you mentioned the fact of your having been assaulted, before the 23rd of April? Before the assault on Mrs. Bentley was alleged to have been committed?
8932. Did you mention it to Mr. Harrison at the time? The same evening—I think so.
8933. You can accurately get at the time when you mentioned it to Mr. Bentley, by bringing to your recollection the fact that you mentioned it on the same day? I am under the impression that Mr. Harrison was in the house, and busy about something, when I spoke to the Bentleys about it. I went to see Mr. Harrison afterwards, and mentioned to him the same thing.
8934. That was in the evening? Yes.
8935. If Mr. Harrison has stated that your conversation with him took place on the 24th, is that correct? I do not think the date correct, because on the 24th I was there with my wife and Mrs. Nutt, and this would have become a general topic of conversation if that had been so, but it did not.
8936. *By Mr. Johnson*: What is the statement in Mr. Bentley's deposition you referred to just now? I thought it was the 21st; you say it was the 24th; I was under the impression that it was four days before Mrs. Bentley was attacked.
8937. Do you say it was not on the 24th April that you told Mrs. Bentley of this fiction about the Racecourse? It is perfectly impossible for me to answer that safely; all I can swear is, that it was before Mrs. Bentley was attacked. Mr. and Mrs. Bentley were informed by me of my being attacked on the Racecourse before she stated she was attacked herself.
8938. Was it not the night before? That might have happened, but I cannot tell you; you want me to give a definite answer.
8939. You told me it was impossible it could be some time ago? I was under the impression that you wanted me to say that I only informed Mr. and Mrs. Bentley after Mrs. Bentley had been assaulted.
8940. What time of the night did you tell Mr. Bentley? That I cannot tell.
8941. Was it not late, just as you were leaving—you cannot recollect? No, I cannot recollect.
8942. Where did you tell him? I fancy I did in the drawing-room—that is all.
8943. Will you undertake to say Mrs. Bentley was present when you mentioned it? I do not know; I know she was immediately informed of it, if she was not present at the time. At any rate I mentioned it to her myself.
8944. In Mr. Bentley's presence? Yes; we both spoke of it together.
8945. Did you not tell it to Mr. Bentley alone? I am under the impression I did first, and that then after that it became a topic of conversation between Mr. and Mrs. Bentley and myself.
8946. You say you mentioned this fiction you had invented, to many people? Not as a fiction though.
8947. As a fact? As a fact.
8948. To whom did you mention it at the time? Not exactly at the time. I think I mentioned it to Mr. Aldis, Mr. Black—Oh! I don't know; lots of people.
8949. Now, sir, was it a fiction? I am perfectly ready to swear it.
8950. So you say? I will prove it to you now, if you like.
8951. *By Mr. Morris*: Did you ever mention it to any person after you had quarrelled with Mr. Bentley? I have spoken of it very lately.
8952. *By Mr. Hart*: Did you relate it to any one, after your quarrel with Mr. Bentley, as being a fiction? No.
8953. *By Mr. Johnson*: You said most distinctly, that you never told Mr. Harrison at any time, recent or distant, that it was a fiction? I most distinctly state that I never told Mr. Harrison it was a fiction. Even last night he spoke to me, and he seemed to be anxious to know something of it, and I would not tell him.
8954. You never have? No, I never have.
8955. Who did you first tell it was a fiction? I believe I mentioned it to Mrs. Nutt, as being a fiction, for the first time.
8956. When? I believe some time when she got an anonymous letter.
8957. If you can fix the time —? I cannot fix the time. If you will be so kind as to listen to me, perhaps things will come out. I received a letter, I believe at Mr. Aldis's or the Café, which had been left for me, supposed to be from Mrs. Nutt, requesting me not to come back to the school or give any more lessons, as the parents had objected to me. It happened that the very same day I had been dining at Mrs. Nutt's. The letter had been waiting a few days. It was after the June vacation. So of course I did not take any notice of the letter, but I brought it to Mrs. Nutt. Now will you repeat your question, and I will go on?
8958. I say, when did you first tell anybody this story of the Racecourse—was it a fiction? That

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That must be it then, because the writing was so different, and looked so much at the time like that of Mr. Montagu, that I mentioned it to Mrs. Nutt as a fiction, and said that it would be very strange if Montagu was still in the affair. It struck me that it looked very much like Mr. Montagu's handwriting, though it was a kind of imitation of her own, and I said, "It is very strange—I did not think Montagu would be in the matter now." She said, "He has been in it all the time—has it not always been Montagu and Cutolo?" I remember that, after that remark of Mrs. Nutt's, I told her I had never been attacked on the Racecourse.

8959. You mean to say you told Mrs. Nutt during the June vacation? Yes.

8960. Did you tell anybody else but Mrs. Nutt? Yes.

8961. When? Lately.

8962. Who? Many of my friends.

8963. You have been on very intimate terms with Mrs. Nutt, I believe? I must have been when I was living in the house.

8964. You are still? Yes, I am.

8965. Have you any objection to state what is the nature of the intimacy between you and Mrs. Nutt? I must state that I think that is a most improper question to put to me.

8966. Do you decline to answer it? It is a wrong question, and I decline to answer any wrong question, particularly a badly-meant one.

8967. To whom did you first mention the fact of that being a fiction, after you say you mentioned it to Mrs. Nutt? I think it was Mr. Aldis.

8968. Was that before you called upon Mr. Bentley recently? Yes.

8969. Since this Committee has been sitting? Yes; I never mentioned anything until the Committee was sitting, except to Mrs. Nutt, I think: I think that was before the Committee was sitting.

8970. Are you sure of that? Yes, I am pretty sure of it; of course I cannot swear to any date or any day.

8971. Of course it is a matter that rests with yourself to say whether it was a fact or a fiction? I state it as a fiction; if you can make it a fact, very well.

8972. You say Mr. Bentley told you that Thalberg addressed Mrs. Bentley as Lady So-and-so? Yes; in a conversation referring to a sort of remark I passed about Mrs. Bentley, which she got annoyed at, Mr. Bentley told me, next day, in a friendly manner, that Mrs. Bentley had really taken lessons from Thalberg, but that the lessons she had taken were not quite like a professional lady would take. You know there is a very great difference in taking the lessons.

8973. You say that Thalberg addressed Mrs. Bentley as Lady So-and-so? The words "So-and-so" were used by Mr. Bentley—"Will Lady So-and-so pass to the piano?" That was not the way to practise or take a serious lesson, and that was what Mr. Bentley meant at the time.

8974. I want to know whether you declare the words "So-and-so" were used by Mr. Bentley, or a name? I do—"Lady So-and-so." The name of either a nobleman or a noble lady, at whose house this happened, was mentioned, but has escaped my memory.

8975. Do you say these words were used as applied to Mrs. Bentley herself? As applied to Mrs. Bentley herself. Mr. Bentley only mentioned it in that way—"Will Lady So-and-so pass to the piano?"

8976. You stated something about hearing of Mr. Harrison being lately to the Committee—What did you hear about that? I heard at the Café that Mr. Harrison had said here, in the Committee, that Mrs. Bentley had had her arms round his neck, or something of the kind; and there was something about a love letter from Mrs. Bentley to Mr. Harrison—That is what I heard.

8977. A love letter? Yes.

8978. May I ask who your informant was? Cheval, of the Café, told me there was something of the kind, and I went to Mr. Bentley the same evening.

8979. Of course no one was present at this alleged conversation between you and Mr. Bentley? At the time I first went, there was no one in the room, but some one came and opened the door, and when I saw it was Mrs. Bentley I said I did not wish to see Mrs. Bentley.

8980. You and Mr. Bentley had some conversation after that? Yes, we met in the street, and he shook hands with me, and told me it would be better we should not be seen during the sitting of this Committee.

8981. Do you happen to know that it is at his express request you are summoned here? I do not know at whose request I was summoned; Mr. Harrison brought me the letter.

8982. *By the Chairman*: Did Mr. Harrison tell you that it was in consequence of the Chairman of the Committee not knowing your address that he was charged with the letter to you? No; he said he was determined to find me out, because if he had not delivered me the letter, the Committee would have thought he wanted to avoid my coming here. He said, "I am very glad I have found you."

8983. *By Mr. Morris*: Had you much conversation with Harrison, last night, about this inquiry? I had no conversation with him except in the presence of Mr. Ellard. Of course you are aware this is a subject much talked of. Mr. Ellard questioned Mr. Harrison very much, and I am under the impression that Harrison had had enough brandy, and very likely he spoke a great deal more than he intended, but he spoke of all that was going on in the Committee.

8984. *By Mr. Johnson*: Tell us what he said? It would be difficult for me to mention all he said.

8985. The general purport of it? He went on talking about some reasons for his finding out that it was perpetrated by Mr. and Mrs. Bentley. This was objected to by Mr. Ellard,  
and

and Harrison said that the letters had been sent to a certain circle of people who knew the Bentley's; one being sent to a person at whose house Mrs. Bentley was the day before, and that letter stating that Mrs. Bentley was seen with another person, with his arm round her waist, at the very hour that Mrs. Bentley was with the person who received that letter. He said in that way it was very easy for Mrs. Bentley to carry it out without doing herself any injury — But it is no use my repeating all he said.

M. Edward  
Boulanger.

16 Dec., 1862.

8996. *By Mr. Morris*: I suppose he told you also about his familiarities with Mrs. Bentley? No, he did not acknowledge it to me. I blamed him.

8997. *By Mr. Johnson*: What for? For doing such things when he took a case like that in his hands—to take the favours of Mrs. Bentley, and then bring her before the public.

8998. *By Mr. Morris*: Is Mr. Harrison in the habit of boasting about his influence with ladies? I never heard Mr. Harrison boast of anything of the kind.

8999. *By the Chairman*: Did he mention any particulars about the Committee, as to his examination? He said no one was able to say a word. He said very sharp questions are put, and they want to criminate you.

9000. Then he gave you some instructions? No; he said, you will be there and you will find you will not be allowed to say a word.

9001. *By Mr. Johnson*: You have not found that to be correct? Not exactly correct.

9002. Did he refresh your memory at all? No; he mentioned something about meeting me once at the Criminal Court at Darlinghurst. He said something had been made of that, and that Mrs. Nutt and myself were supposed to have been employed by the detectives.

9003. Do you remember an occurrence, at the time you were on friendly terms with the Bentleys, as to Signor Cutolo having been watched for a certain time? Yes.

9004. Do you recollect hearing Mr. Harrison make a statement about his having been watched? Yes, and not a very correct one too.

9005. Did he not say Signor Cutolo had been watched for three days, and that he never left his house during that period; that on one of these days he was closeted with his solicitor, Mr. Hellyer, and in the evening of the other he was seen walking up and down the verandah? He did not say verandah, because the house had no verandah.

9006. Did not Mr. Harrison say verandah? No, he did not. I mistook the house, and it is what I said myself, that I thought Signor Cutolo's had a verandah.

9007. What did you hear Mr. Harrison say about watching Signor Cutolo on that occasion? That one day, I think it was a Thursday, Signor Cutolo was at home all day, and never went out—that is the only thing.

9008. Did he say anything about his being closeted with his solicitor, Mr. Hellyer? I do not remember that. I remember the name of Mr. Hellyer being mentioned several times. I know he stated, at any rate, that Signor Cutolo was at home the whole day, when I found he was not.

9009. Did you not inform Mr. Bentley that the statement of Mr. Harrison could not be correct, because you had found he had gone out? Exactly.

9010. Was it not the fact that you did discover that Mr. Harrison's statement was untrue? Yes, I am sure of that—at least that it was incorrect.

9011. Did you not also make some statement about the verandah that led to a visit to the exterior of Signor Cutolo's house to see whether it had a verandah or not? I was —

9012. Now is not this true—I am reading from the 144th paragraph of Mr. Bentley's deposition:—"He (Monsieur Boulanger) afterwards informed me, that he had ascertained that Signor Cutolo had gone, as usual, to his professional engagements during one of those three days, and afterwards I ascertained and informed Monsieur Boulanger of the fact, that there was no verandah to Signor Cutolo's house. Monsieur Boulanger insisted I was mistaken on that point, and then took up his hat and went out to Signor Cutolo's house to ascertain himself whether there was a verandah to it or not, and shortly returned, saying, that I was right, that there was no verandah; and he made use of an observation to this effect: 'Harrison thinks he must tell us something, and therefore he humbugs us, and I shall tell him what I think; which he afterwards told me he did. Mr. Harrison has never offered any explanation to me on the subject.'" Is that correct? Yes, quite correct.

9013. Did you make use of an observation to that effect? Something of the kind. I remember Harrison saying that he knew where Signor Cutolo was, and he did not know that he had been to Mrs. Nutt's that day.

9014. Did you not also say he pretended to have you watched for protection, and did not do so? He said so, many times.

9015. *By Mr. Morris*: I gather, from what you have stated, that you have no opinion whatever of Mr. Harrison as to his vigilance or his capability of conducting an inquiry of this sort? I have no very good opinion of Mr. Harrison, but to state any particular fact of his conduct in this matter I cannot. But it seems to me matters have been treated not as they ought to have been by a public officer. Parties have been kept a long time in anxiety, and the delay has very likely caused it to do more harm than it would have done.

9016. *By Mr. Johnson*: Did you ever learn that Mrs. Bentley was provided with a stiletto and whistle to protect herself? Never.

9017. Did you never mention that circumstance to anybody at any time? Never.

9018. Not to Mr. Black? Never.

9019. You never mentioned to Mr. Black the circumstance that you were aware that Mrs. Bentley was armed with a stiletto and whistle, or in any other way? Never.

9020. And that is as true as anything else you have said? Yes.

9021. Supposing that you should have mentioned the fact of Mrs. Bentley being armed either with a pistol or stiletto, to Mr. Black, it must have been previous to your quarrel with



- M. Edward Boulanger.  
16 Dec., 1862.
- the Bentleys? I should say so, because I did not see Mr. Black only very seldom. I think I remember now a conversation taking place, and I remember Mr. Harrison advising Mrs. Bentley to be armed, and I am not quite sure Harrison did not — No; I think it was a revolver he spoke of. Mr. Black and Mr. Aldis were constantly wishing me to give them information.
9022. Can you not remember something about a lady's pistol? No, I do not remember anything about a lady's pistol. I remember something about Harrison advising Mrs. Bentley to have a revolver in her pocket.
9023. That was while you were in the habit of visiting at Mr. Bentley's house? Yes.
9024. *By the Chairman:* Mr. Black has written a letter to the Committee to say that you had mentioned to him that Mrs. Bentley was armed? That may be —
9025. *By Mr. Johnson:* Did you tell Mr. Black that Mrs. Bentley was armed? No, not that she was armed, but that Mr. Harrison had advised Mrs. Bentley to be armed when she went to Newtown.
9026. Was that before you had ceased to be on intimate terms? Yes, a long time before.

WEDNESDAY, 17 DECEMBER, 1862.

Present:—

MR. COWPER,	MR. MORRIS,
MR. W. FORSTER,	MR. PIDDINGTON,
MR. WILSON.	

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

Mr. C. E. Harrison called in and re-examined:—

- Mr. C. E. Harrison.  
17 Dec., 1862.
9027. *By the Chairman:* Have you any further evidence that you would wish to lay before this Committee? I produce before the Committee a letter I have received by this Mail from Exeter, which I hand in with a copy of the letter sent, and to which this is a reply.
9028. Will you read the copy of the letter sent by you to Exeter? I will. (*Letter read. See Appendix I.*)
9029. Was not the Honorable Colonial Secretary led to understand that the depositions in the case had been sent for? Not that I am aware of. I never had any conversation with him about it.
9030. Are the statements in this letter correct? As far as I know, they are.
9031. Was this the fullest information you could ask for; could you not have put your interrogatories in a more direct form for obtaining complete information? I thought, from the way I worded my letter, that they would have sent me the full particulars of the case. Had I received such a letter I should have collected the whole facts of the case.
9032. Were you not in possession of something more definite than this, on which much fuller information could have been asked? No. That is all the information that I have been able to obtain here.
9033. Was the name of the clergyman mentioned to you, in the information you have received, in such a way as that you might identify him? No; I did not know what church he was at at the time.
9034. Was his name mentioned, and himself identified in such a way as to enable you to connect him with the case? No.
9035. You say here that she was in the habit of having anonymous letters thrown into her window—were you led to suppose, from your information, that this happened repeatedly? I was told that it had been done upon several occasions. It happened more than once, I believe.
9036. You yourself have no knowledge of its happening more than once? No, I have not.
9037. Have you the answer to this letter? I have. (*Letter read. Appendix 2.*)
9038. Does it not strike you that the information here contained is very meagre? I should have sent a fuller answer certainly if it had been my case.
9039. *By Mr. Morris:* Do you still persist in your statement that Mr. Boulanger told you, a short time ago, that the assault upon him in Hyde Park was a complete fiction? No, not a fiction; but he told me in at Johnson's one night, about 6 o'clock, when I met him there, that what he had reported about his being stopped upon Hyde Park was incorrect—that it was not true in fact; that some of the facts were wrong, and that he had purposely made the mis-statement with an object. He did not make use of the word fiction, but his statement was to that effect.
9040. What date was it when he told you this? I do not recollect the date, but it was directly after the publication of the Bentley letters.
9041. And before the appointment of this Committee? Yes.
9042. *By the Chairman:* And do you still say that you obtained the loan of Boulanger's diary merely for the purpose of fitting a key to it at his request? That was all.

Mrs. Bridget Lindsay called in and examined:—

- Mrs. Bridget Lindsay.  
17 Dec., 1862.
9043. *By the Chairman:* You are a resident of Sydney? I am.
9044. In what street? In Elizabeth-street.
9045. Do you know Mr. Bentley? Yes.
9046. Are you in possession of any facts relative to the matters that form the subject of inquiry by this Committee? Yes. I saw some men coming out of Mr. Bentley's house two or three times, very late at night. I mentioned that I had seen them to Mr. Hellyer, when

when he was speaking to me about the Bentley matter, and I mentioned it to other persons as well as to him. I should have mentioned the matter to Mr. Bentley himself, only I was speaking to one of his servants, and she told me they had the conductors in the house.

Mrs. Bridget  
Lindsay.

17 Dec., 1862.

9047. You mean the detectives? Yes.

9048. Do you recollect anything that occurred on Easter Monday? Yes; I recollect seeing the man coming out of the house and making a jump down from the steps into the street. I could not say as to any other day in particular, but I recollect that night, about that time. I was up nearly all night, through a person, who was stopping with me, having some horses to run at Randwick. On Easter Monday night my daughter went to a ball at Mr. Clark's, and it was very late before she came home. I was sitting up for her, and had the door open, when I saw this man jump out of Bentley's door down on to the pavement, and he left the door open after him.

9049. Would you know that person again if you saw him? I do not know that I should know him again, but I could give his description.

9050. Will you describe him to us to the best of your recollection? He wore light trowsers, with a light tweed coat, with pockets in the side, and a soft hat.

9051. What do you mean by a soft hat? One of these Californian hats, and lightish trowsers, like light tweed. And another night both my own girl and my servant girl were disturbed by hearing a row next door, and when they got up and looked out they saw him come out of Mr. Bentley's door in the same way that I did, and give a jump out upon the pavement.

9052. When was that? It was on another night.

9053. After you had seen him? I cannot say whether it was before or after.

9054. At what time of night was it when you saw the man? It was between 2 and 3 o'clock on the morning after Easter Monday. I am certain about that being the day, because of my waiting up for my daughter.

9055. Was it at the same time that your daughter and your servant saw them? It was about the same time, but not that same night.

9056. Was it during the Easter holidays? I cannot say whether it was or not, but it was somewhere about then; and it was during that month that I saw them two or three times. The reason why I saw them about that time was, that there was a person from the Clarence River, who stopped at my house, and he had a horse to run at Randwick, and that kept me up late, as it was always 2 or 3 in the morning before he came home.

9057. Have you been long resident where you now live? Yes, for the last ten years.

9058. Have Mr. and Mrs. Bentley been long living in their house? About a year, to the best of my opinion.

9059. And they live opposite to you? Yes.

9060. What is your opinion of the occupants of their house? I do not know anything of them, only that I have always seen them on the best of terms. There have been a good many people have asked me about them; and I have always said to everyone who has asked me that I never believed that they had any hand in it.

9061. Who do you mean? Mr. and Mrs. Bentley—I do not believe they had anything to do with it.

9062. How is it they came to ask you? When the letters were published in the paper, a good many people came to me and asked me which was Bentley's house, and I shewed them, and then we got talking over the matter, and they would ask me what I thought of it, and I always said that I did not believe that the Bentleys had anything to do with it.

9063. Did you ever see any persons loitering about the streets, as if they were watching the house? I saw a person loitering about one evening. There was a young person playing at my house one evening, and the window was a little way up; I was walking up and down in the verandah—I always walk up and down there of an evening, till pretty late at night. I noticed a man, walking about, going backwards and forwards. He was a man with dark whiskers and clothes, and he came in under the verandah and looked through the window. I passed over to him and asked him if he was looking for anyone, and he said no; I told him that it was rather cool of him to come and look in at our window, and he walked away. I saw the same man loitering about, two or three times afterwards.

9064. Can you describe this man? He was a stoutish man, about the same height as the man who came out of Bentley's, but stouter, and with different clothes.

9065. Do you know Inspector Harrison? No.

9066. *By Mr. Morris*: Do you know Detective Clark? No.

9067. I wish you to call to mind so as to be able to say positively if it was Easter Monday or Tuesday that you saw the man? I can say decidedly that it was Easter Monday; that it was early on Tuesday morning. I know this because Mr. Clark's ball was on the evening of Easter Monday.

9068. What I mean is, are you sure that it was not on the Wednesday morning? No; and I am all the more certain for having to wait up for the family coming in. They were at Mr. John Clark's at a ball, and I am sure about its being Easter Monday.

9069. And you are sure that it was after 1 o'clock in the morning? I am sure that it was after 3 o'clock.

9070. Was it before day-light that you saw the man? It was near 4 o'clock, because it was after 4 when my daughter came home. I am positive of this, for I did not go to bed afterwards, and when they came home I went and cleaned up the place.

9071. *By the Chairman*: Was there not an empty house on the opposite side of the way? No; but there was an empty house next door to our place. There was a woman named Poole who took it. She had come from the islands; and I saw the man come over from Bentley's house and rap at the door of Mrs. Poole's, and go in.

- Mrs. Bridget Lindsay. 9072. Did that occur more than once? I will not say that it did occur more than once.
- 17 Dec., 1862. 9073. Did it ever strike you that there were unusual noises heard in that house? I did not take notice of any noises I heard there, because the person who took it was no great things. She was a woman who had come up from the islands, and a lot of cabmen and others used to go there. She was a woman who had been sent away from Mr. Roache's and Mr. Marshall's, and then she took that house.
9074. And you have seen them come across from Bentley's and go into that house? Yes; and the night my daughter and the girl saw them coming over, there was a noise in at Poole's house, and the girls got up and opened the window over-right Bentley's door, and then they saw the man come out of Bentley's.
9075. Was there more than one? No; I never saw more than one man, only that once.
9076. *By Mr. Morris*: Could your daughter or your servant remember the particular day or night on which they saw this man? I do not think they could, because I cannot remember the precise time that I saw him, except upon that one occasion, on the Easter Monday.
9077. *By the Chairman*: If it had not been for the peculiar circumstance of your daughter having gone to the ball you would not have been able to speak so positively of that day? No; nor I would not have remembered it then, but when I saw Mr. Bentley's letters in the newspaper, I at once recollected seeing the man coming out of Bentley's. I saw the man frequently before that, and I thought several times of going and telling Mr. Bentley about it, and that I had seen persons coming out of his house at most unreasonable hours. I knew that he could not know of it, because I had seen him going to bed. I could see his light in his bedroom.
9078. *By Mr. Morris*: How late was it when you saw this man leave Bentley's house? About 12, and from that to 1 o'clock in the morning. When I saw him I thought it might be some person going after the servants, and that was the reason why I was going to let Mr. Bentley know. One day, however, they sent over to borrow something of me, and then the girl told me that they had the detectives in the house, and I said nothing about what I saw.
9079. *By the Chairman*: You said, I think, that you told Mr. Hellyer that you were sure the Bentleys had nothing to do with the matter; what was it Mr. Hellyer said to you that caused you to make this remark? It was after the letters had been published, and Mr. Hellyer was asking about it; and he pointed to the roof of the house and asked me if it were possible to get up there. I said I did not know, but that it was higher at the back than it was in front. He asked if I thought any one could get upon the roof, and I said I thought they could.
9080. *By Mr. W. Forster*: Did you say that your house is next door to that of Mr. Bentley? No, it is on the other side of the way.
9081. It is opposite to it then? Yes; both my houses are opposite to where Mr. Bentley lives.
9082. Then what is the position of this empty house that you speak about? It is next door to me.
9083. So that these two houses—your house and the empty house—are opposite to Bentley's? Yes.
9084. And this empty house is the one that Mrs. Poole lived in? Yes.
9085. If this person lived in it what makes you call it an empty house? I mean that it was an empty house at one time, before Mrs. Poole took it.
9086. And you saw a man go across direct from Mr. Bentley's to Mrs. Poole's? I saw two men.
9087. Upon several occasions? No, only upon one occasion; they both went across and opened the door.
9088. Did they knock? I cannot say that they did.
9089. Did they knock, or did they go in immediately, as if they had the means of giving themselves admission? I saw them go in, but I cannot say whether they either knocked or rung; I did not hear them, and they seemed to me to just open the door and go in.
9090. Did you see them come out again? No.
9091. Was either of these men the man you had seen coming out of the house upon previous occasions? One of them, I think, was.
9092. The same as you saw upon the Tuesday after Easter? Yes, the same man that I saw spring out of the door on to the pavement.
9093. Then upon several occasions you saw one man, and sometimes you saw two? Yes.
9094. You were standing opposite the door on the night that these men came out? Yes.
9095. Did you notice in what way they came out, whether they came out suddenly, or whether they took any precaution as if they did not wish to be seen? No, they just came right out.
9096. Did they leave the door open after them? I did not notice upon that occasion, but on the night that the man came out alone he left the door open after him, for I did not hear it shut.
9097. Did you ever notice any person coming out of the empty house and going over to Bentley's? No.
9098. Do you think you would know this man that you saw upon several occasions if you were to see him again? No, I am not positive about that; I do not think I should.
9099. Was he like anyone you now see in this room? No.
9100. Do you know any of the detectives? No.
9101. You are sure that the man was not any one that you knew? I am.
9102. After all these things had occurred—your hearing the noises and your seeing the man come out of the house—were you not frightened? No, I was not; I generally took the air outside my own door in the evening, walking up and down.

9103. But did it not occur to you that this man, coming out of the house at these strange hours, had something to do with this case of Mr. Bentley's? Not then, because I did not know of it, but it did afterwards. When Lindsay brought me the paper with the particulars of the case, I said immediately that I would tell Mr. Bentley of what I had seen. Mrs. Bridget Lindsay. 17 Dec., 1862.
9104. And that was the time that you were told that Inspector Harrison and the detectives were there, and that prevented you from telling what you had seen whilst others were looking on? They did not see him on the night that I did, but the girls had seen him the night he crossed over.
9105. But on one occasion you saw the man coming out of Bentley's house when the girls were standing by? Yes.
9106. When your daughter was also present? Yes.
9107. And you were all three looking on? Yes.
9108. Did this ever happen upon more than one occasion? No, I do not think it did.
9109. Did you notice whether, upon this occasion, the man observed you? I was under the verandah in the shade, and I cannot say whether he did or not.
9110. Do you think it likely that he did? I am not sure, but I think not.
9111. Upon one occasion you saw one man come and look in at your window? Yes.
9112. Was it the same man that you had seen coming out of Bentley's? I do not know if it was, because he was dressed in a different way; he had on dark clothes, and the man I saw come out of the house had light clothes. But I do not think it was the same, because he was not so tall as the other man. The man who looked in at the window was a stouter man, with dark whiskers.
9113. It is possible, then, that this man, who came and looked in at your window, was a detective? Yes, it is.
9114. Did you give any information of what you had seen, to the authorities? No, I did not know that it was of any consequence; I thought it was some person coming after the girls.
9115. But after this case of Bentleys was mentioned in the paper, did you not think it your duty to state what you knew? If anybody had come and asked me I should have done so; I told everybody who spoke to me on the subject.
9116. Then you did tell several persons what you had seen? Yes, I told a good many—Mr. Hellyer was one of them. I said I had seen people coming out of the house at very late hours. I did not think I could throw any light on the matter, or I would have mentioned it before.
9117. *By Mr. Morris:* How long is it since you told Mr. Hellyer? It is a good while ago now.
9118. Was he the first person you told? Yes, I think he was.
9119. *By Mr. W. Forster:* Do you know Mr. Bentley's house? I do.
9120. Do you know it sufficiently to say whether there were any means of getting into the house, except by the front door? I do not know, but I think any one might get in at the back, because it was very insecure.
9121. In what way? He might get on a ladder over the wall, and then he could get up from the yard on to the balcony to the back parlour. Or he might get down into the cellars, through the grating in the front of the house, and then he could go up-stairs and let himself out at the front door.
9122. When once a person got into the cellar he could go all over the house? Yes.
9123. And were the doors so insecure that they would not prevent the passage of any person through the house? I will not say that, but I know that I had the care of the house next door, when it was to let, and the children used to get into the cellars by the gratings, and run all over the house, and then let themselves out at the street door.
9124. Could you get from one house to the other? Yes.
9125. Were there doors leading from one to the other? No.
9126. How would a person get from one to the other? By the back verandahs, which joined each other.
9127. Were there any means of communication by the garrets, over the roof? I cannot say that. I do not remember, though I have been all through the houses, as the landlord always leaves the key with me, to get the houses cleaned out when they are empty, and I have the letting of them.
9128. Did you ever see Mr. Bentley letting any one out of his house at a late hour of the night—as late as 12 or 1 o'clock in the morning? I have not.
9129. You know Mr. Bentley when you see him? Yes.
9130. Are you sure that it was not he who came out of the house? I am sure it was not.

Miss Elizabeth Lindsay called in and examined:—

9131. *By the Chairman:* You reside with your parents in Elizabeth-street? Yes. Miss Elizabeth Lindsay. 17 Dec., 1862.
9132. Do you know the Petitioner, Mr. Bentley? I do.
9133. This Committee has reason to believe that you can give them some information regarding a person who had been seen coming at a late hour out of Mr. Bentley's house? Yes; I saw a man jump down from Mr. Bentley's door-step into the street. I saw him twice.
9134. Can you describe the man? I do not think that I should know him again. I did not see him clearly enough for that.
9135. Did you see him sufficiently well to be able to describe his dress? He wore a dark coat and light trowsers.

- Miss Elizabeth Lindsay.  
17 Dec., 1862.
9136. Do you know Inspector Harrison? No.
9137. Do you know on what day of the month, or in what month you saw this man? I do not.
9138. Do you remember being at a ball at Mr. Clark's on Easter Monday night? Yes.
9139. What day did the ball take place? On Easter Monday evening.
9140. You are positive that was the day? Yes.
9141. And you came home again on the Tuesday morning? Yes.
9142. At what hour? Between 4 and 5 o'clock in the morning.
9143. *By Mr. W. Forster*: You found your mother sitting up for you when you came home? Yes.
9144. She was up and opened the door for you when you came home? Yes.
9145. Did you see any man coming out of Mr. Bentley's house on that night? No.
9146. *By Mr. Morris*: What hour of the night was it when you saw the man jump down from the steps of Mr. Bentley's house? It was somewhere about 12 o'clock one night, and the second time about 2 in the morning. We went to bed at 12.
9147. How came you to be up at that late hour? We generally set up rather late.
9148. And you are certain it was as late as you say—2 o'clock? Yes, the second time I saw him.
9149. Then when you saw him at 2 o'clock was subsequent to when you saw him at 12? Yes.
9150. *By the Chairman*: Were there two persons coming out of the house upon one occasion? No, only one person each time.
9151. *By Mr. Morris*: Did the man run away up or down the street, or did he walk away leisurely? No, he gave a jump out from the door and walked away very fast up towards King-street. He did this both times.
9152. Do you think you should know this man again if you saw him? No, I should not.
9153. Do you know that a person named Poole was living next door to you? Yes.
9154. Did you upon one occasion see a person leave Mr. Bentley's house, and go over to Mrs. Poole's, and go in? I saw a gentleman go once across from Mr. Bentley's house to Mrs. Poole's.
9155. Was that late at night? It was about 9 o'clock at night.
9156. Do you know who it was? No.
9157. Was it light or dark? It was rather light.
9158. How was he dressed? With light tweed clothes.
9159. Did you notice the colour of his hair or his eyes? No, I could not see sufficiently for that at that hour.
9160. What description of hat did he wear? I do not remember.
9161. *By Mr. W. Forster*: That was not the time you have previously described when you saw the man jump out of the house? No.
9162. When you say that he was a gentleman, how did you come to that conclusion—how did you manage to distinguish him as being a gentleman? He appeared to have a more gentlemanly manner and appearance than the man whom I saw previously.
9163. Who was with you when you saw the man jump out of the house? No one the first time; but the second time I called up the servant girl to look at the man coming out of Mr. Bentley's.
9164. You were not present when your mother saw the man? No.
9165. Do you know any of the detectives? No.
9166. Nor would you know the man again if you saw him? No.
9167. Nor the gentleman, if you saw him again? No.
9168. Do you know the premises occupied by Mr. Bentley? No.
9169. Have you been in his house? No; I have been in one of the houses, but not in Mr. Bentley's.
9170. You know Mr. Bentley? Yes.
9171. You are sure it was not he who came out at that hour? I am certain it was not.

Mr. Thomas Charles Bentley called in and examined:—

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9172. *By Mr. Morris*: Will you be kind enough to state to the Committee the reasons you had for suspecting Signor Cutolo of being the author of these anonymous letters? My suspicions first took a serious form in consequence of a conversation I had with Mr. Hanson. He came to my office at the Union Club, and told me that Signor Cutolo had been at his office, and after thanking him for something he had previously done, had begged that he would not allow him to be unfavourably reviewed in the *Empire* newspaper. Mr. Hanson said that he had his duty to the public to do, but that Signor Cutolo, with his great talents, need not have any fear of criticism. Signor Cutolo then said that he had great difficulties to contend with, that he had given a great deal of offence by his proposal to have a public examination of his pupils, and that, in consequence, he had ceased to teach at Mr. Burton Bradley's and at Miss Cooksey's school. Mr. Hanson then asked him, "Who succeeded you at Miss Cooksey's?" To which Signor Cutolo answered, "Signor D'Apice." Mr. Hanson then asked if he was an Englishman, for his name did not sound English. Signor Cutolo answered, "Oh no! He is not an Englishman, but an Italian—a Jesuit, and a believer in the Pope; but his name is not D'Apice, but Sica." Mr. Hanson then said, "I suppose you are a Garibaldiite?" To which Signor Cutolo replied that he was. The same day an advertisement appeared in the *Sydney Morning Herald*, respecting Signor D'Apice, stating that his name was not D'Apice, but Sica, and that his wife and children had arrived in Melbourne.

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With regard to that advertisement I heard from every one that Mrs. Heath was supposed to be the party concerned in the insertion of that advertisement. Mr. Hanson's partner had had some of the anonymous writings put before him, and on seeing some writing of Signor Cutolo, he at once declared that it was very similar to that of the anonymous letters. Being desirous of sifting the matter, I called on Mr. Fairfax, of the *Herald*, having requested an interview with him, thinking that by tracing out the one thing I might get a clue to these letters in my case. I asked him if he suspected anybody, and he told me that he had had no doubt whatever about the authorship of the Margaret Dodd's letters. He said that there was one thing that had strengthened his opinion as to who was the guilty party, and that was that a clergyman had called on him as a kind of apologist for this gentleman. He did not mention who the party was that he suspected, but I guessed it at once, for I happened to know that the Rev. George Morton had waited upon him, in order to remove any doubts he might have on his mind in regard to Signor Cutolo being the author of the advertisement. Thus Signor Cutolo being supposed to be guilty in the one case made me think it probable that he would be guilty in the other. Then after this followed Signor Cutolo's opinion of Signor D'Apice, published in the newspaper, in which he declared that Signor D'Apice was a personal friend of his own—a bosom friend; and I could not at all recognize the consistency or the proper feeling of a man who could one day say that a man was a Jesuit and a Papist, and the next declare him to be his most intimate friend. I could not reconcile the two statements, and that made me form a very strong opinion in regard to the guilt of Signor Cutolo. The thing that weighed chiefly with me in coming to this opinion was this—that a person who could call another, whom he acknowledged as his bosom friend, a Jesuit and a Papist, had in so doing laid aside all the feelings of a man of honor and a gentleman; and I at once thought that if Signor Cutolo was capable of doing this, he would also be capable of writing such letters as had been circulated respecting Mrs. Bentley. These were my reasons for suspecting Signor Cutolo.

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9173. What were your reasons for suspecting Mr. Montagu? I have not the slightest evidence on my own part against Mr. Montagu. All the evidence that I have against him has been brought to me by others. Mr. Hanson told me, in the first instance, that he was in his employ on the *Empire* newspaper, and that he turned him off for anonymous letter writing, and that he was a very likely man to have been employed by these parties as an amanuensis. I was then told that a bundle of his letters had been examined, and compared with the anonymous letters, and that Mr. Harrison had put them under the glasses for the purpose of comparison, and that he and Captain M'Lerie had no doubt about the writing being the same. The only thing that I saw myself suspicious about him was one day we saw him near one of the letter-receivers, and we thought that he had posted a letter; but we found out afterwards that he had not done so. Thus the only evidence that I myself have about Mr. Montagu is in his favour; whilst all the evidence against him has been brought me by others.

9174. Did Mr. Hanson give you any reason for suspecting him? Yes; he said he had been connected with the *Empire*, and that he had been turned off for anonymous letter writing. He told me also that he believed Mr. Montagu to be a man quite capable of doing any such mean thing as this. All I knew of him was from Mr. Hanson, for I did not even know at that time that there was such a man in existence as Mr. Montagu, if that is his name, for I am given to understand that his name is not Montagu.

9175. What is his name? Mr. Nathan.

9176. Did Mr. Hanson tell you that Montagu had written a fulsome letter about Signor Cutolo, and requested him to publish it in the *Empire*? I have a copy of one letter which Mr. Hanson handed to me, expressing a desire that I would shew it to Mr. Johnson. I made a copy of it, but I did not shew it; I did not think I was warranted in doing so. It is a fulsome production; that is the only word that can be applied to it.

9177. Did he say that that letter was written with the knowledge of Signor Cutolo? He did not say so, but then Mr. Montagu was advertised in the public newspapers as secretary for the concert in aid of the Lancashire Distress Fund; Signor Cutolo appointed him to that office, and it was therefore to be assumed that, as the notice had reference to that concert, it was written with his knowledge.

9178. *By the Chairman*: Did Mr. Hanson lead you to suppose that Signor Cutolo had any knowledge of this letter? He did, in this way: that he informed me that Signor Cutolo had previously requested that he should not be unfavourably reviewed.

9179. Since the publication of your letter of the 4th June, has Mrs. Bentley lost any of her pupils? Not one; nor am I aware that I have lost a single friend, except Mr. Aldis and Mr. Hanson.

9180. Did Inspector Harrison ever remain up alone with Mrs. Bentley after 12 o'clock at night? Never.

9181. How do you manage to be sure of that? Because, as my diary will shew, during the whole time that I was subjected to this excitement, I never went to sleep without first taking a heavy narcotic, and, in order that it might have its proper effect, I never took it until I was sure that I should not be disturbed. On this account I always waited for the street door to be locked, and for Mrs. Bentley to come up-stairs, before I took it. On several occasions when he has been late, I have knocked upon the floor over their heads, with the butt of my pistol, in order to let Mrs. Bentley know that it was time for him to go. His excuse for staying so late was that at 12 o'clock was the time when his men were relieved, and he stopped till that hour in order to see that his men were there and on the look out. It certainly never occurred to me that there was any impropriety in asking Mrs. Bentley to close and bolt the door after a police officer whom we had in the house for our protection.

9182. You placed the most implicit confidence in him? I did, in his truth and honesty,  
but

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but not in his intellect. But I used him in the same way as we all do at times persons of whom we do not entertain the very highest opinion; because, as I thought, it is better to have a horse you can ride than one who will throw you. I have said that I did not think very highly of his intellect, for he was indebted to us for everything in the case, every suggestion came from us, but then I thought that as these people seemed to be at work now in earnest, he could not, if he watched well, fail to catch them. In order that he might stand to us, we were exceedingly polite to him, both I and Mrs. Bentley. I felt that now that the parties were taking the course they did, and were coming about the house, if Harrison was sincere in his professions to us he must catch them. That was the reason why I paid him so much attention, and why I endeavoured to make him feel his position as little as possible.

9183. Did you ever upon any occasion, when Inspector Harrison was sitting alone with Mrs. Bentley, come to the door to listen? I have never upon any occasion left my bed-room from the time I went into it, until the next morning.

9184. *By Mr. Morris:* Will you explain to the Committee how it happens that Mrs. Bentley so particularly remembers circumstances that occurred eleven years ago, when she appears to have by no means a good memory in regard to more recent matters? I can easily account for that. The matter was a remarkable one in one way, and has been recalled to her memory upon more than one occasion by me. The occasion to which she referred was a picnic, to which I had been invited, but it was postponed so that I did not come down to join the party. I was at that time paying my addresses to Mrs. Bentley's elder sister. Afterwards, when the picnic came off, Mrs. Bentley, who was then only a little girl, was going to be left at home, and as I saw that she was anxious to go I begged of her father to let her accompany me. He consented, and I took her with me; afterwards, seeing that she was alone with no companion of her own age, I took care of her and chatted with her, and tried to amuse her. How it was recalled to her memory so particularly was, that I saw her upon that one occasion only, and never again until I was engaged to her. I mention this fact about Mrs. Bentley's sister, because I see that Inspector Harrison mentions in his diary that he had learnt that I had previously made an offer to Mrs. Bentley's elder sister. Now I know where he got that piece of information; because he has said that Mrs. Bentley had told him that a lady had stopped her in the street and had said to her, "How do you like being married to your sister's cast-off lover?" I may add that it was five years before I made an offer to Mrs. Bentley, that I made the offer to her sister.

9185. Have you any means of shewing the Committee what kind of character you bore in England? I have a character that I have deposed to on oath in the depositions now before the Committee (No. 3.) But in addition I beg to hand in a character from Dr. Walshe, in which he speaks of me and my family in the highest terms, and states the nature of the disease under which I am labouring; he there states that I am in a galloping consumption, and that I owe my life only to the devotion of my wife. I hand in also a letter from Willis, Percival, and Co., the banking-house in Lombard-street, with whom I served my apprenticeship. They state that it is on account of my health only that I left them, and that during the time I was in business for myself I had maintained their respect (No. 4.) I also hand in a letter from Barber, Brothers, of Cowper's Court, Cornhill, (No. 5.) who knew me at the time when I was a sworn broker of the City of London. They state that they have been acquainted with me for some years, and have had many transactions with me in business, and believe me to be a man of high honour and respectability. I have further, a letter from the heads of the different departments of the Bank of England, who have known me from my childhood, in consequence of my father having been for nearly sixty years in their employment. In this (No. 6) they mention that I am personally known to them, and that they feel assured of my integrity and ability. And then this is a testimonial that I value more than all the others (No. 7.) It was handed to me by the Chairman of the Committee of the Australian Club, on the occasion of my resignation of secretary to that institution. I feel that the resolution agreed to by the Committee, and enclosed to me by the Chairman, gives me more credit than I deserve, but I can only say that though I may not have deserved it, I have at all events tried to do so. And here, with the permission of the Committee, I would make one or two observations; and first I would say, that it is very hard indeed that a man, who has tried to do his duty to the universe for the last fifteen years, should have his reputation ruined, and the character he has so long maintained, blasted and blown to the winds, and his wife's character drawn from its privacy, and paraded before the public—and by whom? By a man like this Harrison, and by this Montagu! And I would further say that my servants were, though they have, upon their own confession, acted improperly, and become spies in my house, have been obliged to bear testimony to the high character of Mrs. Bentley as a wife and a mother.

9186. Do you know anything of a Mr. Curran, a clergyman of the parish in which Mrs. Bentley's father resided? Yes. I do recollect his name being referred to. At the time you came to make inquiries upon the subject, I endeavoured to get some information from her on that point. She told me that he was one of the persons who had received an anonymous letter.

9187. *By Mr. W. Forster:* When Inspector Harrison sat up to watch in your house, he always went away at 12 o'clock? Yes.

9188. Have you any circumstances to bring before the Committee in confirmation of that statement? Yes. I have already mentioned the circumstance of my taking the narcotic, without which I could not sleep, and that I always waited for Mrs. Bentley to come up-stairs before I took it.

9189. You were in the habit of going to bed at an early hour? I was not in the habit of doing so, for I used frequently to sit up till 1 o'clock. It was only afterwards, when I suffered

suffered from the excitement caused by these events that I went earlier to bed. During the whole month of April I sat up till late.

9189. Then, as I understand you, you say that you were not in the habit of going to bed early, but that during the fortnight subsequent to the month of April, you did so, and that on those occasions you left Mrs. Bentley sitting up with Inspector Harrison? Yes, I do.

9190. How long after you retired was it that your servants went to bed? Sometimes they went to bed at half-past 10, and from that to 12.

9191. Never later? No.

9192. You have two servants? Yes.

9193. Did they sleep in the same room? No; one used to sleep in the room next to that in which Inspector Harrison sat up watching, and the other in the nursery—the room next to mine.

9194. Then if you went to bed you could not say whether they sat up or not? I always knew when the nursemaid went to bed, because, as she slept in the room next to mine, I could always see her light when she came to bed.

9195. Where used the servant girls to sit before they went to bed? Either in the kitchen, or in the room next to the drawing-room in which Inspector Harrison was watching.

9196. Next to that in which Mrs. Bentley was sitting with Inspector Harrison? Yes.

9197. Were you always awake when Mrs. Bentley came to bed? Yes, always. I never went to sleep without a large dose of narcotic, and as I did not like to be disturbed after taking it, I used to wait for Harrison's going away before I took it.

9198. On these occasions you always heard the door shut after him as he left? Yes.

9199. And Mrs. Bentley used to let him out? When he went away he used to go down by himself and take the lamp down and let himself out; and then Mrs. Bentley used to go and lock and fasten the door after him.

9200. You could scarcely be aware of all this, seeing that you had gone to bed? I was aware of it, because Mrs. Bentley told me that she always went down and fastened the door after she had heard it slammed to by Inspector Harrison.

9201. *By Mr. Morris:* For a long time after the period mentioned in his diary when he says he first began to suspect you, did not Inspector Harrison keep up an appearance in your presence of believing that Cutolo and Montagu were the authors of these letters? Yes; to the very last. When he came on the 23rd June—the last day in which he was connected with us in the matter—he was speaking to me of the rumours that were prevailing out of doors, or rather I referred to them in the course of conversation with some indignation—I mean the remarks in reference to Mrs. Bentley being a monomaniac. I said to him at the time that the thing was too absurd to be for a moment entertained, because, if Mrs. Bentley had had anything to do with the matter, I must have been an accomplice. There could not be two opinions about that.

9202. Did Harrison then admit that he suspected you of being an accomplice? No, on the contrary. He stated that he did not believe that I had anything to do with it, but that prejudiced minds would not hold the same opinions. I then said to him, "How do you think that it would be possible for Mrs. Bentley to have gone down into the garden and dirtied her boots in order to come upon the verandah and leave the tracks we found there, without my knowledge?" He answered me, that it was just possible that such a thing could occur, though he admitted that was a difficulty. Then I said, "But how about the concert? How could these men be seen by so many persons?" He replied, that these parties might have been mistaken, and that they had been deceived by appearances, or by the gesticulations made by some person without any meaning. When he said this I began to get warm, though I never for a moment believed that he was stating his own views. I thought he was merely arguing for arguing sake, in order to find out how I would meet the objections that had been raised.

9203. He always expressed the opinion that it was Signor Cutolo and Mr. Montagu? I never heard him say anything else. In fact it was he who told me that people out of doors all said that it was Cutolo. The remark he made was this, "They all say that it is Cutolo, and you may depend upon it that I have taken no trouble to remove that impression."

9204. *By Mr. W. Forster:* At the time Mr. Boulanger gave information to the police about his being robbed on the Racecourse, did he give you a description of the man? I must tell you how this occurred. When Mr. Boulanger first arrived in Sydney from Melbourne, he said that he was in a very unpleasant position, for that Mrs. Boulanger had not a lady friend in the city. He was aware that we had several persons to dine with us, and he asked us whether we would do him the favour of inviting Mrs. Boulanger to dinner at the same time, in order to give her an introduction. Wishing to do him a service, we did ask her, and both he and Mrs. Boulanger dined with us on that occasion. On that night—it was a Thursday night—he took me aside, and said, "I want to speak to you." I asked him what it was, and he said, "I was stopped on the Racecourse last night by a man, but on my drawing my revolver, and presenting it at him, he ran off." He said that he did not like to tell Harrison the story, because he would only laugh at him, and say that nothing of the kind had occurred, and that he had only been needlessly frightened by some drunken man. This information he conveyed to me in a whisper. I have stated in my deposition that Mr. Boulanger described the man, but I did not swear that he did so that night, or even the next day. The fact was that he did not describe the man on that occasion at all; the conversation occurred in a hurried whisper, and was confined to what I have now stated. It was on a subsequent occasion, after the attack upon Mrs. Bentley at Mr. Josephson's gate, that he described the man, and it was done in this way: When Mrs. Bentley spoke of the man who had assaulted her, he said, "Do you think he was as tall or as broad-shouldered as the

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- man who attacked me?" describing the man. When Mr. Boulanger heard Mrs. Bentley's description of the man who had met her, he stated that the man who had stopped him was a tall broad-shouldered man.
9205. Then you are sure that Mr. Boulanger did not specially describe the person who had stopped him, until after he had heard Mrs. Bentley describe the man who had assaulted her? He did not.
9206. Did you hear Mr. Boulanger give different accounts of this meeting upon different occasions? Yes. He came in on the night when Mrs. Bentley was assaulted, and then it was that he described the man, and compared him with the person who had assaulted Mrs. Bentley.
9207. Did you hear him, upon several occasions, give an account of his having been stopped? No, not after the night when Mrs. Bentley was assaulted.
9208. But there were two occasions upon which he described the transaction? Yes.
9209. Did the accounts given upon the two occasions correspond with each other? When he detailed the circumstances on the first occasion, he simply told me that he had been followed by a man, and that when he turned round and presented his revolver the man ran away.
9210. And that was all? Yes; except that he asked me to see Mr. Harrison about it.
9211. He gave an account of this attack upon him to the police? Yes, I believe so.
9212. That account was published in the newspapers? Yes; he told me that the account had appeared in the papers.
9213. Did the account he gave you correspond with that which he gave to the police? I only know from what he told me; I did not see the account in the papers.
9214. You had no impression at the time that he was telling an untruth? I had not, nor have I now.
9215. You do not now believe that he told you what was false? No.
9216. And why? I believe this: Mr. Boulanger was under great pecuniary obligations to me, and in order that I might not bring him before this Committee, so that he might have me in his power, and that I might not press my claim against him, he has trumped up this story about his having deceived us respecting his being stopped on the Racecourse. I firmly believe that he has done it solely with a view to avoid his pecuniary obligations.
9217. Then you say that you do not believe Mr. Boulanger's present statement, about his original story of being stopped, to be a fiction? I do not believe it.
9218. Nor that it was an invented story? No.
9219. Have you any reason, from a comparison of the circumstances detailed with the statements made, to believe the one story rather than the other? I have reason to believe that all that he has stated to me subsequent to the Racecourse stoppage was a concoction of his own: such as the report he gave that he had seen the man making signs at the concert, and his leading me to believe that he was of the same opinion as myself in regard to who the parties were who were carrying on this persecution.
9220. How long have you known Mr. Boulanger? The first time that I met with him was in January last.
9221. Have you ever found him out in telling untruths at any time? I never have done so whilst he was my guest.
9222. Would you then have so regarded his veracity that you would have believed anything he told you? I had no reason for disbelieving him. Had I had the slightest doubt of his truth he would not have been a guest in my house after it.
9223. He was under obligations to you? Yes; and, as I consider, under very great obligations.
9224. Pecuniary obligations? Yes.
9225. Had Mr. Hanson been an intimate friend of yours prior to this? I knew him almost as soon as I landed in the Colony. He was introduced to me by the captain of the vessel in which I came to the Colony. We continued on terms of intimacy, but the period of our greatest friendship was at the time when these anonymous letters were being sent, or rather, I should say, that it began at the time when Mrs. Bentley played first in public.
9226. Then you regarded him in the light of a friend rather than in that of an acquaintance? Yes; I believed, up to the very day on which the article in the *Empire* appeared, reflecting upon us, and insinuating that we were the authors of these letters, that he had the same friendship for me that I had for him; for though I disagreed with him upon some points in connection with the politics of his paper, yet in most matters we agreed very closely in opinion, and I entertained a strong feeling of friendship for him.
9227. Was he not for a long time a believer in the theory that Signor Cutolo and Mr. Montagu were the authors of these letters? I never heard him express any other opinion up to the very day when the article appeared in his paper. I never had the slightest reason to believe that he entertained even the most distant suspicion of myself, or of Mrs. Bentley; and the most powerful proof I can give of this is that Mrs. Bentley was expecting Mrs. Hanson's daughter to come and take her music lesson on the very morning when this article appeared in his paper.
9228. When did he first express himself to be of a different opinion? I first knew of it on the 18th July; when his paper with this article in it was handed to me.
9229. You never had any differences with him—no differences of opinion arose between you? No, certainly not.
9230. Then before that article appeared in his paper he did not express to you privately his suspicion of Mrs. Bentley? Not in the most remote way.
9231. He still suffered you to go on in the belief that he was a friend of yours, until that morning? Most decidedly so.

9232. Used Mr. Hanson to come to your house at late hours of the evening during the time he was visiting you? He has looked in at 9 or 10 o'clock at night, on his way to the office from home. He used to have his supper at home before he went the office at night; but he has never been in my house later than 11 o'clock most certainly.

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9233. You have, of course, heard of this letter which Inspector Harrison says he received from Mrs. Bentley? Yes.

9234. What is your opinion of it with respect to the handwriting? My opinion of it is, that when I saw it I thought it a most excellent copy of her handwriting.

9235. You acknowledge it to be a good imitation of her handwriting? Most decidedly. If I may be allowed to say so, if it had been shewn to me I should have pronounced it to be an excellent copy of her writing. I should not have had the slightest hesitation in saying so; in fact, so good is it, that I should have taken it to be hers, but for the circumstances attending it.

9236. Are you an expert in handwriting—a good judge of it? I am not. But there is this about the letter that throws a doubt upon my mind, and that is, that Mrs. Bentley does not write so evenly as this letter is written. It appears to me to have been written upon ruled lines, and Mrs. Bentley does not write so straight. On looking at it, however, I should hesitate, and would rather feel inclined to say that I do not know from the writing itself that it is not in her handwriting.

9237. But of course you have no hesitation in saying that it has not been written by her? I am sure of it.

9238. That it has not been? Certainly.

9239. Have you any suspicion as to who has written it? What are suspicions —

9240. You have formed an opinion as to who were the authors of these anonymous letters—those written in the different handwriting? I have formed an opinion, but it has been formed only on the opinions of others. I do not pretend to any great knowledge on the subject, but I have the opinion of the banker who examined and compared these letters with the handwriting of the persons suspected; and that of Captain M'Levie and Mr. Harrison, who examined them with magnifying glasses. I have never formed an opinion myself because I am no judge of handwriting, and do not pretend to be so. On the contrary, so far from holding the same opinion, I, on one or two occasions, expressed an opinion that it was not Mr. Montagu's.

9241. Did you observe in this letter the word "judgement" spelt in a way in which it is not ordinarily spelt now? I do not know. I suppose there are very few persons who know whether it is rightly spelt or not.

9242. I thought, from your knowledge of Mrs. Bentley's style, you would know if she was in the habit of spelling the word "judgment" in that particular way? I really cannot say.

9243. Is Mrs. Bentley, when writing to any one, in the habit of signing herself "Lily" Bentley? If she was writing to me she would do so.

9244. But when writing to any one else would she do so? No, she would not, even though she was writing to her own father or sister. She always signs herself Julia Bentley, and I have never seen a letter signed in any other way, except those written to myself.

9245. And she never signs a letter in any other way? No, not even to her father or sister.

9246. With regard to the wound inflicted upon Mrs. Bentley at the time she was assaulted, did you see that wound yourself? Yes.

9247. Did you examine it closely? I did, as much as my excited feelings would permit me to do.

9248. Did you see Mrs. Bentley immediately on her arrival in the house, after the assault? Within half-an-hour or three quarters of an hour afterwards.

9249. When you first saw her, what did she say about the wound? When I came in at 4 o'clock, the servant informed me that her mistress had come home, and that she was very unwell. I went in directly, and found her in a very agitated state in the dining-room, and she said, "This is Harrison's watching. I have been waylaid at Josephson's gate."

9250. Did Mrs. Bentley then, at that time, lead you to believe that she had received a wound? She only complained that she had been hurt, but from the manner in which she spoke, I understood that she had been hurt only by the violence of a heavy man's hand coming against her.

9251. Did you hear her complain during the day that she was suffering pain? That evening she did; she said then that she thought she was hurt.

9252. When, at what time, did you first see this wound? When we went up to our room; whilst she was undressing, on her dress. I saw it before she did herself, during the time she was undressing. I said, "Good God, Lily, what is that?—that wretch must have wounded you." I then saw that her breast was bleeding, and I at once called for the servants, saying, "That wretch has hurt your mistress." The way in which I should describe the wound is this: that it appeared to me as if the person who had assaulted her had been a tall man, and that his hand had gone down in that direction, and having a ring upon it, that had cut her breast. The base of the nipple seemed to me to have been torn, for there was a kind of watery matter formed under the wound.

9253. And there was blood on her dress? Not on her dress, but on her chemise.

9254. *By Mr. Wilson:* You examined the wound yourself? Yes, I did.

9255. Of what character was it—a large or a deep wound? It was rather a long than a deep wound.

9256. Of what length was it? I think I could better describe it by saying, that it seemed to me that a ring had cut the nipple and torn it. It looked a jagged wound with two pieces of skin hanging from it.

9257. Had it penetrated into the flesh or was it only a skin wound? It was a flesh wound

9258.

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9258. And it had the appearance of having been cut by a person's hand coming down in that direction? Yes, but it was not a downward cut. I thought at first that perhaps it was the stays that had been forced against it and wounded it, but afterwards it occurred to me that it was a ring, because the man told her to tell Harrison that he wore a ring with a cornelian anchor on it. It struck me then that it might be a signet ring in relief, and that the projecting points of it had caught the nipple and wounded it.

9259. Was it on the upper or on the under part of the nipple? It was almost on the upper part, rather inclining to the side of the nipple.

9260. You dressed the wound, I suppose? Yes, when she was nursing our little girl she had bad breasts with suckling, and I was afraid that they might be made bad again, so I immediately ordered the servants to bring up a poultice, which I applied to the wound.

9261. At the time she was nursing her last child did she ever have chapped nipples from suckling? I cannot recollect.

9262. Are you sure that there was no wound there before of any kind? I cannot say that a previous wound did not exist; but I am quite certain that it was a fresh wound that I saw.

9263. You did not consult any medical man upon it? No; I saw Dr. Brereton on the Monday following, and mentioned the circumstance to him. He said, "You had better let me see it," and I answered "No, it is getting better; and you know what a timid creature she is." I may mention, that I said this because she had several times most positively refused to let Dr. Brereton see her with reference to other matters. In fact, she was always very loth that I should send for Dr. Brereton; and whenever he was sent for to attend her it was always without her knowledge. Dr. Brereton then added, "Do you not think that, by way of evidence, it would be better to let me see the wound?" I said I thought it was not necessary, and I understood from him that he intended to make a memorandum of the circumstance. I thanked him for what he had said, and for the interest he seemed to take in us, and when I went home I told Mrs. Bentley that it would be better that she should let Dr. Brereton look at the wound, for that should we want evidence as to the assault he would supply it. She said, "What do we want with evidence? Can there be any doubt as to the assault having taken place?"

9264. Then, as I understand you, you found the wound healing so rapidly that you did not think it necessary to consult a medical man? On the following morning I thought the place looked rather angry, but afterwards it seemed to have a more healthy appearance, and on the following Monday was so far better that it hardly seemed necessary to have medical advice. I should probably have had that advice, merely to silence objections, but that events followed so rapidly on each other as to prevent me.

9265. Were the servant women present when the wound was dressed? Mrs. Bentley put the first poultice on herself, and that was the only one applied.

9266. *By Mr. Morris:* Have you ever mentioned, in the course of your evidence, your having seen a man coming out of your house at an unusual hour? No, I never knew that such was the case.

9267. *By Mr. Forster:* Had you reason to suppose that persons were on your premises without your knowledge? Certainly, I knew that by the noises overhead; and besides that I was certain that no person could have stated the fact that Mrs. Bentley had sat down on the stairs upon one occasion, and that she had gone into the nursery upon another, without having been in the house at the time.

9268. You found your street door open upon one occasion? Yes, but that was before the entries were made into the house.

9269. Did it not strike you as an extraordinary thing that your street door should have been open? No. I merely thought that it was a piece of carelessness on the part of the servants.

9270. You recollect the morning after Easter Monday, or rather the night after? I do.

9271. Do you recollect anything occurring on that night—any out-of-the-way noise? No, not any; but on the day after Easter Tuesday Mr. Harrison went up into the loft, and said he would make an examination there. After he had done so he came to me and said he did not know what to think, but that there were footmarks on the plank leading to the window in the roof.

9272. That was after the letter had come? Yes. I told him that the footmarks he had seen on the plank might have been made by me, because I had gone to the window to see to the fastenings.

9273. Did Mrs. Bentley ever mention to you her meeting a priest at Newtown, or her going to Newtown in company with a priest? I cannot answer that question in a direct manner, because I have heard so much at this table about meeting with priests, that I get confused over it, and cannot well distinguish between what I have heard from her, and what I have heard here; but I know that I used to ask her always when she came home whether she had met with any annoyance; and upon one occasion I recollect her telling me that a clergyman was in the same omnibus with her. She used always to tell me who was in the omnibus with her, going or coming, and whom she had met; and she may have told me that on one occasion she had met a priest, but I do not remember.

9274. You have no recollection of anything of the kind? I have no distinct recollection of it.

9275. If she had met one, or had been handed out of the omnibus by one, would she, in your opinion, have told you? Yes. I believe she would, because she always used to tell me of those who went up and down with her.

9276. Then if she had met and conversed with a priest she would have told you? Yes, I am sure she would; because there never have been any secrets between her and myself.

9277.

9277. You have heard the stories of these girls, about the conversations they have had with Mrs. Bentley? Yes; and I believe them to be entire fabrications. Mr. T. C. Bentley.
9278. Had you ever reason to suspect them of being liars? No, and for this reason I gave them every opportunity for attending the services of their religion. I thought that the best guarantee I could have for their honesty and fidelity was to see that they carried out properly the religion they professed, let that religion be what it might. They appeared to me to be very regular in their going to church, and on that account I looked upon them as being quite trustworthy. 17 Dec., 1862.
9279. You had no reason before this to suspect their veracity? I have never had a dozen words with them since they have been in my house, beyond saying "good morning" or "good evening."
9280. They were well behaved girls? Yes.
9281. You have parted with them since? I retained them in my service until I thought the Committee had done with them.
9282. On account of the evidence they were required to give? Yes, on account of that evidence, although I believed it to be false.
9283. Was it at their own wish that you parted with them? No, entirely on our own account. We felt that we could not keep them any longer; only out of respect to the Committee we did not discharge them until the Committee required no further evidence from them. One of them, certainly, spoke to Mrs. Bentley, and said she supposed she would have to go after what had occurred before the Committee; but her dismissal came entirely from ourselves, without any reference whatever to them.
9284. They were never attended by a clergyman in your house? Not to my knowledge.
9285. *By Mr. Morris:* Could you produce any letter that has been written by Mrs. Bentley to you or to others, about the time that these anonymous letters were passing? I could not, because when Mr. Boulanger told me that he had had his drawer at the *Café* broken open, and all his private papers taken away, I began to think that it was time to throw aside all hesitation. Seeing that our house had actually been entered, and that we were at the mercy of our unknown persecutors, I did not wish to see my private letters going about Sydney, particularly as there were some I would not wish to be made public. I therefore destroyed all my private letters, although there were some on which I set great value, and I told Mrs. Bentley to do the same, since if they were left they might fall into the hands of these unknown parties, and be made a bad use of.
9286. Do you not know any person to whom Mrs. Bentley has written since then? No; but I have given you one letter of her's written since then.
9287. Can you give us any other specimen of her writing? I will endeavour to procure one.

Signor Cæsare Cutolo called in and examined:—

9288. *By the Chairman:* Are you aware of the object of the inquiry by this Committee? Yes. Signor C. Cutolo.
9289. You have expressed a wish to give evidence before this Committee? I have. 17 Dec., 1862.
9290. What is the nature of the evidence that you wish to give before this Committee? It is about Mrs. Bentley, where she says in her deposition that she saw me on the 6th January, in George-street. I beg to say that that is really impossible. That I was in George-street on that day is impossible. I was in my room, and she could not see me in George-street.
9291. How is it impossible? Because I fell at Penrith, and I hurt my hand, and my arm, and my leg, and when I came back to Sydney I kept a cold bandage, with cold water and arica on it, until the 6th January, when it was much inflamed and was gathering. The 6th of January was the worst day for the wound. My leg was all swelled, and the wounds were all open and discharging very angry.
9292. Were you out on that day? Not at all; I could not be. I could not move my leg, and I called for Dr. Nathan, and he prescribed for me.
9293. Did you go to him? If I could not move how could I go to him? I sent for him, and he came and prescribed for me this prescription, which I put before the Committee, with my chemist's account for the medicine.
9294. And are these the evidences you would wish to give of your sickness and incapacity to move out on that day? That is the bill of the chemist who made me the prescription, and this is the prescription of Dr. Nathan, which I put to my leg.
9295. So that you say you were not out at all on that day? No.
9296. You were not at Mrs. Heath's on that day? Not at all on that day.
9297. Did you not go to Mrs. Heath's in a cab? Not that day. I have gone there to the end of the week, when I got better. I may have gone so soon as I could, but I do not recollect when. I did not go on the 6th January, when she says she saw me—that was impossible.
9298. When was the first day you were out after the 6th? I do not recollect; but it could not have been the next day.
9299. Where were you injured? At Penrith; before Captain Severn and Mr. Hellyer.
9300. On what date? On the 2nd January. I was much shaken, and hurt on my arm and my leg, and by that I was too late for the train. When I found that the train was gone I was suffering so much that I took an express carriage to come to town.
9301. You did not come down by the train? No.
9302. You took an express train? Me, an express train! No, I had an express carriage, with horses.
9303. Not by rail? No.

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9304. And were you out on the day afterwards? I think not.

9305. Were you confined to your room from the 2nd January to the 6th? I do not know that I was confined from the 2nd to the 6th, but I believe that perhaps I was able to go out in the evenings in a cab. But not on the 6th, which was my worst day, and I was so bad as to send for the doctor.

9306. Why do you particularly refer to the 6th? Because the question is of the 6th. In her deposition, Mrs. Bentley says, that she saw me in George-street on the 6th, and I saw that that was impossible, because I was in my room and could not move.

9307. What deposition? That where Madam Bentley swears, on oath, that he saw me in George-street on the 6th.

9308. Where does she say that? In her affidavit, which she swears about these proceedings.

9309. How do you know that she has done so? Mr. Hellyer shewed me where she said so.

9310. Do you see anything in it referring to the 6th January? Yes. I saw that it was there that she saw me on the 6th January, and I say that it was impossible.

9311. Will you refer to the document, and tell the Committee if you see it now? Yes. It is on the ninth page and the sixty-third paragraph. She says there that she saw me, and that I looked angry, when I say it is impossible I could be there.

9312. I wish to know how it happens that if you were ill on the 2nd, to such an extent that you were not able to go into the street, it was only on the 6th that you called in a medical man to attend you? I had a medical man before that, from the first. Dr. Nathan came and saw me, and he directed me to keep on bathing the wounds with cold water and arica. He told me I was doing well, and I was to keep on at that.

9313. How came it then that on this particular day, the 6th, he gave you a prescription? Because I was worse. My leg was very much inflamed and was beginning to gather, and for that reason it was necessary to prescribe for me.

9314. Did he ever give you any other prescription? No.

9315. Had you seen a medical man before that? Yes, I say that Dr. Nathan attended me.

9316. The first time he visited you did he prescribe for you? I do not recollect, but I think I had the first time.

9317. Had you any medicine before the 6th—any linament or lotion to apply to your arm before the 6th? No; all I applied was the cold water and the arica.

9318. Did you have a prescription for it? No.

9319. Where did you get the arica? I have always some by me at home.

9320. When did you first see Dr. Nathan? The next day after I was hurt. It was on the 3rd or 4th January. I may not have sent for him the first day.

9321. Did he not prescribe for you? No, he said I was to keep it cool with cold water bandages. He said, when he saw my leg and arm, that they would do nicely, and I was to keep them so.

9322. Have you any further evidence to shew that you were not out on that day? I have here a letter from Mr. Egan, in which he states that he called upon me on that day, and saw that I was not in a fit state to move. (*Letter read by witness.*)

9323. *By Mr. Morris*: It is a copy of Dr. Nathan's prescription that you have produced? Yes.

9324. Could you not procure the original prescription? I will tell you. I went to the chemist's, and I asked him to see who it was that prescribed for me on the 6th January; and he opened his book and said it was Dr. Nathan, and then he made me this copy of the prescription from his book.

9325. *By the Chairman*: Who is Mr. Egan? He is clerk in a solicitor's office—in the office of Messrs. Dunsmore and Stafford.

9326. Have you anything further to state to the Committee? I heard also that Mrs. Bentley had said that she saw me one day in Hunter-street, and that I spoke to her. I did see her there just after she had played at the Philharmonic Society's concert, and I congratulated her at her success, in the same way that one person would do to another that he was acquainted with. I just said to her, "I congratulate you at your great success, Mrs. Bentley,"—just the same as I would say to any other person that I knew.

9327. Then you did not make the remark imputed to you by Mrs. Bentley, about "the English for the English"? No, I could not say such a thing. I much respect the English. I am all for the English myself. I have married an English lady, and that is a proof that I think much of the English. I am pleased with Melbourne; I am pleased with Sydney; I am pleased with all the Colonies. I have nothing to complain of in respect to them, for everywhere I have been received with kindness and consideration. I have always held a good position at Government House. I have taught in the family of Sir William Denison, the late Governor General, and also I am teaching Miss Dalton, at Government House; and from all the persons I have been made acquainted with I have received much kindness. I am treated most kindly by everybody, and I have nothing whatever to complain of in the English. I could not say such a thing as she imputes to me.

9328. You are sure then that you did not make the statement that Mrs. Bentley has alleged, of "the English for the English"? I am quite sure. I simply congratulated her at her great success.

9329. Can you tell the Committee whether you were out in George-street between the 2nd and the 6th January? I think I was out, but not in George-street.

9330. Were you walking out between the 2nd and the 6th, in Sydney? I think not. Perhaps I may have been out in a cab in the evening, after my business, to visit a lady who is now my wife.

9331. Between the 2nd and the 6th? Yes, it may be.

9332. But though you may have been out, you state positively that you were not in George-street? I do, most positively.

9333. Have you any particular reason for singling out George-street as a street that you would not be likely to be in? It is because I have no business in George-street. My business makes my time the property of others, and I have to go only where my business calls me to attend my engagements. Signor  
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9334. Does this receipt for the payment of your medical account or this prescription for medicine prove that you were not in George-street on that particular day? There is that, and there is also the letter I have read from Mr. Egan, who says that he saw me unable to go out. 17 Dec., 1862.
9335. Even with that, do they in your opinion prove that you were not in George-street? That is your business, and not mine.
9336. Could you, by any possibility, have been out on the 6th? I say it was impossible—quite impossible.
9337. But how did it happen that you were hurt on the 2nd—that you were out between the 2nd and the 6th—and only confined to your house on the 6th? Because it was then that the inflammation reached its height, and I was not able to move about. It is also so when you fall and hurt yourself. You walk away, and you can walk about; but afterwards, when the inflammation sets in, it is different.
9338. Then you put these letters in as proof positive that you were not there? Yes, not only as proof positive that I was not there, but as proof that it was impossible I could be there.
9339. *By Mr. Wilson:* You say in your evidence that you were not out on the 6th, and you put in these documents to strengthen your assertion? Yes, exactly.
9340. *By Mr. Morris:* Who went for the prescription? I did.
9341. At the time it was written? Yes. My servants of my home went for it.
9342. Are you not aware that Heath's chemist's shop is in George-street? Yes.
9343. And you say you visited Mrs. Heath? She did not live in George-street.
9344. Who do you say went for the medicine? The servant of where I was living.
9345. Do you know a person named D'Apice? I do.
9346. Are you aware that he also received some anonymous letters? No. He did not receive any letters; but I know that something was in the newspaper stating that his wife and two children had arrived in Melbourne.
9347. Have you anything farther to add? No. I can only say that when I arrived in the Colony, I went in a carriage to see the Signor D'Apice. I went down to Mr. Macnab's, knowing that he was often there. I was told that he was going to be married to Miss White, and I went there to ask where he was.
9348. *By Mr. Bentley:* Was your name ever mentioned in connection with the anonymous letters received by D'Apice? I did not know that he had received any.
9349. Did you not make inquiries of the police in respect to those letters? It was about the advertisement. I was told that I might learn something respecting it by applying to the police. I was told also that Miss White had had some love passages with a gentleman a year or two before that, and that the gentleman was not pleased at having the lady taken away from him by D'Apice, and had put that advertisement into the newspaper to annoy both D'Apice and the lady.
9350. Did you go to the detective police of this city, in regard to some connection you were supposed to have with these anonymous letters that had been received by D'Apice? No; it was about this advertisement, because they told me that perhaps the police might put me in the way of finding the matter out. Perhaps it may have been the gentleman who was Miss White's lover, and perhaps it may have been D'Apice's present brother-in-law, who did not like to see his sister married to D'Apice; and I went to the police because I hoped to receive some information about it from them.
9351. You did not then go to Inspector Harrison and ask him to take steps to exonerate you in regard to anonymous letters written to Signor D'Apice? No, not at all; I went to him to request to know from him if he had discovered who had written the advertisement for the paper—whether it was the ex-lover, or whether it was the brother of the lady. That was all; if it was more I do not recollect.
9352. Then, if Inspector Harrison has stated that you went to his office for the purpose of exculpating yourself in respect to these anonymous letters of Signor D'Apice, it is not correct? I did go to him; I went to him to inquire if he knew about the advertisement, if he knew whether it was the lover of the lady or Signor D'Apice's brother-in-law who caused its insertion.
9353. Do you know Mr. Hanson? Yes, very well.
9354. Did you ever have a conversation with him relative to D'Apice? I did.
9355. What was its nature? It was this: I was introduced to Mr. Hanson on my arrival in the Colony, and he had always been a kind friend of mine as I thought; it was a long time since I had seen him, and one day I went to put an advertisement into the paper to say that I should not give lessons on the following day, being the Anniversary of the Colony; he met me at the door of his office, and, as usual, said "Good day," and "How do you do?" After these compliments he asked me, "What news?" I told him that I was to receive a new pianoforte from England, and that I had an idea to give a concert for the Destitute Children's Asylum. I told him also that I was very much pleased with Sydney, and that I was going to get married shortly. With talking, at last I said to him that I had met in this Colony with an old friend of mine—the Signor D'Apice. He asked, "D'Apice! Who is he?" I told him that D'Apice and I had been at college together, and that in 1849 he had left it and gone to Paris, and that we had now met here after that long time of not having seen each other; but I said, when he was in college with me, for private reasons, he was in the name of his mother—that was in her maiden name, which was Sica.

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Sica. When he was in Paris he was in the profession as an artist, but afterwards he received some money from his family, and then he went into another branch of business, and took his real name, which was D'Apice—that was the name of his father; but in order that the people might know who was meant, he put Sica after his name, and called himself D'Apice Sica. 9356. Using both names? Yes. When I came to Sydney and I met D'Apice, I said to myself, "It seems to me that that is Sica;" and I then asked him if he was an Italian, for he speaks French very well from his having been so long in France, and all our conversation had been carried on in French. I then asked him where he was from, and he said, "From Naples." I asked him if he had not been a student at the college at Naples, and he said he had. I then asked him if he had known the brother Borromeo, and when he said yes I asked him if he had known Sica there. He then said to me, "Did you know him?" and I told him I did; and he asked me, "Should you know him again if you saw him?" and he added, "Look at me, am I anything like Sica?" I then found out that it was he, and I asked him what was the reason that I found him now in the name of D'Apice, when I had known him in Naples, at college, as Sica. He explained to me that, for family reasons, he had taken his mother's name of Sica, whilst he was at college, and that afterwards he had resumed his proper family name. All this I told to Mr. Hanson.

9357. Did you say to Mr. Hanson—"His name is not D'Apice, his name is Sica—he is a Jesuit—he is not a man of talent—he is a believer in the Pope!"—did you say anything of this kind to Mr. Hanson? I did not say he was not a man of talent. I praised him because he was my friend, but the only thing I said about him was that we did not agree in political affairs. I said that I loved my country, and that I would like to see it united under one government, and that I wished the Pope not to be king. I said we did not agree about that, because he desires the Pope to be king, and I do not.

9358. Did you say that you were a Garibaldite? I may have done so. I may have said in joke, "I am a Garibaldite." He may have said, I suppose you are for Garibaldi, and I may have answered that I was perfectly of that opinion.

9359. And did D'Apice believe in Garibaldi? That was nothing to divide us. We did talk several times about it; but it did not make us quarrel.

9360. Was there anything said in this conversation about a school at which D'Apice had gone to teach, and in which he had succeeded you? I must tell you about that. I gave an examination of my scholars, at which I requested Lady Manning, and —

9361. What I wish to know is, whether this conversation related to a school in which Signor D'Apice had succeeded you? No.

9362. Did you tell Mr. Hanson anything relative to Signor D'Apice having succeeded you at a school? Perhaps I may have told him that D'Apice had gone to teach at a school; I will not say.

9363. Was the conversation such as is here detailed:—"He," meaning you, "came in and "shook me by the hand, and said he must thank me for the very kind manner in which I "had spoken of him to Mr. Montagu, and after some further conversation begged that I "would not allow him to be unfavourably reviewed. I said that we had 'a stern duty to "perform towards the public; but I should not think, with his talents, that he had much to "fear.' He said, 'Oh, but I have so much to contend against; I have given so much "offence by my public examination of my pupils, and the consequence is that I have "ceased to teach at the Miss Cooksey's school, also in Mr. Bradley's family.' I said, "Oh, by-the-by, who succeeded you at the Miss Cooksey's?" He said, 'D'Apice.' I, not "knowing how the name was spelled, said, 'Who is he—is he an Englishman?' He "replied, 'Oh, no; an Italian—a man of no talent—a Jesuit; a believer in the Pope; "but his name is not D'Apice, his name is Sica.' I replied, 'Oh, I suppose you are a "Garibaldite?' He said, 'Oh yes, oh yes, I'm a Garibaldite.'" Did a conversation of this kind occur between you and Mr. Hanson? Some of it, but not all.

9364. Some of these questions you were not asked? No, not at all.

9365. Did he ask you how D'Apice spelled his name? No.

9366. Did he ask you if D'Apice was an Englishman? No.

9367. Nor did you reply that he was an Italian—a Jesuit—a man of no talent—and a believer in the Pope? No; all that is perfectly untrue. All I told him was that D'Apice was in the name of Sica at college for family reasons, and that I was surprised to find him here as D'Apice.

9368. Did you see the letters, purporting to come from Margaret Dodd? I did, when they were with the police.

9369. Had you seen them previously? No. I went to inquire at the *Herald Office*, and I saw a tall man, and I requested to know from him who had inserted that thing in his paper; and he told me he did not know. I then said to him, "How is it that you do not know?" "If a person comes to-morrow, and puts in the paper something injurious to me or to "anybody, he may do so, and you will have no security; you will know nothing." And the tall man said, "No, we shall not." He then introduced me to another man not so tall, and with an eye offended, and he explained to me that he had received the advertisement, and that it had been given to him by a short young lady of about fourteen or fifteen years of age. He said that she gave the advertisement, paid for it, and went away. She had a thick veil over her face; but he said also that if he could see this person he would recognize her.

9370. Are you in reality a Garibaldite? I am—heart and soul.

9371. Did you on one occasion, of a concert at the Masonic Hall, tear your Garibaldian ribbon from your breast? Not at all. It was fastened on with a pin, and came off my coat, and I put it in my pocket.

9372. *By Mr. Morris*: Did you ever state to Mr. Bentley that you had not been in England? I have never been there.

9373. Have you been in Scotland? Never.

9374. Do you know any person named Caavin? No.

9375. *By Mr. Wilson*: Is your name a common one in Italy—are you the only Cutolo? There are others of the name, but it is not common.

9376. *By Mr. Bentley*: Do you know Mr. Boulanger? Yes. I met him once at Dr. Barker's house, in Melbourne, and I spoke to him there for a few minutes; when he arrived in the Colony he called on me.

9377. On what terms were you with him? On no terms at all; it was only that I met him once at the house of Dr. Barker, in Melbourne. As I was introduced to him there, when he came up to Sydney I left my card for him at Clarke's, and then he called on me. I did not see him afterwards until, as I was about to give a concert for the Destitute Children's Asylum, I saw something from him in the newspaper, about the concert, but I took no notice of it.

9378. He wrote some letters to the newspaper? Yes.

9379. Against you? No, not against me, but against an advertisement that I put into the paper, saying that, in order to provide a novelty at that concert, it was proposed that some of the professors of music should make an improvisation of his own upon some national melody. I suggested that because I believed it would prove an attraction, and I was anxious to make the concert as good as I could, because of its object.

9380. When you were acquainted with Mr. Boulanger in Melbourne, did you know him intimately? No; I met him only once at Dr. Barker's.

9381. Do you know anything of his character? I have heard many things about him, but what is that?

9382. In his favour? No.

9383. Against him? Well, it was that he did some little, foolish things.

9384. Will you state what they were? No. I claim my liberty to do and act as I think proper, for myself, and to avoid trouble and annoyance. I leave it to others to do the same thing. People come and say this and that to me, but I take no notice, for I do not know if it is true or not. I keep to my own home, because I find that the more you mingle with professionals the more you are troubled—you are not quiet enough; and therefore, as I wish to live quiet and private as possible, I do not go amongst them, and when they tell me things I take no notice.

9385. You are not in the habit of making sarcastic remarks in reference to your professional brethren? I do not know—I do not admit that I am, because I cannot say; they are all perfectly indifferent to me. The thing is this:—I have been ten years in college at Naples, and I do not look upon a man as a professor unless he has been at a college of music.

9386. In fact you do not regard self-taught musicians as worthy of any great consideration? I do not consider at all about it. I respect everybody, if they behave properly; but as an artist, it is different.

9387. *By Mr. Wilson*: Did you and Mrs. Cutolo call upon Mrs. Bentley in June last? Yes. I saw something in the paper about the Bentleys, and when I read it all, I felt that really they were entitled to sympathy.

9388. And you and Mrs. Cutolo called upon them? Yes.

9389. When? I do not recollect the day.

9390. Whom did you see? When we went the servant opened the door, and now I remember it was on a Wednesday, for that is the only day I am disengaged. I requested my wife to call with me; for seeing how they had been tormented, I felt the same as anybody else for the poor people. The servant opened the door, and I asked if Mrs. Bentley was at home; and the girl said she was engaged just then giving lessons. I said, "Perhaps you will be good enough to pass her my card, and tell her I will not keep her more than a few minutes." The servant took the card, and Mrs. Bentley came down to us. She said that she was happy to see me; and I told her that I had read the account that her husband had given in the paper, and that I had come to express my sympathy with her in her trouble; but I told her that I might say that I was angry with her that she had indulged in the idea that I had had anything to do with it; and I said, "Now that I have seen all in the paper, I see that you have been much annoyed, but I am sure that you cannot have an idea about me any longer." And I said to her, "Do not trouble yourself about anonymous letters, because they are most cowardly and base things that no person who was honorable would ever have recourse to. The pen of the anonymous writer is like the dagger in the hand of the assassin—only the ruffian will use it." Then she said, "But when they put the dagger to my side!" And I said, "Are you quite sure of that?" Then she told me that two or three times they had tried to kill her, and once lately at Newtown; and I said, "Do not let these things trouble you, for sometimes people in the street who take two or three glasses of wine, come and roll against you, but do not mean any harm." Then my wife said, "Do not trouble yourself about these things;" and she asked, "We shall see you, shall we not?" and Mrs. Bentley answered, "Yes."

9391. Did Mrs. Bentley receive you coolly? No, not at all.

9392. *By Mr. Morris*: You are aware that you had been suspected? Yes, because they had asked for my handwriting; that was why I said that I was sorry they had indulged in the idea that I had anything to do with it, and, as I really felt for them, I paid them that visit, as I wished it to be shewn that I had sympathy for them, and that I could not be base enough to have to do with such things.

9393. *By Mr. Bentley*: Did you ever state to me, in the course of conversation, that Mr. Plunkett was a dirty Jesuit? No; I do not know anything about his being a Jesuit or not. When I came to the Colony I called upon him, and he did not return my call, and there the matter ended. I simply took no notice.



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9394. You have some cause to be offended with him at his coolness in not returning your call? No, not at all; I took no notice. He did not choose to call upon me, and there was an end.
- 17 Dec., 1862. 9395. Do you recollect meeting me at that gentleman's house, and reference being made to a piece of music, I endeavoured to identify it in such a way as you should understand what was meant by saying that Master Anderson had played it at the last Philharmonic concert. You then showed some feeling against the Philharmonic Society, and expressed regret that Mrs. Bentley should have been induced to play for them, for you said there was not a respectable person on the Committee. Upon my stating to you, "To whom does your remark apply?" you said, "To all!" I then observed, "You can scarcely intend it to apply to the Hon. Mr. Plunkett." Your answer was, "He is a dirty Jesuit." I then asked you, "Does it apply to Mr. Merewether?" and you said, "No, in his private capacity, no; but as a member of the Committee; there is not a gentleman on the Committee!" Do you recollect this? I do not. I recollect we had a dinner together, and that we talked. I recollect that we had a conversation, but I certainly do not remember anything of this kind. With Mr. Merewether I have always been on good terms—I could not have anything to say against him; nor could I have anything to say against Mr. Plunkett, because he did not want my acquaintance; that was his own affair.
9396. Do you distinctly deny having stated on that occasion that Mr. Plunkett was a dirty Jesuit? I do not deny it; I say I do not recollect anything of the kind. How can I deny, when I have not the slightest recollection of it?
9397. Do you recollect a conversation with me in the presence of two ladies? Yes, I recollect the ladies being present when we were talking.
9398. Do you recollect on that occasion calling Mr. Aldis a vulgar fellow, in the presence of those ladies? No, certainly not.
9399. You do not remember it? I do not.
9400. Do you think it likely that you did? No, certainly not; it is impossible that I should say so before those ladies.
9401. If you had, would you have recollected it? Perhaps so; but I could not say anything of what I took no interest in and knew nothing about.
9402. *By Mr. Piddington*: Do you recollect a conversation of any kind occurring in the manner described? I recollect there was something spoken of the Philharmonic Society and of their concert.
9403. At the time Mr. Bentley describes, and in the presence of these ladies? Yes, I recollect we were talking, and I said that I was very glad that I was not obliged to depend upon the protection of this Society for my advance. Having been introduced to Sir William Denison, I requested him to patronise my first concert.
9404. But with regard to these remarks, do you recollect any conversation whatever taking place at the time and in the manner he has described? I cannot say anything positive, except that I explained that I was invited by the Society to play for their concert; and I said to them that I was sorry that I could not play for them, because I was engaged to Sir William Denison for my first concert, but I said that on another occasion I would be very happy to play for them. They did send me an invitation afterwards for one of their concerts, and I accepted it, and played for them.
9405. But do you recollect a conversation of the kind he describes, calling Mr. Plunkett a Jesuit, and Mr. Aldis a vulgar fellow? I do not recollect. It is now a year and a half ago; and when I go to take a dinner and spend an hour in a gentleman's family, I talk to amuse, and do not recollect all that is said.
9406. Did you receive any anonymous letters? I received one, and sent it to Mr. Harrison.
9407. What was the purport of it? It was only to make a fool of me. It was that I should go to Government House and inquire of Mr. Turville something about D'Apice.
9408. What was the handwriting of that letter? I did not take notice.
9409. You are opposed in religion to Signor D'Apice—of a different creed? Yes, I am a Protestant.
9410. Do you know anything of the anonymous letters sent to the Bentleys? Not at all. I live in this way:—I have my business and my home—that is all for me; and I do not interfere with other people. I know Mr. Bentley, and I was satisfied to know him, but it was only a very slight acquaintance; and it was just the same with Mrs. Bentley. I have never been at their home, and have never inquired of them. If I met them in the street, I would say "good day," and that was all.
9411. *By the Chairman*: Were you at Fairlight with Mr. Hellyer? Yes.
9412. Were you at Fairlight and Memmel with him on the last days of February last, and on the Saturday, Sunday, Monday, and Tuesday following? Yes.
9413. Did you ever meet with Mrs. Bentley on her way to Balmain? Not that I know.
9414. You did not meet her soon after the Philharmonic concert? Yes, I may have met her, but I do not know that she was going to Balmain.
9415. Did anything like the following occur:—"I met Signor Cutolo, on my way to Balmain, when the following conversation took place between him and me: He said to me, 'You are out early, Mrs. Bentley; how well you are looking! but then you have nothing to trouble you.' I, recollecting Mr. Black's request, looked Signor Cutolo full in the face, and replied, 'I dare say I have my trouble like other people, Signor;' upon which he blushed deeply, and looked to the ground."—Did this occur? I may have said, "Good morning, Mrs. Bentley," but that is all; the conversation that she says never occurred.
9416. You had not any conversation in which you said anything to the effect of complimenting her upon her looking well? No, certainly not. I had only the slightest acquaintance with her; and it is not likely that I should go to a lady whom I know so little, and say to her, "Madame, how beautiful you look!" It is absurd. 9417.

9417. *By Mr. Bentley* : You say that our intercourse was very slight? Yes.  
 9418. How did it happen then that one day, just previous to the appointment of this Committee, when you met me on the Racecourse, you joined me and came to my house with me, and, though I was a complete stranger to you, you entered into conversation with me about your private affairs, telling me that your time was so completely occupied that you did not know what to do—that nearly all your connection lay in and about Woolloomooloo—that you were making £100 a month, and that that was only very little because of the heavy expenses you were under? Perhaps I have said some little things of the kind, but that is not my conversation.

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John Le Gay Brereton, Esq., called in and examined:—

9419. *By the Chairman* : You are a resident in Sydney? I am.  
 9420. And are a medical practitioner? Yes.  
 9421. Have you been the medical attendant of the Bentley family? I have.  
 9422. Have you ever had any conversation with Inspector Harrison, as to the health of Mrs. Bentley—that is to say, as to her mental health? I do not quite understand you.  
 9423. Have you had any conversation with Inspector Harrison, with regard to the mental state of Mrs. Bentley? I have had conversations with Harrison.  
 9424. With regard to Mrs. Bentley being a monomaniac? I cannot remember whether, in the course of conversation, the question of Mrs. Bentley's sanity was made the topic of conversation; it may have been, but I do not recollect.  
 9425. Have you attended Mrs. Bentley for fainting fits and hysteria? I have.  
 9426. When you have seen her in those fits, have you had any reason to suppose that she was shamming? No.  
 9427. *By Mr. Wilson* : Will you be kind enough to state to the Committee the kind of fit for which you attended her? They were not fainting fits, but were attacks of hysteria; and they very often take the form of other external diseases, and may be often mistaken by unprofessional persons.  
 9428. Were they prolonged attacks? Yes, sometimes they lasted for hours.  
 9429. Have you seen instances in other cases of fits of this kind lasting so long? Yes.  
 9430. Will you state, for the benefit of the Committee, whether, during the time these fits lasted, Mrs. Bentley was conscious? There would be a seeming consciousness. She would be conscious to a certain extent; that is, she would be conscious of pain or of terror, but it would not be an intelligent consciousness.  
 9431. Would it be possible, during one of these fits, for her to seize the hand of a person near her, and even to press that hand in hers? Yes, there might be a spasmodic action of that kind.  
 9432. And even to press it to her side? Yes, she might have gone through some very strange contortions during one of these fits.  
 9433. Was there anything peculiar in her case—was it a strange case? No; the fits were violent, but I have seen them as violent in other cases. There was nothing very remarkable about her case.  
 9434. *By Mr. Piddington* : Has your attendance on Mrs. Bentley left any impression on your mind with respect to her mental state? She was exceedingly nervous, and I should think would, under certain conditions, be very easily intimidated. She is of that particular temperament upon which mental impressions would tell to a very considerable extent; but with regard to her sanity, I never yet saw any symptoms of insanity about her.  
 9435. Would any statement of impending danger be likely to affect such a temperament as that of Mrs. Bentley? Yes.  
 9436. Such a statement would be likely to affect her nervous system to a considerable extent? Where the statement was of something more than ordinary, the effect would be very considerable. The fact of one attack of hysteria under which I have seen her labouring was, in one instance, directly traceable to mental excitement. I allude to the occasion when I was called up in the night to attend Mrs. Bentley, and when Mr. Bentley came and fetched me. I forget the circumstances, but I know I remembered asking, after I had seen her, whether there were any mental cause to which the attack might be traceable; and, if I remember rightly, I was informed that there had been such a cause. I do not remember what it was, for I did not make any note of it. The impression left upon my mind is, that upon one or two occasions these attacks have been caused by mental excitement.  
 9437. Then, is it your opinion that she is of such a temperament that she would be liable to a strong impression of fear or terror from any statement being made of an attack upon her or her family? Any nervous female is liable to attacks of nervous derangement, of which hysteria is one form; and these derangements are liable to be caused by fright, or even by joy in excess.  
 9438. Or from apprehension, however excited? Yes.  
 9439. Does Mrs. Bentley belong to the class of persons you have just described? Certainly; she is a nervous female.  
 9440. *By Mr. Wilson* : Could you suppose the case of a nervously sensitive female, being in such a great fright as to retain her consciousness, and not at the time to have any attack of hysteria—the fright overcoming the nervous feeling? Yes, readily. In the moment of excitement, a nervous person is not so liable to faint as he is after the reaction. The stimulus of fright, or even of pain, will often ward off for the time-being an attack of hysteria.  
 9441. In illustration of this case, Mrs. Bentley states that when she was assaulted at Mr. Josephson's gate, she was too frightened to faint;—do you admit that to be possible? Yes, quite

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quite possible. For instance, a person who is lost in the bush, does not feel the fatigue whilst he is under the excitement of the search, but when he once finds the track, his whole fatigue comes upon him, and he faints.

9442. *By Mr. Morris*: You received several anonymous letters? Yes, three.

9443. You gave them to Mr. Bentley? Yes. When I received the first letter I kept it for a short time, but when I got a second letter I thought that Mr. Bentley was the person who ought to be in possession of them.

9444. Is there anything you have seen in the conduct of Mrs. Bentley, during the time you have been in attendance on her, that has led you to consider that the reference made in this letter to Mrs. Bentley was justifiable? No; my opinion has been that the allegations of the letter were quite groundless. I never saw anything, either in her manner or in her appearance, but what was perfectly modest and ladylike.

9445. Have you observed anything in her conduct, or in that of Mr. Bentley, that would lead you to suppose that they might be themselves mixed up in the writing of these letters? No, I have never observed anything myself that would lead to such a suspicion.

9446. Then any opinion you may have formed on the subject has arisen from statements made to you by other parties? I cannot say that I ever formed a decided opinion on the subject; I am in a state of doubt now; I have at times had suspicions that they were the parties, but these suspicions have never been based upon facts.

9447. So that any suspicions you may have had in reference to the Bentleys themselves being the authors of the letters, have not arisen from anything you have observed in their conduct? No.

9448. You remember the time when she was assaulted at Newtown, and was said to have been injured in the breast? Yes, I remember the circumstance.

9449. Did you ask to see the wound? Yes, I proposed it.

9450. And what was the reason why you were not permitted to do so? The objection that was made was that she was then in a highly nervous state, and Mr. Bentley was afraid that if I visited her it might only make her worse.

9451. Why did he come to you? He was consulting me on his own account at the time, and then he mentioned that Mrs. Bentley had received this injury. I then said that I would go and see her if he liked, and he answered that she was too weak and nervous. That was his reason, as near as I can give. I know that I proposed to go and see Mrs. Bentley, and I think he said that the wound was not so severe as to require it. I then said that I thought that perhaps, in a legal point of view, it would be as well that I should see the wound, as I considered that at some time or other it might become a legal question, and that therefore it would be advisable that he should have my evidence on the subject. He then said that Mrs. Bentley was exceedingly nervous, and that my presence would only increase her nervousness, and that as it was not absolutely necessary that I should see the wound, he would prefer that I should not do so.

9452. Is Mrs. Bentley disinclined, unless in a case of emergency, to consult a medical man? I have not noticed that there has been any remarkable disinclination on her part to consult a medical man; when I have been sent for she has never objected to see me.

9453. *By Mr. Cowper*: It has been stated by Inspector Harrison that, after consulting with him, you were rather inclined to the opinion that the Bentleys themselves were the guilty parties, and that the Bentleys' unwillingness to allow you to make an examination of the injury suffered by Mrs. Bentley, had shaken your opinion of their innocence? The unwillingness to shew me the wound certainly appeared somewhat strange to me; and the reason why I persisted with Mr. Bentley in asking him to let me see the wound was, that I was convinced that the fact of my not seeing it would be regarded by the public as a suspicious circumstance. No doubt it must seem so; and I own that if I had any suspicions of the Bentleys, that circumstance alone would have tended to confirm them.

9454. Did you state this to Harrison? I have not unfrequently spoken to Harrison on the subject. I have met him at the Bentleys', and once at my own house. I have had a conversation with him in my own house. He then communicated to me circumstances which I afterwards saw in his published report to the Colonial Secretary; and supposing those statements to be correct, I consider that there is a very strong case of suspicion against the Bentleys—that is, as I told Harrison, assuming his statement to be correct. But I never stated that I was satisfied that they were the authors of these letters, because the evidence at the best is altogether negative.

9455. *By Mr. Piddington*: Do you recollect the circumstances narrated to you by Harrison, by which you were led to believe that the case against the Bentleys had been made out? I never considered that the case was made out against them; I always told Bentley that as yet he wanted evidence before he could convict anybody else of the offence of writing these letters, for there was nothing in all the facts that had come out, inconsistent with the whole thing having been done by themselves. That is all I have ever said, and that is not saying that there were grounds of suspicion against the Bentleys.

9456. But I understood you to say, in answer to Mr. Cowper, that you had had a conversation with Harrison, and that he detailed certain matters to you, and that you then said that if those circumstances were true, they would point out the Bentleys as the authors of the whole affair? Yes.

9457. What were those circumstances? They were the same as those that were afterwards published in the form of a report from Harrison to the Colonial Secretary.

9458. Do you remember any of them? No; but I remember that there was not a circumstance mentioned in that report, that I had not heard before from Harrison. It was such things as the accumulation of dust in the attic, in which a man's tracks must have been seen, and the displacement of the bricks from the wall, and sundry other little things, all of which went to contradict the statement that Bentley himself had made. One thing was, that

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that the dust which had accumulated in the attic had not been displaced, which must have been the case had anybody been walking there. Another point was, that a person in the attic could not look through the aperture in such a way as to see down on to the stairs, without leaning very much over a beam that was near it, and so leaving a mark behind him; these were the points that I thought would form a fair subject of comment.

9459. But you have not been led to any conclusion based on your observations, with regard to the complicity of the Bentleys in this matter? I did not think much about the matter, until after the public mind had been drawn to the question of its being probable that the Bentleys had written these letters themselves. I then went over the evidence that had been collected, and I found that there was really nothing in the whole matter that they might not very readily have done themselves. It was upon this review, as well as upon the general features of the case, that I passed my opinion.

9460. As an experienced man of the world, have you formed any opinion in support of the supposition that the Bentleys themselves are the parties concerned? I have not any decided opinion on the point.

9461. Have you formed any opinion at all that you consider definite, with regard to any parties who you believe have been concerned in this persecution? I have formed none, based on facts, sufficient to justify me in entertaining a suspicion of any party whatever. It is just as possible that some other party may have done this, as that they themselves are the authors; the one is quite as consistent with the facts as the other.

9462. I do not ask you that—but what I wish to know is, whether you have come to any conclusion in your own mind, based upon facts that have come to your own knowledge? I came to this conclusion, that there were many things that must have been done by some person in the house, intimately acquainted with the family's movements; and that one of the agents of the conspiracy must have been in the house. This agent may have been a servant, or a workman, or one of the Bentleys themselves. There was nothing direct against any one, and the suspicion that would apply to one would apply equally to the other. But the fact still remains that there must have been an accomplice in the house, for many things that were done.

9463. But I wish to know whether you have come to the opinion that the facts of the case point to the conclusion that it is the Bentleys or any one else who has done this? No, I have not arrived at any definite conclusion on the case.

9464. From any observations of your own, or from any knowledge based on facts, have you been impressed with the opinion that they themselves were connected with this matter? If we could arrive at any conclusion, based on facts, then this inquiry would be unnecessary. I have no more arrived at a conclusion based on facts than have the Committee. As for opinions and suspicions they throw no light upon the case, because they are as likely to be false as to be true.

9465. *By Mr. Cowper*: From what you have seen of the Bentleys during the time you have been their medical attendant, is there any mental weakness about Mrs. Bentley, not perhaps amounting to monomania, but causing her to be subject to delusions? No, I have seen nothing of the kind about her.

9466. Nothing? No, I have seen no sign of insanity about her; when free from pain she appeared to me like any ordinary person, without vice of mind of any kind.

9467. *By Mr. Morris*: Have you observed anything about Mr. Bentley himself that would lead you to suppose him subject to monomania? No, I have never seen anything in him unbecoming to a gentleman. I have seen him in conditions of great excitement, carrying fire-arms for instance, but then he had sufficient cause for it if he believed in this conspiracy. I know that for myself, if I thought that any person was laying plots for my wife I should most likely have been as bad as he was.

9468. From your own personal knowledge, are you aware whether Mrs. Bentley ever carried arms? I am not aware; I have never seen her out of doors.

9469. *By the Chairman*: Have you formed the idea that from the first there must have been some one in the house? No, not necessarily from the first.

9470. Is there any time of which you could fix the date at which you think some one must have been in the house? Well, I should say from the time when something was found pinned to the piece of music. When accidents of that kind occurred, some one must have been in the house to manage them, and must have been intimately acquainted with the family movements, knowing where the parties slept, where the nursery was, where the music was placed, and where all the doors led to; from the time of the note being pinned to the music there must have been an accomplice in the house.

9471. Are you aware that there was a detective placed in the house about that time? Yes.

9472. And may not the accomplice have been a detective as well as any one else? Yes, he may have been.

9473. If the police have predicted that certain things would take place, and that afterwards those very things did take place, would not that lead to a strong inference of their connection with the criminals? I have seen nothing in the case that would lead me in the least to suspect the police.

9474. But if the head of the police has predicted that certain things will take place in the house, or that certain things will occur at the concert, and that afterwards such things do take place, is it more likely that the Bentleys or that the police have arranged them? That is a mere matter of opinion, and I must know the whole circumstances before I venture upon giving an opinion. It is a mere matter of weight of evidence.

9475. At all events you say that some one must have been in the house? Yes; and that opinion is based upon my own observations; but I have not been able to form any with regard to whether suspicions were attachable to one person or another.



PETITION OF THOMAS CHARLES BENTLEY.

APPENDIX.

A.

(1.)

New South Wales, }  
to wit. }

On the 17th day of September, 1862, Thomas Charles Bentley, of No. 67, Elizabeth-street North, in the City of Sydney, in the Colony of New South Wales, gentleman, and Julia Bentley, his wife; and Mary Ryan, of the same place, spinster; and Anna Maria Bradshaw, of the same place, spinster; being severally duly sworn, make oath, and say as follows:—

The deponent, Thomas Charles Bentley, saith:—

1. I am a native of London, where I was born in the year 1827. I am the son of William Bentley, Esquire, chief clerk of the Stock Department in the Bank of England, and the nephew of Richard Bentley, Esquire, the well-known publisher of London.

And the deponent, Julia Bentley, saith:—

2. I am a native of Honiton, in Devonshire, where I was born in the year 1836. I am the daughter of William Munk, Esquire, of Exeter. My mother died when I was about two years old. I received an ordinary musical education, but was not brought up to follow music as a profession.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

3. We were married in April, 1857, at the Church of St. Leonard's, Mount Radford, Exeter.

4. In November, 1859, we left England in the ship "Castle Howard," for this Colony, where we arrived in January, 1860, with our then only child, between one and two years old, and we have ever since resided in Sydney, or its vicinity. We have another child, who was born in November, 1860.

5. We left England for this Colony solely on account of Mr. Bentley's health, and by the advice of his physician, Dr. Walsh, of London, who stated that it was necessary for the preservation of his life to proceed to a warmer climate.

6. We brought letters of introduction with us to Sir William Denison, the Bishop of Sydney, Messrs. Flower, Salting, and Co., Mr. Benjamin Buchanan, and other gentlemen in Sydney.

7. Shortly after our arrival in Sydney, Mr. Bentley was appointed Secretary to the Australian Club, which office he held until he resigned it, to accept that of Secretary to the Union Club, which he has ever since held.

And the deponents, Thomas Charles Bentley and Julia Bentley, for themselves severally say:—

8. We make and depose to the various statements herein deposed to by us, not with a view of unnecessarily casting suspicion upon, or injuring any person, but solely for the purpose of fully and truly setting forth all the facts and circumstances connected with the occurrences herein referred to, so far as we were, or are, aware of them, and to express and explain our feelings and impressions at the time when those occurrences took place, and the expressions and opinions of those persons whom we consulted on the subject, and the way in which our own minds were affected in reference thereto.

9. In setting forth or alluding to conversations, we have set them out according to their substance and effect, but do not profess to depose, in all cases, to the exact words or expressions used.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

10. Shortly after our arrival in Sydney, Mrs. Bentley—in order to add to our income—proposed to give lessons on the pianoforte, and she was subsequently employed in that capacity to instruct the daughters of several highly respectable persons in Sydney and its vicinity.

11. In the early part of May, 1861, Mrs. Bentley, at the request of the Committee of the Sydney Philharmonic Society (which request was conveyed to her in an official manner through the Secretary, and also by Mr. Black and Mr. Aldis, both members of that Committee), consented to perform at the concert of that Society, given on the 14th day of May in that year, at which concert she accordingly appeared, and played upon the pianoforte, being introduced thereat by the Honorable Mr. Plunkett, the President of the Society. On the following morning her performance was favourably criticized in both the daily newspapers, namely, the *Sydney Morning Herald* and the *Sydney Empire*.

And

And this deponent, Julia Bentley, further saith :—

12. Whilst I was playing at the said concert, Mr. Rawack (the husband of Madame Rawack, the eminent pianiste), placed himself, apart from the general audience, so close to the platform that it was impossible for me to play without seeing him; and his position and observation of my playing made me very nervous. As I left the concert room he rudely passed me and trod upon my foot. I told Mr. Bentley of this after the concert. I thought nothing more of the matter at the time, but the circumstance afterwards recurred to my memory, in consequence of some inquiries made of Mr. Bentley and myself by Mr. Black, as to our knowledge of any foreigners, as hereinafter set forth.

13. A few days after the said concert was given (I believe the second day after the said concert), I met Signor Cutolo (with whom Mr. Bentley and I had previously become slightly acquainted) in the street, and he then spoke to me of the said concert, and said that he was not present thereat, but had read the reviews in the papers, and added, in a sarcastic tone, "The English for the English, Mrs. Bentley."

And the deponents, Thomas Charles Bentley and Julia Bentley, severally saith :—

14. Up to the early part of October last we were entirely ignorant of the existence of any attacks upon, or anonymous letters respecting, Mr. Bentley's character, or otherwise in reference to us or either of us, and we had no knowledge whatever on the subject.

And the deponent, Thomas Charles Bentley, further saith :—

15. All the letters and writings herein referred to respectively, as numbers 1, 2, 5a, 6, 7, 8, 9b, 10, 11, 12, 13, 15, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27, 29, 31, and 32, are in the same character of handwriting, and that a most peculiar one. The directions on the envelopes to the said letters hereinbefore referred to, as numbers 1, 2, 3, 5a, 6, 7, 8, 9b, 11, 12, 13, 18, 19, 24, 26, 27, 31, and 32, are in the same peculiar handwriting. The directions on the envelopes to the letters herein referred to as numbers 15, 17, 21, 23, are not in the same peculiar handwriting. The envelope to the letter herein referred to as number 16, is partly in the same peculiar handwriting, and partly in handwriting of a different character; and the other letters herein referred to—namely, numbers 4, 5, 5b, 8a, 9, 9a, 9c, 11a, 13a, 20, 25, 28, and 30—are in various characters of handwriting.

16. In setting out the copies of the anonymous letters, I have done so as far as I am able; but the writing of the originals is, in several instances, so difficult to make out, that I cannot be certain that the copies are in all cases correct.

17. In the early part of October last I ascertained, in the manner hereinafter mentioned, that on the 17th day of May, 1861, a letter (No. 1) was received through the Post Office by Mr. Black, addressed, "Black, Esq., firm, 'Morrison and Black,' Hunter-street, Sydney," and bearing the Sydney Post Office stamp of that date, of which letter the following is a copy :—

(No. 1.)

" Sir,

" I arrived in Sydney but a few days previous to the concert given by the Philharmonic Society, and did not know, until seeing her on the platform, who the lady was that was advertised as pianiste on that occasion. Since then I have made inquiries, and find that you were one of those who brought her before the public; and this being the case, unpleasant as it may be to my feelings, I feel it my duty to tell you that Mrs. Bentley is going entirely under false colours. She says she is an English lady; but it is not so. Mrs. Bentley is an Italian by birth, and her father and mother were both of one of the first Italian families; but she has *disgraced* her family, and was the cause, only a few years since, of her own mother's death. After this I am sure a gentleman who holds a position in Sydney, as Mr. Black, will cease to notice one who has such a stain on her as the great pianiste, Mrs. Bentley.

" I remain, Sir,

" Yours truly,

" A LOVER OF TRUTH."

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

18. Mr. Black visited at our house on several occasions shortly after the said concert, and made various inquiries of us about the birth and parentage of Mrs. Bentley, and also as to our knowledge of foreigners resident in this city; and in reply to such inquiries we gave him the information he asked for, stating, as the fact was, that the only foreigners we were acquainted with in the city were Mr. Rawack (whom we only knew by sight) and Signor Cutolo; and during one of these visits by Mr. Black, Mrs. Bentley informed him of her said meeting with Signor Cutolo, and of his sarcastic remark, "The English for the English," and also of the conduct of Mr. Rawack at the said concert hereinbefore set out. Mr. Black requested Mrs. Bentley to look Signor Cutolo well in the face the next time she met him. We asked Mr. Black what all these mysterious inquiries meant, and why he asked Mrs. Bentley to do so singular a thing. He said, "Never mind; I'm a Scotchman; when the proper time comes I will tell you." Another gentleman, the father of one of her pupils, also questioned Mrs. Bentley as to her birth-place, and whether she was English. These inquiries appeared to us very singular, and perplexed us much.

And the deponent, Julia Bentley, further saith :—

19. A few days after the conversation with Mr. Black, referred to in the last preceding paragraph, I met Signor Cutolo in the street, on my way to Balmain, when the following conversation took place between him and me :—He said to me, "You are out early, Mrs. Bentley. How well you are looking; but then you have nothing to trouble you." I, recollecting Mr. Black's request, looked Signor Cutolo full in the face, and replied, "I dare say I have my troubles like other people, Signor;" upon which he blushed deeply and looked to the ground, and we thereupon parted.

And

And the deponent, Thomas Charles Bentley, further saith :—

20. I also, in the early part of October last, ascertained, in the manner hereinafter mentioned, that, on the 2nd day of July, 1861, a letter (No. 2.) was received through the Post Office by Mr. Aldis, addressed—"Aldis, Esq., George-street," and bearing the Sydney Post Office stamp of that date, of which letter the following is a copy :—

(No. 2.)

"Sir,

"I hear you are friendly, and admit into your family circle Mrs. Bentley, the lady who played at your last Philharmonic concert. Being the head of a large family of daughters myself, I feel it my duty, unpleasant as it may be to me, to tell you that that lady is not a fit person to associate with your daughters, or indeed any one who has a father's feelings for his children. Suffice it for me to say that Mrs. Bentley is out here under entirely false auspices. She is no Englishwoman, as she pretends to be, but an Italian, and of a family which, had she not disgraced in such a manner that she dare not return to it again, she would never have been in the position she now is—a common musical instructress—but could have lived in her native country (a climate far more suited for her poor husband's health) in affluence and ease.

"Like all Italian women she is fascinating in manner, and a *very* dangerous one to admit into a family circle, especially where there are sons, for she will scruple at no means to gain an end; and much as you, who I know are a great admirer of music, may think of her talent, which undoubtedly is great—although, forgive me, sir, is not to be compared to that of your daughter—I am quite sure you will acknowledge that a person who has by her own conduct so disgraced herself, that her own relations will not even acknowledge her, and was even the cause of her own mother's death, is not a fitting companion for your daughters, who (again pardon me for saying) would be the ornament of any society.

"Sir, I remain,

"Yours truly,  
"E. L."

21. I also, in the early part of October last, ascertained in the manner hereinafter mentioned, that on the 30th day of September last, another letter (No. 3.) was received through the Post Office, by Mr. Hanson, one of the proprietors of the Sydney *Empire* Newspaper, (whose daughter at that time took lessons on the pianoforte from my wife,) addressed—"Hanson, Esq., Castlereagh-street," and bearing the Sydney Post Office stamp of that date. I am unable to set out a copy of this last-mentioned letter, for the reasons hereinafter appearing.

22. I became aware of the said three hereinbefore-mentioned letters having been so received as aforesaid, in the following manner :—In the early part of October last I had occasion to go to the office of Messrs. Richardson and Wrench, and I saw Mr. Edward Wrench (with whom I was acquainted in England, and who had interested himself here in forwarding Mrs. Bentley's professional views). He shewed me an envelope bearing the Sydney Post Office stamp, and addressed to him, and asked me if I knew the handwriting. I looked at the writing on the envelope, and expressed my opinion that it was the handwriting of a gentleman with whom I was acquainted at the Australian Club. Mr. Wrench said "Oh no, it's an anonymous letter"; to which I replied, "Is it about me?" to which Mr. Wrench answered, "Oh no, I'm keeping it until I can kick the blackguard who wrote it"; and I thereupon left. Mr. Wrench has since told me that he has mislaid this letter, and is unable to find it.

23. Two days after my said interview with Mr. Wrench I met Mr. Hanson, who then shewed me the envelope of the aforesaid letter (No. 3.) addressed to him, and asked me if I knew the handwriting. I immediately recognized the handwriting to be the same as that shewn to me by Mr. Wrench, and exclaimed, in surprise, "Yes, how strange; I have seen it at Mr. Wrench's;—what is it?" to which he replied, "An anonymous letter about Mrs. Bentley," and on my pressing him to state its contents, he said he had torn it up and dismissed it from his mind as an anonymous letter. I then asked him for the envelope, which he gave me, and I thereupon (thinking that possibly the before-mentioned inquiries by Mr. Black might have some connection with similar anonymous letters), forthwith went to him and shewed him the envelope given to me by Mr. Hanson, and told him that Mr. Hanson had received an anonymous letter in that envelope about my wife, and I then asked him if his before-mentioned pointed inquiries had any reference to similar communications, to which he replied, "Yes," and went to a drawer and took thereout, and handed to me, the letter herein referred to, as letter No. 1, which I at once read. I asked him to allow me to retain it, to which he assented, and said, "Mr. Aldis has received a similar one, which he will, no doubt, give to you if you go to him." I thereupon went direct to Mr. Aldis, and saw him, who then told me he had received a similar letter, and promised to bring it into town with him the next day, and give it to me, which he did accordingly; the same being the letter herein referred to as letter No. 2.

24. On the evening of the day on which Mr. Hanson gave me the said envelope of the said letter addressed to him, and after I had seen Mr. Black and Mr. Aldis, as hereinbefore mentioned, I informed my wife of what had occurred, and the communication thereof had such an effect upon her that she became suddenly seriously ill, so much so, that late on the same night, we had to send one of our servants for Dr. Brereton (who was then, and had for some considerable time previously been, my medical attendant), to attend her, and he did so accordingly, and found her in a violent hysterical state, from which she lapsed into a heavy stupor, in consequence of the mental excitement and annoyance caused by my said communication to her. Dr. Brereton prescribed medicine for her, and told us she must be kept perfectly quiet and free from excitement.

And



And the deponent, Julia Bentley, further saith :—

25. The communication so, as aforesaid, made to me by my husband, so surprised and shocked me, that I was taken violently ill in consequence thereof, as mentioned in the said last preceding paragraph.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

26. In the latter part of the year 1860, Mrs. Irving (the wife of Mr. Clark Irving, late of Sydney, aforesaid), called upon Mrs. Bentley, and made arrangements for placing her daughter (Miss Irving) under her, to receive instruction on the pianoforte, and Miss Irving accordingly received such instruction from Mrs. Bentley up to the time when Mrs. Irving and her family left this Colony for England, which was in or about the month of January, 1861.

And the deponent, Julia Bentley, further saith :—

27. Previously to Mrs. Irving so leaving the Colony, I was introduced, by her, to her husband, at their house in Sydney. Up to that time I did not know Mr. Irving.

28. Early in the month of June, 1861, Mr. Irving called at our house ; my husband was not at home at the time. He asked to see me, and I saw him accordingly. He stated that he had called to pay the amount due for the tuition given by me to Miss Irving—apologized for the delay which had occurred, and gave me a cheque for the amount, and then left. I had not seen Mr. Irving after he was introduced to me as aforesaid, until he called at our house and gave the said cheque as herein mentioned. After this I met Mr. Irving once at a party at Government House, and he danced with me on that occasion. Afterwards I casually met Mr. Irving in the street near my house, walking with Mr. Arthur Hodgson, when Mr. Irving accosted me and informed me that he was about buying a pianoforte to send up to the Clarence District, and requested me to go to Mr. King, in Market-street, from whom he was about to buy the piano, to give my opinion as to its value. I promised to do so, and he said he would call at our house to learn my opinion. I accordingly went to Mr. King and tried the piano. Mr. Irving did not afterwards call to learn what my opinion was, but I casually saw him afterwards as I was passing his house to my professional duties at Mr. Gordon's, he being in the garden in front ; he accosted me, and I then told him my opinion of the pianoforte.

And the deponent, Thomas Charles Bentley, further saith :—

29. About the early part of October last, I was canvassing for the said office of Secretary to the Union Club, of which Club Mr. Irving was then a member. I was elected to that office on the 17th day of October last, but I did not enter upon the duties thereof until about the end of November last.

And the deponent, Mary Ryan, saith :—

30. I entered into the service of Mr. and Mrs. Bentley, at their house in Elizabeth-street, Sydney, in or about the beginning of February, 1861, as cook and general servant, and have ever since remained in such service.

And the deponent, Anna Maria Bradshaw, saith :—

31. I entered into the service of Mr. and Mrs. Bentley, at their house in Elizabeth-street, Sydney, on or about the month of April, 1861, as nurse, and have ever since remained in such service.

And all these deponents say :—

32. From the time Anna Maria Bradshaw entered into the service of Mr. and Mrs. Bentley, she and Mary Ryan have been their only servants ; and Mr. and Mrs. Bentley, their two infant children, Mary Ryan, and Anna Maria Bradshaw, have been the only inmates of that residence.

And the deponents, Mary Ryan and Anna Maria Bradshaw, for themselves say :—

33. One evening, in the early part of October last, Mrs. Bentley was taken suddenly and violently ill, and Anna Maria Bradshaw was sent, late on that night, to fetch Doctor Brereton, who came, accordingly, about midnight.

And the deponent, Mary Ryan, further saith :—

34. Shortly after 9 o'clock of the evening of the following day to that on which Dr. Brereton was called in as aforesaid, as Mr. and Mrs. Bentley were going to bed, Mrs. Bentley being still very unwell, Mr. Irving called at the house. I answered the door, and understood him to give his name as " Mr. Jenkin." I did not know him at the time, but I afterwards learnt that he was Mr. Irving, and I may have been mistaken as to the name he gave. On this occasion he walked into the dining-room, and asked if Mr. Bentley was at home. I told him he was, and that he and Mrs. Bentley were gone up to bed ; on which Mr. Irving said, " Never mind ; never mind," and went away. I then went up to assist Mrs. Bentley to undress, and told her what had occurred, describing Mr. Irving as Mr. Jenkin, which was the name I then thought he gave.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

35. Afterwards—namely, on Sunday, the 13th day of October last—Mr. Irving again called at our residence about noon, and saw both of us. He said he had called on the evening of the day next but one previous (being the day alluded to by Mary Ryan in the 34th paragraph hereof), on the subject of the application of Mr. Bentley for the office of Secretary to the Union Club, and, addressing Mr. Bentley, said, " Why did not you apply to me?"—to which Mr. Bentley replied, " Why, Mr. Irving, you are not a member of the Committee, so I did not trouble you." He replied, " I am sorry for that, because I've been using my influence for some one else." He then made some remarks expressive of regret at seeing Mrs. Bentley so ill, and saying (in allusion to the office of Secretary to the Union Club) he would see what he could do, and left us.

36. On Tuesday, the 15th day of October last, Mr. Irving again called upon us, about 5 o'clock in the afternoon, and we both saw him at our said residence. He stated that he had seen one of the members of the Committee of the Union Club, and had secured his interest for Mr. Bentley, and seemed studiously to endeavour to impress us with the opinion that he himself had great influence in the matter.

And the deponent, Thomas Charles Bentley, further saith :—

37. On Thursday, the 17th day of October last, I was elected Secretary to the Union Club.

And the deponent, Julia Bentley, further saith :—

38. On the 17th day of October last, whilst Mr. Bentley was absent from home, Mr. Irving, in the early part of the evening, again called at our house, and saw me alone. He said he had called to see Mr. Bentley about the Club, and to congratulate us, again endeavouring to impress upon me that he had been greatly, if not mainly, instrumental in obtaining the appointment for him. I told him (as the fact was), that Mr. Bentley was detained at the Club, and whilst conversing with Mr. Irving, Mr. Hanson's wife came in, and remained the evening with me. Mr. Irving remained for some time after Mrs. Hanson's arrival, and then left. After he had left, I had occasion to send some clothes to Mr. Bentley, and I at the same time sent him a note saying Mr. Irving had come again.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

39. On the following day (the 18th day of October last), we were at home at tea together, and the circumstance of the visit of Mr. Irving on the previous evening was discussed between us. Afterwards Mrs. Hanson came in, and on coming in said, "I'm come to spend the evening with you, because I thought you" (meaning Mrs. Bentley) "would be alone again." Mr. Bentley thanked her, and said that in a few minutes he would have to leave. Almost immediately after Mrs. Hanson came in, Mr. Irving called, and Mr. Bentley told Anna Maria Bradshaw to show him upstairs into the drawing-room, (a different room to that in which we were, the room in which we were being the dining-room on the ground floor,) and Mr. Bentley went up to the drawing-room to see him.

And the deponent, Thomas Charles Bentley, further saith :—

40. I then saw Mr. Irving in the drawing-room, and asked him the object of his visit, and in reply he said he was just passing by and called to inquire how Mrs. Bentley was; I told him she was very unwell, and he then left the house.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

41. After Mr. Irving so left, Mr. Bentley returned to the dining-room, and Mrs. Hanson then stated that the real object of her visit was for fear "that man" (meaning Mr. Irving) should come again, as she had seen how unwelcome his visit on the previous night was, and added, "I think it but right now to tell you that the anonymous letter received by Mr. Hanson stated that you had been receiving valuable presents from Mr. Clark Irving, and otherwise acting improperly with him." Shortly after this, Mr. Bentley left for the Club; he afterwards returned before Mrs. Hanson left. After Mrs. Hanson left, Mrs. Bentley was again seized with a violent illness similar to that with which she was attacked on the 10th day of October last, as hereinbefore set forth. The same course of treatment was adopted as that recommended by Dr. Brereton on the previous occasion.

And the deponent, Thomas Charles Bentley, further saith :—

42. I afterwards, on the same night, saw Mr. Hanson, and he made a statement as to the contents of the said anonymous letter to him similar to that so as aforesaid given to my wife and me by Mrs. Hanson; and in consequence thereof I, in order to prevent Mr. Irving from again calling at our house, wrote and sent to him, before 8 o'clock the following morning, a letter, of which the following is a copy :—

" October 18th, 1860.

" Sir,

" I desire that you will desist from calling at my private residence, and I also beg that you will cease to intrude yourself upon Mrs. Bentley in any way whatever.

" Your obedient Servant,

" THOS. C. BENTLEY.

" To Clark Irving, Esq."

43. Mr. Irving having, in the meantime, twice left messages that he wished to see me, I on Sunday, the 20th day of October last, called on him at his house and saw him there. I then told him that my letter had been written, not because I imputed blame to him, but on account of anonymous letters being circulated in which his name had been associated with Mrs. Bentley's in an improper manner. He then handed me some letters having no reference to Mrs. Bentley or myself, and asked if they were the same handwriting as the letters I alluded to. I took the letters so given by Mr. Irving, home with me, to compare with those already in my possession; and finding no resemblance between them, returned to Mr. Irving those given by him to me, upon which occasion he stated he would give £50 to find out the author of the anonymous letters.

44. At the time when Mr. Hanson informed me of the contents of the said anonymous letter received by him, he also stated to me that the handwriting of that letter was the same as that of the letters herein referred to as Nos. 1 and 2, both of which he had at that time seen.

45. In the early part of November last, I ascertained, in the manner hereinafter mentioned, that on the 21st day of October last, another letter (No. 4) was received through the Post Office by Dr. Brereton, addressed "Dr. Le Gay Brereton, Macquarie-street," and bearing the Sydney Post Office stamp of that date, of which letter the following is a copy :—

(No. 4.)

(No. 4.)

“ Sir,

“ If I am not mistaken, you take some interest in a gentleman, a patient of yours—I mean Mr. Bentley. He is one of my greatest friends, and I know no one for whom I have a greater respect. Feeling all that I do for him, much as it pains me, I feel it my duty to tell you, as his medical adviser, what he will never allow you to know or even to guess, half his illness is caused by excitement, and that the worst kind of excitement, fear of his wife's conduct. Mrs. Bentley under a fascinating and quiet manner conceals a heart as bad as the very worst of her sex. No doubt you are aware that Mr. Bentley has been obliged to sleep at the Club House for some time, and whilst there, Mrs. Bentley has been carrying on a *liaison* with a gentleman who was a short time since much connected with Government House. I will not mention names, as he is not so guilty as Mrs. Bentley; and you may judge how far this has gone, when I tell you that on Thursday morning, at 3 a.m. I was returning from an evening party, and I saw him leaving Mrs. Bentley's house, letting himself out with a latch-key. Poor Bentley does not know this, and I would not for the world he should; it would break his heart; but he does know his wife is an unprincipled flirt, who waits but the opportunity to be unfaithful to him, and this it is that is making him ill. Sir, the only thing that can be done to make Bentley's home happier is by reforming his wife. I have studied her well, and, sir, she is sensitive to a degree of public opinion. If by each one of her husband's friends showing her a marked coldness of manner, so that she should know her conduct was discovered, and should not pass unnoticed, I believe fear might induce her to reform, and make poor Bentley's home happier than it has ever been. I have written this, feeling you take some interest in Mr. Bentley, and although I cannot sign my name, before many days are over you shall know it.

“ I remain, yours truly,

“ E. C.”

46. About the end of October last, I called upon Mr. Hanson at his office, to consult with him about these anonymous letters. He asked me if I had any suspicions; I said I had scarcely suspicions, but some trifling circumstances led me to suppose that either Mr. Rawack, or Signor Cutolo might be the author. He said that Signor Cutolo had until lately been very friendly with him, and he did not believe he could be the guilty party. I said I myself could not understand what object he could have in so doing, as he was doing so well in his profession, and added “ but I cannot divest my mind of the impression that Rawack may be doing it.” We had some further conversation on the subject, in the course of which I said I should like to get Mrs. Rawack's handwriting, which he said he would try to get for me. I spoke to Mr. Black about the same time, to the same effect, particularly as to getting some of Mr. Rawack's handwriting.

And the deponent, Julia Bentley, further saith :—

47. On the 29th day of October last, I received at my said residence, through the Post Office, a letter (No. 5), addressed—“ Mrs. Bentley, 67, Elizabeth-street North,” and bearing the Sydney Post Office stamp of that date, of which the following is a copy :—

(No. 5.)

“ Mrs. Morris presents her compliments to Mrs. Bentley, and would feel much obliged by her calling at her residence to-morrow afternoon at about 5 o'clock, to make arrangements for Mrs. Morris' three little girls taking music lessons. Mrs. Morris is sorry to trouble Mrs. Bentley, but she is a great invalid herself, and cannot leave the house, or she would do herself the pleasure of calling at Mrs. Bentley's own residence. Mrs. Morris' house is situated at the back of Mr. Lamb's, and is called Murrunga.

“ Tuesday Morning, Murrunga.”

And the deponents, Thomas Charley Bentley and Julia Bentley, further say :—

48. On the afternoon of the said last-mentioned day, and after the said last-mentioned letter had been delivered, Mr. Bentley came from the Australian Club, and Mrs. Bentley showed it to him, and asked him if he knew where the place indicated therein was (both of us being at that moment under the impression that the letter was a genuine one). Mr. Bentley not being aware of the locality assumed to be therein indicated, went to the Australian Club to look into the Directory, to ascertain where the house in the said letter, called “ Murrunga House,” was.

And the deponent, Thomas Charles Bentley, further saith :—

49. I went the same evening to the Australian Club for the purpose aforesaid, and not being able myself to obtain information on the subject in the Directory, I asked Sir William Macarthur, who happened to be present in the reading room, if he knew a Mrs. Morris at Murrunga, at the same time showing him the said last-mentioned letter, and he stated that he did not, and assisted me to look over the Directory to endeavour to find the place, but without effect. Before leaving the said Club on that occasion, I saw Mr. Frederick Griffiths, a member thereof, and asked him if he could tell me at the back of which Mr. Lamb's a Mrs. Morris, of Murrunga, lived, to which he replied in the negative; and before I left the said Club on that occasion, I was informed by the messenger that Mr. Hanson and another gentleman wished to see me. I therefore went into the stranger's room, and there saw Mr. Hanson and Mr. Black, and Mr. Hanson said to me, “ I want to see you particularly—just read this letter,” at the same time handing to me the letter (No. 5a), which he informed me he had that afternoon received through the Post Office. It is addressed—“ — Hanson, Esq., Castlereagh-street,” and bears the Sydney Post Office stamp of the 29th day of October last. The following is a copy of it :—

(No. 5a.)

(No. 5a.)

“ Sir,

“ Some time since I wrote to you, saying that did you know what a bad woman Mrs. Bentley was, you would not allow your daughters to continue with her. Probably you did not believe me, from circumstances preventing me signing my name. Since then she has quarrelled with Mr. Irving, and has now commenced another flirtation, or what is *much worse*. I know she has made an appointment to meet a gentleman who is very well known to all Sydney, to-morrow (Wednesday) afternoon, at 5 o'clock, in the bush behind Mr. Lamb's house; and I only ask you to go, or send some one on whose word you can depend, to see if what I say is not correct, and I am quite sure you will see what kind of woman the apparently quiet, lady-like creature, Mrs. Bentley is.

“ Sir, I remain, yours truly,

“ A. E.”

50. After reading the last-mentioned letter (No. 5a), I showed the letter No. 5, received on the same day by Mrs. Bentley, to Mr. Hanson and Mr. Black, and upon their reading the same we all came to the conclusion that it was the result of a conspiracy concocted in furtherance of the object of the writer or writers of the before-mentioned anonymous letters; and we resolved that the best course to adopt would be for Mrs. Bentley to go alone (but within view of some friends, who could so observe what might occur) to the place supposed to be indicated (which upon inspection made at the time by Mr. Hanson, Mr. Black, and myself, of a map and a directory of Sydney, we came to the conclusion was somewhere at the back of Macleay-street), and Mr. Hanson agreed to undertake the duty of watching to see what should occur. I then returned home (walking with Mr. Hanson as far as the *Sydney Morning Herald* Office), and informed Mrs. Bentley of what had occurred, and she agreed to the plan proposed.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

51. In order to carry out the plan above mentioned, Mrs. Bentley, at the time specified in the said letter (No. 5), went, at the hour indicated, in an omnibus, to Macleay-street aforesaid, Mr. Hanson having gone before in a cab to the same place. Mr. Bentley also proceeded there in another omnibus. Mrs. Bentley, after getting out of the omnibus, walked down Macleay-street, and also some distance down Victoria-street, watched by Mr. Hanson and Mr. Bentley, without anything occurring, and then Mrs. Bentley, at the request of Mr. Hanson, returned with him in his cab to our house. We have since, as hereinafter mentioned, been led to believe that the locality indicated by the said letters No. 5 and No. 5a is at Rose Bay, at the back of the house there called “ Rose Bay Cottage,” formerly inhabited by Mr. Walter Lamb; but we at the time believed it was the locality of the residence of the late Captain Lamb, which was in Macleay-street aforesaid, that was intended by the said last-mentioned letters.

And the deponent, Thomas Charles Bentley, further saith :—

52. As I was walking with Mr. Hanson from the Australian Club towards the *Sydney Morning Herald* Office, on the 29th day of October last, as hereinbefore mentioned, he told me that he had settled the matter, so far as Mr. Rawack was concerned; that he (Mr. Hanson) had written to him, saying that he was anxious to place his daughter under Madame Rawack, and that he therefore would be glad to learn when she was likely to return to the Colony. That in consequence, Mr. Rawack had called upon him, and stated that it was very probable his wife would not return to the Colony at all, and that from the whole of the conversation between him and Mr. Rawack, and especially from the way in which the latter spoke of Mrs. Bentley, he (Mr. Hanson) was convinced Mr. Rawack had nothing to do with the anonymous letters.

53. A short time afterwards I repeated that conversation between Mr. Hanson and me as to Mr. Rawack, to Mrs. Bentley, who stated to me that it differed materially from a statement made to her by a lady a few days previously, which was to the effect that Madame Rawack had been well received at Vienna, and was about to play at the Philharmonic Society in that city, and would then in all probability return to the Colony.

And the deponent, Julia Bentley, further saith :—

54. I had a conversation with the lady referred to in the last preceding paragraph as mentioned therein, and she made to me the statement therein also set forth.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

55. We pondered over these circumstances and discussed them together; and our former impression, that it was possible Mr. Rawack might be the author of the anonymous letters, was not removed from our minds. Our suspicions as to Mr. Rawack were founded, in addition to other circumstances herein set out, upon the consideration of the conflicting accounts respecting the probability of Madam Rawack returning to resume her professional position in Sydney, and the possibility that Mr. Rawack might suppose that the success of a lady in the same profession would interfere with Madame Rawack, even more than a gentleman professor, by reason of the fact of many ladies preferring that their daughters should be taught by a lady rather than by a gentleman, our impression being that it might probably be thought that pupils who were placed with a gentleman professor during Madame Rawack's absence, would return to her if she came back; which was less likely to occur, if in the meantime they had received satisfactory instructions from a lady.

And the deponent, Thomas Charles Bentley, further saith :—

56. Some time about the end of October last, and either at or after my conversation with Mr. Hanson, on the evening of the 29th day of that month set forth in the 52nd paragraph hereof, Mr. Hanson asked me if I knew a man of the name of Montagu. I said, (as the fact was), that I did not—that I had never heard his name before. Mr. Hanson then

then said that if Signor Cutolo had anything to do with the anonymous letters, he thought Mr. Montagu a likely man to be mixed up with, or a party concerned in it, stating, as his reason, that he had been turned off the staff of the Sydney *Empire* newspaper for anonymous letter writing, and also, that he gave lessons at the house where Signor Cutolo lodged. I have since learned that Mr. Montagu's real name is Nathan.

57. Early in the month of November last I called upon Dr. Brereton, to consult him on the subject of my own illness, when, in the course of conversation relative thereto, I stated that I was under mental excitement (as was the fact, arising from the circumstances hereinbefore mentioned), and informed him of the cause thereof, when he stated to me that he was already aware of it, as he had been himself the recipient of anonymous letters on the same subject; and he then handed me two letters, both of which he had, as he informed me, received through the Post Office,—one being the letter, (No. 4), hereinbefore set out, and the other (No. 5 b), addressed “Dr. Le Gay Brereton, Macquarie-street,” and bearing the Sydney Post Office stamp, of the said 29th day of October last, of which letter the following is a copy :—

(No. 5 b.)

“ Sir,

“ Some time since I wrote you a letter respecting Mrs. Bentley, and promised in a few days to reveal my name; circumstances have arisen which will, at present, prevent my doing so, and I feel that you may now believe anything written anonymously.

“ Since writing you, I have myself witnessed Mrs. Bentley conduct herself in the most disgraceful manner. I have this morning seen a letter written by her, asking the gentleman to whom I alluded, to meet her on Wednesday afternoon, at 5 o'clock, in the bush behind Mr. Lamb's house, on the South Head Road. If you have not hitherto believed me, because I, unfortunately, cannot tell you my name at present, I only ask you to go and convince yourself, and I leave it in your hands to tell her husband; her only excuse is, that she possibly may not know what she does, for her own medical attendant told me himself that she *drank*, and that, after the birth of her last little boy, he had seen her almost fall in crossing the room, and in such a state that she was totally unfit to be left a moment alone with her own children. Once more asking you to convince yourself of the truth of what I am saying,

“ I remain, yours truly,  
“ \_\_\_\_\_.”

58. Before, and in, and after the month of November last, a young lady, a near relative of Herman Milford, Esq., Barrister-at-Law, and resident with him, was a pupil of Mrs. Bentley's. Early in the month of February last, Mr. Wrench placed in my hands another letter (No. 6,) which I have been informed and believe was received on the 5th day of November last, through the Post Office, by Mr. Herman Milford, addressed “Herman Milford, Esq., Elizabeth-street,” and bearing the Sydney Post Office stamp of that date, of which letter the following is a copy :—

(No. 6.)

“ Sir,

“ Hearing a few days since that your sister, Miss Siddins, was a pupil of Mrs. Bentley's, and feeling sure that you would be particular with whom that lady associated, I feel it my duty, painful as it may be, to tell you, that Mrs. Bentley is one who no lady, married or single, ought to know; under a quiet exterior she hides a character as bad as the *very worst* of her sex. Not many days since, I saw her myself walking in the Gardens, with a gentleman's arm round her waist; and some time since, poor Mr. Bentley having to sleep at the Club, she was actually carrying on a *liaison* with a gentleman very well known in Sydney, who I myself saw letting himself out of her house at 3 o'clock in the morning, as I was returning from an evening party; of course he could but have been there for one object. I feel you may possibly not believe what has been said by an anonymous letter, and circumstances prevent my signing my name for the present, but in a few days I will give you absolute proof of what I say—meanwhile,

“ I remain, yours truly,  
“ A. E.”

59. Shortly after I obtained the letter (No. 5b,) from Dr. Brereton, Mr. Hanson consulted me, and proposed that the matter should be put by him in the hands of the police, to which I assented, and gave him the several anonymous letters hereinbefore set out, and referred to as Nos. 5, 5a, and 5b, with all of which he, as he informed me, consulted Mr. Harrison, the Inspector of the Detective Police in Sydney.

60. I afterwards again saw Mr. Hanson, who said that he had seen Mr. Harrison, and that he had little doubt that we were on the right track (meaning, as I understood, that our suspicions as to Signor Cutolo were believed to be correct). A few days after this, I met Mr. Harrison at Mr. Hanson's house, by appointment, and on that occasion Mr. Harrison expressed his opinion that it was not the work of an Englishman, and conveyed the impression to my mind that he suspected some person in particular, but without naming any one; he also said he would get the handwriting of all the professional people in Sydney, and that he thought he would be able to tell me something at the end of the week. After more than a week had elapsed, I inquired of Mr. Hanson, when I learnt from him that Mr. Harrison had gone out of Sydney with the letters referred to as No. 5, No. 5a, No. 5b, in his possession, without having reported anything, and Mr. Hanson said he would communicate with him (Mr. Harrison) on his return to Sydney. Some time subsequently Mr. Hanson informed me that he had seen Mr. Harrison, who had been able to do nothing; and upon this occasion Mr. Hanson expressed his dissatisfaction with Mr. Harrison's conduct, and

and said, "I spoke to him very plainly, and told him that if he'd had £50 given to him it would have been found out." And Mr. Hanson also at this interview informed me that Mr. Harrison was on friendly terms with both Signor Cutolo and Mr. Montagu, and no doubt had told them all about it; and Mr. Hanson then gave me back the letters I had given him as aforesaid. I repeated this conversation to Mrs. Bentley.

61. In the month of December last I consulted Messrs. Johnson and Johnson, solicitors, of Sydney, and they have ever since acted as my solicitors in this matter, Mr. Robert Johnson of that firm being the gentleman who has personally acted throughout for me in this business. I placed before Mr. Robert Johnson all the aforesaid anonymous letters then in my possession, and left them in his charge, and fully and truly detailed to him all the facts and circumstances of the case, so far as I was aware of them, and particularly our suspicions relative to Mr. Rawack and Signor Cutolo, and the reasons which operated upon our minds for entertaining these suspicions; and told him, as the fact was, that we were in our own minds then in doubt as to whether our suspicions were more justified in respect of one of those individuals than the other; and I had a long and particular discussion with Mr. Robert Johnson at this time as to whether we were, under the circumstances, morally justified in suspecting either of them. Mr. Johnson retained possession of the letters for a considerable time.

62. On or about the 26th day of December last, in the morning, Mr. Hanson told me that he had seen Signor Cutolo a day or two previous; that, although their former intimacy had been discontinued by Signor Cutolo since the receipt of the anonymous letters, he (Signor Cutolo) was most demonstrative in shaking hands with him—talked about a new pianoforte he was getting from England—said that he intended to give a concert for the Destitute Children's Asylum, at Randwick—and placed a letter from himself to the editor of the *Sydney Empire* in his (Mr. Hanson's) hands, in reference to such concert; and Mr. Hanson remarked to me that he thought it a very strange thing that Signor Cutolo should bring such a letter to him, and not send it to the *Sydney Morning Herald*, and added, "I'm more than ever convinced from his manner that we are right in our suspicions." About this time Monsieur Boulanger arrived in Sydney from Melbourne.

And the said deponent, Julia Bentley, further saith:—

63. One day early in January last I was walking in George-street, near Brush and M'Donald's, when I saw Mr. Aldis talking to Monsieur Boulanger, whom I did not at that time know. Mr. Aldis stopped me, and said, "Will you allow me to introduce Boulanger to you?" and he then introduced him to me, saying at the time, "I hope you will come up to my house some night soon and hear him play," which I said I should be happy to do, and we then parted. As I left them I saw Signor Cutolo passing by on the other side of the street, near to the French Café, and he appeared to me to look angry. I have stated that this occurrence took place on the 6th day of January last, and I still believe it did occur on that day. My reason for fixing that as the day is, that in the letter (No. 7) hereinafter set out (which, according to the post-mark, was posted on the 7th day of January last), the introduction of Monsieur Boulanger to me is referred to as having taken place on the previous day, which, at the time I first heard of that letter, agreed with my own recollection, and I have therefore presumed that it correctly referred to the day of that introduction. I never kept a diary, nor, as far as I am aware, did Mr. Bentley, until he had placed this matter in Mr. Harrison's hands, at the end of March last, and it is possible the day of the introduction may not have been the 6th day of January. I have been informed, on more than one occasion, that I must be wrong in declaring that I saw Signor Cutolo on that day in Sydney, as represented by me, and that it can be clearly proved that such could not have been the case; but notwithstanding that information, I then adhered to, and still do adhere to, my original statement, and depose positively that I did see him, as above deposed to, on the occasion of Mr. Aldis introducing M. Boulanger to me, whenever that was; but I admit it may be possible (although I do not believe it to be the case) that the date mentioned is not correct.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

64. On the afternoon of one day early in January last (a short time before Mrs. Bentley and I visited at Mr. Aldis', as hereinafter mentioned), Mrs. Bentley informed Mr. Bentley that M. Boulanger had that day been introduced to her by Mr. Aldis, and of the fact of Signor Cutolo passing by at the time, adding, "He looked so cross; but I don't know that I ought to say that, for he never looks very amiable."

And the deponent, Thomas Charles Bentley, further saith:—

65. I afterwards ascertained, in the manner hereinafter mentioned, that on the 7th day of January last, another letter (No. 7) was received through the Post Office by Mr. Aldis, addressed "— Aldis, Esq., George-street," and bearing the Sydney Post Office stamp of that date, of which letter the following is a copy:—

(No. 7.)

"Sir,

"If I am rightly informed, you yesterday introduced Monsieur Boulanger to Mrs. Bentley. Now, sir, I feel that from my not hitherto being able to sign my name, you have not entirely believed my assertion as regards the lady. Once again I must positively affirm what I have stated to be correct. I know your love for music, but will you, as the father of grown-up daughters, allow two people to be on friendly terms with your family, who have so disgraced themselves? Go to Melbourne, and see what they will say of Monsieur Boulanger—that he is a *thorough* blackguard, unfit to be admitted into any society. Go to Italy, and see what they will say of Mrs. Bentley—they will curse her name;—and these are the two people you are admitting into your family. Monsieur Boulanger pretends he is here on a visit; it is false.

" I have the strongest proof he already knows Mrs. Bentley, and has come here with the idea that they may play into each other's hands, and crush the other professionals; they, however, will find themselves greatly mistaken; no time or expense shall be spared to show the world what Mrs. Bentley is; and if Boulanger remains he shall rue the day he set his foot in Sydney.

" I hear, sir, that in the kindness of your heart you are interesting yourself in bringing him again before the public in Sydney. Let me, as a friend, advise you not to do so. He laughs and turns you and yours into ridicule behind your back (as also does Mrs. Bentley); it might be successful for the time, but the whole world will laugh at you afterwards, and say (as indeed it has said already), ' Mr. Aldis has all the professionals of bad character at his house, but the respectable ones never.' Sir, I have no motive in writing this, but feeling for your daughters, who I sincerely admire. Do not be led away by your love of music in making them associate with those whose own countrymen (loose as their ideas of morality are) would not admit into their society, and do not, I beg of you, my dear sir, allow your name to be so continually associated with all that is bad. I am sorry to have taken up your time, but you will pardon me I am sure, and I beg \* \* \* myself, yours truly,— \* \* \* you shall \* \* \* my name."

And the deponent, Thomas Charles Bentley, further saith :—

66. On the evening of the 8th day of January last, my wife and I went to Mr. Aldis' house, by invitation, to meet Monsieur Boulanger, whom we met there accordingly. After we had been there a short time, Mr. Aldis informed me that he had had an anonymous letter about Mrs. Bentley and Monsieur Boulanger, to which I replied, " How odd! why, Cutolo passed by when you were introducing M. Boulanger to Mrs. Bentley." At the same time Miss Aldis placed some music in my hands, which she stated had been given to her by Signor Cutolo, and on which her name was inscribed in a handwriting which then struck me as bearing some resemblance to the handwriting of the letters (Nos. 4 and 5) herein set out and referred to. I was very much excited, and Mr. Aldis requested me not to speak on the subject to M. Boulanger. The next morning Mr. Aldis showed me the letter (No. 7), and either then or afterwards gave me that letter. I was greatly agitated during the whole of that day in consequence of what had transpired, and in the night I awoke in consequence of my mouth being filled with blood, which I found arose from the breaking of a blood vessel. I immediately aroused Mrs. Bentley, who forthwith sent one of our servants for Dr. Brereton, who came in a short time, and saw the position I was in, and prescribed medicine for me, and gave instructions as to how I was to be treated; and also told Mrs. Bentley that I must not be left alone for a moment, and that I must not be allowed under any circumstances to see anyone.

67. The same day I heard Mr. Hanson's voice in our drawing-room. Feeling that in all probability I should not survive the illness I was suffering from, I insisted on seeing him, and made him give me his solemn promise that he would see Mr. Aldis and point out to him the propriety of immediately informing Monsieur Boulanger of all that had occurred in reference to anonymous letters, that he might be put upon his guard and so enabled to protect himself, and I believe I wrote a few lines to Mr. Aldis on the subject, being propped up with pillows in order to be able to do so.

68. About the middle of January last (after I had partially recovered from the aforesaid illness) I saw Mr. Hanson at my house, and he then told me that he had had a curious interview with Mr. Montague. That he had called upon him about Signor Cutolo's concert for the Destitute Children's Asylum, but seemed in doubt how he would be received, and that he (Mr. Hanson) told him that he recognized him on that occasion as the Honorary Secretary of the proposed concert, and therefore could but receive him with civility. That the concert was discussed; that he (Mr. Hanson) stated that Signor Cutolo ought to be encouraged in giving a concert for such a praiseworthy object, and spoke in high terms of approbation of the intentions of Signor Cutolo. Mr. Hanson also said that he had been on his guard in this interview, and had played his cards well, feeling sure that Mr. Montague would come back to him, and that in consequence something might be elicited as to the authorship of the anonymous letters.

69. On the evening of the 20th day of January last, Monsieur Boulanger gave a concert in Sydney, at which I was too ill to attend; I requested Mrs. Bentley to go to it.

And the deponent, Julia Bentley, further saith :—

70. I accordingly went to the said concert, accompanied by Mrs. Hanson. When I arrived, Mr. Aldis accosted me and informed me that M. Boulanger had received a letter, purporting to have been written by me, but I did not then learn its contents or further particulars of it.

And the deponent, Thomas Charles Bentley, further saith :—

71. A day or two afterwards, I received from Mr. Aldis, or M. Boulanger, two letters enclosed in one envelope, addressed thus: " — Boulanger, Esq., Royal Hotel," and having the Sydney Post Office stamp of the 20th day of January last, which said two letters were, as I was informed by Monsieur Boulanger, received by him through the Post Office on that day. The following are copies of those letters :—

(No. 8.)

" Sir,  
" I know not if you intend remaining in Sydney, but if you do or not, I feel you ought to know the accusations that a professional lady here is bringing against you—Mrs. Bentley—who, I am aware you already know, is spreading the most disgraceful reports

“ reports against you ; and to show you that what I say is correct, I enclose you a letter, written by her to one of my greatest friends. Now, sir, I am the last who would wish to injure this lady, but I think it only a duty to expose those sailing under false colours. I must ask you not to divulge the contents of this letter, as my friend may not like my making use of a letter written to him, but I think you will see the necessity after this, of speaking to all your friends of Mrs. Bentley as a person who is totally unfit to be admitted into society, whose word is not to be believed, and who ought to be treated with the greatest contempt.

“ I should not have written this, did I not feel you ought to be informed of what the lady-like Mrs. Bentley is capable of.

“ I remain, Sir, yours truly,  
“ \_\_\_\_\_.”

(No. 8a.)

“ Dear Sir,

“ You ask me what I think of M. Boulanger ; I need only reply by telling you the reason he left Melbourne. Some time since he taught in a gentleman’s family—a great friend of mine—living at St. Kilda. After being received as the greatest friend by this gentleman, he repaid their kindness by the greatest villany ; he seduced his eldest daughter, a beautiful girl of eighteen, who was engaged to be married, and a few days previous to his leaving Melbourne, she had a little boy, and the father threatened to enter law proceedings against him if he did not leave Melbourne immediately.

“ I need scarcely say what I think of a man who would do such a thing as this. I know what you will say. With kind regards, hoping soon to see you,

“ I remain, yours sincerely,  
“ LILLY BENTLEY.

“ 67, Elizabeth-street North.”

72. Monsieur Boulanger informed me that he received the said two letters, (8 and 8a.) at the Royal Hotel, just as he was preparing to proceed to his said concert.

73. Mr. Aldis informed me that he received to Monsieur Boulanger, on the day following the said concert, all the circumstances, as far as he then knew them, relative to the anonymous letters hereinbefore referred to.

74. I therefore determined that, so far as was in my power, I would further the views of Monsieur Boulanger. I came to this determination, not only from sympathy, but in the belief that with such a talented *artiste* to contend against, the author of the anonymous letters would persevere in his schemes, and eventually do some act which would lead to detection.

75. On or about the 22nd day of January last, in the evening, I called at Mr. Hanson’s house, when he placed in my hands two other letters contained in one envelope, which he informed me he had that day received through the Post Office, addressed, “ — Hanson, Esq., Castlereagh-street,” and bearing the Sydney Post Office stamp of that date, of which letters the following are copies.

(No. 9.)

“ Sir,  
“ Knowing your love of justice, and hearing M. Boulanger intends giving another concert, I enclose you the following letter (which I am sure you will destroy when read, a lady’s name being concerned in it), feeling sure you will not give him the support of your journal when it is an absolute duty to society such a man should not be upheld, occupying the position he does. I will make no remarks ; the letter speaks for itself.

“ Yours truly,  
“ W. BENHIN.”

(No. 9a.)

“ My dear Willie,

“ We are overwhelmed with grief at an event which has happened in our family. You know Boulanger has been teaching Amy music for some months past, and he has been received by the family with the greatest kindness, which he has repaid with unheard of villany. Amy, who has been ill for some time, a few days since was taken so much worse we were obliged to send for the medical man, and to our intense horror, two hours after his arrival she had a little boy, of whom Boulanger is the father. I can say nothing in extenuation of Amy but her youth ; but of Boulanger, who has insinuated himself into her affections, what is too bad for such a scoundrel ? William saw him once after ; he did not attempt to deny it, and it ended in his being kicked out of the house. I hear he is now in Sydney, and intends remaining there. Surely he will be hooted whenever he makes his appearance in public, and do not let him ruin other families as he has ours. Poor Amy is dangerously ill. In haste, I am your affectionate cousin,

“ SOPHIA MARTIN.”

76. On the following day, namely, the 23rd day of January last, or thereabouts, Mr. Aldis gave me two other letters contained in an envelope, which he informed me he had received on the said 22nd day of January last, through the Post Office, addressed, “ — Aldis, Esq., George-street,” and bearing the Sydney Post Office stamp of that date, of which letters the following are copies :—

(No. 9b.)

“ Sir,

“ I some time since sent you a letter respecting M. Boulanger, telling you what a thorough blackguard he was. Since writing that I have received the following letter from a cousin of mine, which I enclose, to let you see that what I say is correct. No one  
“ can



“ can doubt M. Boulanger’s musical talents, and as a *great lover* of everything musical, it is  
 “ with the greatest pain I expose him, but I feel it a duty, as people may be entrusting their  
 “ daughters to him, and he may be the villain to them which he has been to my friend’s  
 “ daughter.

“ I hear he has the audacity to speak of giving another concert. Sir, you surely will  
 “ not countenance him after knowing these facts. Boulanger had better leave Sydney, and  
 “ soon, or he shall be scouted from the place. Sir, to show you what I think of him, did  
 “ he enter my doors, I would kick him out, as a *liar* and a *villain*.

“ One of the principal members of your Philharmonic Society, who has been in  
 “ Melbourne for some time, told me a few days since, he did not think he was a fit person  
 “ to be associated with any society which had *any* claim to respectability.

“ And now, sir, I will conclude, only enclosing the following letter, and remain,

“ Yours truly,  
 “ \_\_\_\_\_.”

“ My dear Willie,

“ I know not how to tell you what has taken place at St. Kilda; we are  
 “ overwhelmed with grief. You know M. Boulanger has been teaching Amy music for  
 “ some months, and has been received into the family as the greatest friend. We always  
 “ thought him a gentleman, for he is so specious; the kindness he has received he has  
 “ repaid with the greatest villany. Amy, who has been ill for some time, was a few  
 “ days since, taken so much worse we were obliged to send for a medical man, and in a few  
 “ hours, to our intense horror, she had a little boy, of whom Boulanger is the father. I  
 “ cannot say one word in extenuation of Amy but her youth; but Boulanger, who has basely  
 “ insinuated himself into her affections, what is too bad for him? William saw him once  
 “ after; he did not attempt to deny it, and it ended in his being horsewhipped out of the  
 “ house.

“ I hear the wretch is gone to Sydney, intending to remain there. Do not allow  
 “ him to ruin other families, but expose him. Poor Amy is dangerously ill. With kind  
 “ love to your wife, and kisses to the children,

“ I am, your affectionate cousin,  
 “ SOPHIA MINDON.”

77. On the morning of the 25th day of January last, Mr. Hanson called upon me at the Union Club, evidently under great excitement. As he entered the room where I was, he made a statement to the following effect, “ Oh! I have seen Cutolo at my office, and had a most extraordinary interview with him. He came in, and shook me by the hand, and said he must thank me for the very kind manner in which I had spoken of him to Mr. Montague, and, after some further conversation, begged that I would not allow him to be unfavourably reviewed. I said we have a stern duty to perform to the public, but I should not think, with his talents, he had much to fear. He said, ‘ Oh! but I’ve so much to contend against; I have given so much offence by my public examination of my pupils, and the consequence is that I have ceased to teach at the Misses Cooksey’s school, also in Mr. Bradley’s family.’ I said, ‘ Ah! By-the-by, who succeeded you at the Misses Cooksey’s?’ He said, ‘ D’Apice.’ I, not knowing how the name was spelt, said, ‘ Who is he—is he an Englishman?’ He replied, ‘ Oh no, an Italian—a man of no talent—a Jesuit—a believer in the Pope; but his name is not D’Apice, his name is Sica.’ I replied, ‘ Ah! I suppose you’re a Garibaldite?’ He said, ‘ Oh yes, oh yes, I’m a Garibaldite.’” I replied to Mr. Hanson, “ Have you seen the *Herald* of this morning?” which I then handed to him. He said he had not seen it. The *Sydney Morning Herald* of that day (the 25th day of January last), contained an advertisement, of which the following is a copy:—

“ D’APICE *alias* SICA, Signor, Professor of Music, formerly of Naples.—Your wife and two daughters just arrived safely, but in very delicate health, from London. Pray do write without delay. Address, General Post Office, Melbourne.”

78. Mr. Hanson read the advertisement in question, and made some remarks, the exact purport of which I do not now recollect.

79. In the *Sydney Morning Herald* of the following day an advertisement from Signor D’Apice appeared, contradicting the statement contained in the last previously mentioned advertisement, and also an advertisement from the proprietors of the said paper, offering a reward of £25 to discover the writer. Afterwards appeared another advertisement in the same paper from the proprietors, in which they requested one Margaret Dodd to call at their offices in reference to a letter addressed to them by her on the 27th then instant, on the same subject. The following are copies of these three advertisements:—

1.

“ PERSONS ADVERTISED FOR.—Referring to the advertisements under the above heading, inserted in the issue of the *Sydney Morning Herald* of the 25th January instant, addressed to ‘ D’Apice, *alias* Sica, Signor, Professor of Music, formerly of Naples,’ stating that ‘ his wife and two daughters had arrived at Melbourne,’ I can only say that I have never been married, and that the advertisement is a false and malicious libel.

“ CHARLES D’APICE.

“ *Villa Floridiana, Hunter’s Hill,*  
 “ 25th January.”

## 2.

“ £25 REWARD.—If the young lady who left an advertisement at this office on Friday evening, commencing ‘ D’Apice, *alias* Sica, Signor,’ and which was published this morning, will disclose the name of the person who employed her to bring the M.S., so that the writer may be discovered, the above reward will be paid to her by John Fairfax and Sons.

“ *Herald Office, January 25th.*”

## 3.

“ MARGARET DODD.—This lady is earnestly requested to call at the *Herald Office*. If her letter of the 27th instant, addressed to the Proprietors of this Journal, is true, she can have no motive for concealment; if it is false, the writer deserves the most severe punishment.”

80. The before-mentioned concert for the Destitute Children’s Asylum was advertised for the 29th day of January last. A few days previous to that day Mr. Hanson came to my office again, in a state of excitement, and, as he entered my room, made a statement to the following effect :—“ I’ve just been to your house, and found you had left. I told you Montagu would come down again; he has brought me a notice of the concert for the Destitute Children’s Asylum for insertion in the *Empire*, which is the most fulsome production I have ever read. It confirms me in my opinion that Signor Cutolo is a humbug.”

And the deponent, Julia Bentley, further saith :—

81. On the 31st day of December last, and in January last, I visited at two evening parties at the house of Mr. Wrench, and one at Mr. Herman Milford’s, and one at Mr. Henry Milford’s, on which occasion I met and was introduced to Mrs. Milford, the wife of Mr. Justice Milford, and Mrs. Robert Johnson, of Double Bay. A considerable number of visitors were present at each of those parties, and very many of the same visitors at each of them. Signor St. Juste was amongst the guests at one or two of them, and Mr. Moss, the professor of music and musicseller, of Hunter-street, Sydney, presided at the pianoforte on some of those occasions.

And the deponent, Thomas Charles Bentley, further saith :—

82. On or about the 3rd day of February last Mr. Wrench gave me another letter, which he informed me he had received through the Post Office in the early part of January last, in an envelope, which he had lost, addressed to him, of which letter the following is a copy :—

(No. 10.)

“ Sir,

“ Some time since I wrote to you respecting a lady of your acquaintance. I have heard since that Mrs. Bentley was at your house on the last day of the old year. Now, sir, I know you are the last person to believe ill of your friends, but I also presume you would not like your wife’s name to be talked about as admitting improper characters into her house, which is now done. Three of your most intimate friends told me they did not choose to accept Mrs. Wrench’s invitations, when they had to meet a woman of Mrs. Bentley’s character, and that they would take good care she was not admitted anywhere where they possessed any influence. She is a most *contemptible* woman, and I am determined the world shall know her. When her poor husband was lying upon what might have been his death-bed, only two days after his breaking the blood-vessel, that heartless, disreputable woman was walking in the Botanical Gardens for three hours with a gentleman whose character is well known in Sydney, with his arm round her waist; and on leaving the Gardens they drove off in a Hansom cab. I met Mrs. Bentley close to her own door, returning from her rendezvous, and she told me, with the most hypocritical air imaginable, little thinking I had seen her, that she had been out for a few *minutes*, Mr. Bentley being better. Now, sir, will you allow this woman to enter your house, and associate with you wife? I am sure you will not. Mrs. Wrench is beginning to be talked about very freely for allowing her at her parties, and you will find your friends gradually leaving you, if you invite the *extremely quiet* Mrs. Bentley to meet them.

“ I have written to you, dear sir, knowing, of course, you are the last person to hear what people say of your guests, and feeling a sincere regard that your kindness of heart should not allow your wife to be spoken against; and I am quite sure you will think seriously of what I have said, and at once put your veto on Mrs. Bentley entering your house again.

“ I am, dear Sir,  
“ Yours truly,  
“ \_\_\_\_\_”

83. On or about the same occasion, namely the said 3rd day of February last, Mr. Wrench gave me two other letters, which he informed me he had received through the Post Office in one envelope, on the 27th day of January last, addressed “ — Wrench, Esq., Pitt-street,” and bearing the Sydney Post Office stamp of that date, of which letters the following are copies :—

(No. 11.)

“ Dear Sir,

“ Circumstances having prevented me signing my name (the cause of which did you but know, I am sure you would not condemn); and feeling, perhaps, you have had  
“ some

“ some right in not giving entire credence to what I have said respecting Mrs. Bentley, I enclose you a letter written by her to a gentleman you are very well acquainted with, who is not only a *roué* but a married man, and who showed it to me, boasting that he could carry on a *liaison* with Mrs. Bentley. I will make no comments, but only ask you if this is a fit companion for your wife ?

“ I remain, yours truly,  
“ \_\_\_\_\_ ”

(No. 11a.)

“ My dear Edward,

“ How can you say I do not care for you ? You know I have forfeited all I should hold most dear to you. *Indeed* I could not meet you on Saturday. Mr. Bentley made me go out with him, but I will try to do so on Friday if you will be at Newtown at 12 o'clock. If possible I will try to make him sleep at the Union Club for a few nights, and then you can manage as you did when he was at the Australian. Does your wife suspect anything ? and now good-bye dear Edward ; never say again I do not care for you. You know I love you better than any one in this world, and will remain yours *jusqu'à la mort*.

“ LILY BENTLEY.”

And the deponent, Thomas Charles Bentley, further saith :—

84. At one of my interviews with Mr. Wrench, he informed me that Captain M'Lerie had shewn him a bundle of letters known to the police to be the handwriting of Mr. Montagu, and that upon comparing some of that handwriting with some of the anonymous letters herein referred to, as being in a peculiar handwriting, the general resemblance was great, and that some of the words in each were so alike that had one been traced from the other they could not have presented so great a similarity.

85. In the early part of February last I received another letter, which I was informed and believe was received by Mrs. Robert Johnson through the Post Office, on or about the 30th day of January last, addressed “ Mrs. R. Johnson, Double Bay,” and bearing the Post Office stamp of that date, of which letter the following is a copy :—

(No. 12.)

“ Madam,

“ You will, I am sure, pardon the liberty I have taken in addressing you, being myself a perfect stranger to you, but if I am rightly informed you have lately been in the habit of meeting Mrs. Bentley at different evening parties where your daughter has also been present. Now, madam, much as I dislike saying anything against any lady, I feel it a duty which I owe to society to inform you the above mentioned lady is not a fit person for any *young* lady to associate with, and several of her husband's friends, who respect him, have lately been obliged to refuse to countenance her in any way whatever. For some time past she has been carrying on a most *disgraceful liaison* with a gentleman very well known in Sydney, and this has been carried on to so much extent, that one of Mrs. Bentley's greatest friends told me she had forbidden her to enter her house, and that she would never allow her daughter to speak to her again. Now, madam, I would ask you, is this a fit person for your daughter to be in the habit of meeting, and is not the duty of those who visit much, to refuse to meet a woman of so bad a character ? You will, I am sure, pardon me for encroaching upon your time, but I know how particular a mother is with whom her daughter associates, and I am quite sure did you know what Mrs. Bentley was, you would not allow Miss Johnson to meet her.

“ In haste, I remain, Madam,

“ Yours respectfully,

“ H. BENHAN.”

86. In the early part of February last, and, as I believe, after the 4th of that month, I also received two other letters which I was informed and believe were received by Mrs. Robert Johnson through the Post Office, on or about the 3rd day of February last, in one envelope, addressed “ Mrs. R. Johnson, Double Bay,” and bearing the Post Office stamp of that date, of which letters the following are copies :—

(No. 13.)

“ Madam,

“ I took the liberty of sending you a letter a few days since, respecting Mrs. Bentley. Feeling that you may think that it was from some personal feeling I attacked the above-mentioned lady, I enclose you a letter written by her, which was sent me by a friend of mine, who is well known in Sydney as a great *roué*, and also a married man ; he sent me this letter, having boasted he could carry on a *liaison* with Mrs. Bentley, which at first I own I did not believe, but I know the handwriting to be hers, and what is more, I saw her walking in the Botanical Gardens a few days since, with this gentleman's arm round her waist. Now, madam, I am sure you will say with me this is not a fit person for any daughter of yours to associate with ; and is it not the duty of every lady who has daughters, to refuse to allow them to mix in any society where she is admitted ? By her own confession her friends are cutting her, and rightly to. If you go or send anyone to Newtown at the time mentioned in the letter, you will see without any doubt what a character Mrs. Bentley is ; if she is not more careful, in a very short time she will have to leave Sydney altogether. I am sure I need not ask you not to mention the contents of this letter to any but those in your own family, as my friend would be annoyed at my having sent you Mrs. Bentley's letter ; but without my making any further comments, I am sure you will acknowledge I have only done my duty to society.

“ I remain, Madam,

“ Yours respectfully,

“ H. BENHEN.”

(No. 13a.)

(No. 13a.)

" My dearest Edward,

" You are wrong in reproaching me; you know I love you and you *only*.  
 " Have I not given you proof, in forfeiting all that a woman holds most dear? Surely, dear  
 " Edward, you cannot believe what you say? *Indeed* I could not meet you on Saturday.  
 " Mr. Bentley insisted on my going out with him on Tuesday; however, I will be at the  
 " old place, by the Railway Station, at Newtown, at 12 o'clock. If possible I will get Mr.  
 " Bentley to sleep out for a few nights, and then you can manage as you did when he was  
 " at the Australian. You have your latch key. By-the-by, does your wife suspect anything?  
 " Mr. Bentley is perfectly innocent of everything; but I fear others are beginning to think  
 " all is not quite as they think it should be, for two or three of my friends have cut me  
 " lately, so *do be careful*. Ere I conclude, let me once more tell you, dearest, that I love  
 " you and you only, and will remain yours *jusqu'à la mort*.

" LILY BENTLEY.

" 67, Elizabeth-street North."

And the deponent, Julia Bentley, further saith:—

87. On Tuesday, the 4th of February last, I went in the Newtown omnibus (as I usually did on that day of the week) to Newtown, and after alighting from the omnibus on my way to Mr. Josephson's residence, at Enmore, I observed an elderly gentleman, apparently following me. On my return to Sydney, on the same occasion, on getting out of the omnibus in King-street, Sydney, I observed the same gentleman in the street, and on my way home found that he was still following me, and when I knocked at the door he appeared to me to be watching me as if to see where I went. I never saw that gentleman before or since to my knowledge, and I do not know who he is.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

88. On the 5th or 6th day of February last, Mr. Black called at our house, and having been informed of the receipt of the letters hereinbefore mentioned, purporting to contain appointments by Mrs. Bentley to meet a gentleman at Newtown, suggested that he should obtain the consent of Captain M'Lerie (the Inspector General of Police) to our obtaining the services of Mr. Gibson, a gentleman known to Mr. Black, and who then was temporarily employed in Captain M'Lerie's department, to which suggestion we assented, and the services of Mr. Gibson were accordingly obtained to watch Mrs. Bentley on her going again to Newtown on the following Friday, and observe anything that might take place.

And the deponent, Julia Bentley, further saith:—

89. On the following Friday—the 7th day of February last—I went, as usual, to Newtown by the omnibus, and in consequence of the vehicle being driven much faster than ordinarily, I arrived at the omnibus stand at Newtown, about a quarter of an hour earlier than usual, and as I got out of the omnibus I saw Mr. Gibson near thereto.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

90. On Mrs. Bentley's return from Newtown on this occasion, Mr. Bentley asked her if anything had occurred, to which she replied that nothing had occurred.

91. In the evening of the last-mentioned day, Mr. Black again called at our house, and informed us that Mr. Gibson was at or near the omnibus stand at Newtown for some time before Mrs. Bentley arrived, and that about a quarter of an hour after she left the omnibus he saw the Honorable Mr. Merewether in the neighbourhood of the omnibus stand, and that he walked up the Enmore Road to Mr. Josephson's gate, looking about as if he expected to meet some one, and that he then turned back again, and walked away. Mr. Black also stated that Mr. Gibson did not at the time know Mr. Merewether, but that late in the afternoon of same day, while with Mr. Black, he had again seen him in Sydney, and pointed him out to Mr. Black, who identified him as Mr. Merewether.

92. During this evening, whilst Mr. Black was present, Mr. Hanson came, and a conversation ensued among all of us as to whether we were right in still suspecting Signor Cutolo. Mr. Black expressed himself very strongly that, in his opinion, we had very little evidence to justify us in that suspicion; and that he was quite sure that Mrs. Bentley had mistaken some one else for Signor Cutolo upon the occasion of the introduction of Monsieur Boulanger to her, as he had every reason to believe that Signor Cutolo was not in Sydney on the day assumed as that on which that introduction took place. Mr. Black also stated it as his opinion that we should not allow our minds to be prejudiced that Signor Cutolo's position in the musical world might be used by the villanous perpetrator of this persecution to conceal himself. Mrs. Bentley said that she knew Signor Cutolo so well that she could not have mistaken him. Mr. Hanson expressed his opinion in opposition to that of Mr. Black, placing his own views in the strongest possible light to establish that the suspicions against Signor Cutolo were just. At this period our own suspicions as to Mr. Rawack had been removed, and they were directed more than ever against Signor Cutolo.

And the deponent, Thomas Charles Bentley, further saith:—

93. Mr. Black has several times informed me that Mr. Hanson has on many other occasions, when Mrs. Bentley and I were not present, strongly expressed his conviction that Signor Cutolo was the guilty party.

And the deponent, Julia Bentley, further saith:—

94. During the following week, I believe on Friday, the 14th day of February last, I went by the omnibus, as usual, to Newtown. As the omnibus passed the Post Office, in George-street, Sydney, Mr. Merewether got in and went also to Newtown, and we both got out at the omnibus stand there. Mr. Merewether did not speak to me. I walked to and up the Enmore Road; and on crossing over to Mr. Josephson's grounds, I saw Mr. Merewether strolling about, and at some distance near the bottom of the said road. And

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

95. On Mrs. Bentley's return from Newtown on the last-mentioned occasion, Mrs Bentley informed Mr. Bentley of what had occurred; and on a subsequent occasion, when Mr. Hanson and Mr. Black called at our house, Mrs. Bentley informed them thereof.

And the deponent, Thomas Charles Bentley, further saith :—

96. Early in the month of February last Mr. Wrench informed me that Mrs. Milford (the wife of Mr. Justice Milford) had just about that time received through the Post Office a similar anonymous letter (No. 14) reflecting on Mrs. Bentley, but which letter has not been placed in my hands.

97. On or about the 7th day of March last I ascertained, in the manner hereinafter mentioned, that on the 10th day of February last, another letter (No. 15) was received through the Post Office by Mr. Plunkett, addressed "J. H. Plunkett, Esq., Macquarie-street," and bearing the Sydney Post Office stamp of that date, of which letter the following is a copy :—

(No. 15.)

" Sir,

" Knowing the high position you occupy in society and in the musical world, and seeing a concert advertised by M. Boulanger, I feel it my duty to tell you under what circumstances M. Boulanger left Melbourne, that you may not give him any of your support, for he is a most disreputable villain. M. Boulanger was engaged to teach in my brother's family, who resides at St. Kilda, and he was received there as one of the friends of the family. Their kindness he has repaid with the deepest villany, and a few weeks before he came to Sydney, my niece had a little boy of whom he was the father. My brother taxed him with it, and he did not even attempt to deny it, and it ended in his being horsewhipped out of the house, and my brother telling him if he ever returned to Melbourne again he would publicly expose him. Now, sir, is this the man for whom any man who has any regard for the rules of society should interest themselves; for his last concert was a failure in consequence of people knowing these facts? The musical profession of Sydney is now beginning to be spoken of most disparagingly, and is it not but just that those who cause this should not receive any support? There is a lady professional in Sydney at the present moment whose character is so disreputable that in England she would be scouted from society; but she hides under a quiet exterior, her vice, and she is only really known to a few — I allude to — who is known to admit gentlemen into her house when her husband is away, at 2 and 3 o'clock in the morning, and yet this woman teaches in the most respectable families, and is considered by them to be a lady of the most unimpeachable character. Now, sir, I am a great lover of music, and it is with pain I mention these facts; but I am sure you will agree with me in thinking, that those who occupy a respectable position in the musical profession should have some marked difference shewn to them from those who disgrace themselves and society. Feeling sure you will take what I have said into consideration,—

" I remain, Sir, yours truly,  
" H. BENBRIDE."

98. Some time about the middle of February last, Mr. Hanson brought and gave to me three pieces of music (compositions of Signor Cutolo's) presented by Signor Cutolo to him, and respectively inscribed in manuscript, thus—"To William Hanson, Esquire, with Signor Cutolo's compliments," and one of which also bears in manuscript the signature "Cutolo." At the time Mr. Hanson so gave me the said pieces of music, he told me that his partner, Mr. Bennett (who had seen some of the before-mentioned anonymous letters) had casually seen the handwriting on the music above referred to, and exclaimed, "That writing is similar to the letters you" (meaning Mr. Hanson) "were talking about" (meaning the said anonymous letters).

99. Some time also about the middle of February last I met Mr. Huntley (Collector for the Australian Gas Company), in the street; he told me that he thought he had a clue to the "Margaret Dodd" case, and mentioned some particulars in reference thereto; and being under the impression that the advertisement relative to Signor D'Apice had been concocted by the same person or persons who had sent the anonymous letters about Mrs. Bentley, I immediately went to Mr. Fairfax and informed him of what Mr. Huntley had told me. Mr. Fairfax asked me to go with his clerk, who had received the advertisement about Signor D'Apice, to certain places, with a view of discovering the person who had taken that advertisement to the said newspaper. I went accordingly with Mr. Fairfax's said clerk to several places, but the person referred to did not at all answer the description of the person who took the said advertisement to the said *Sydney Morning Herald*.

100. On the 24th day of February last, a complimentary concert was given in Sydney, by a committee of gentlemen, to Monsieur Boulanger, at which Mrs. Bentley, accompanied by a gentleman and his sister, attended.

And the deponent, Julia Bentley, further saith :—

101. On the following day, Tuesday, the 25th day of February last, I went to Newtown in the omnibus, as usual. On leaving the omnibus, and proceeding up the Enmore Road to Mr. Josephson's house, I found I was followed by a gentleman who was and is unknown to me, but whom I recollected seeing standing at the orchestra near the door of the concert room, at the concert on the previous evening. He rudely persisted in walking by my side, and talked about the concert, and asked me where I was going. I said I was going as usual to give my lessons. He replied, "Oh no, you're not, Mrs. Bentley." I then said, indignantly, "Then you'd better, sir, accompany me to the gentleman's house, where I

am

am going." He then changed his manner, and said, "I beg your pardon, Mrs. Bentley; it will take me a long time to repair the insult I have offered to you." I replied, "You can only do that by telling me your name." He said, "I cannot do that," and then turned and left me. Mr. Hanson came to our house the same evening, and was then informed of the circumstances in this paragraph set forth, and I gave to him a description of the gentleman, and he suggested one or two persons whom, he stated, he thought likely to have been induced to go to meet me on the occasion in question.

102. In or about the beginning of March last, I purchased at Mr. Moss' music shop, a duet by Hummel, for two performers on one pianoforte.

103. One Saturday afternoon, I think early in March last, I saw Mr. Montagu (who had been previously pointed out to me) standing near one of the iron posts for the reception of letters, at the corner of Park-street and George-street, in Sydney. It immediately struck my mind that it was possible he might then be putting into the post an anonymous letter about me.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

104. Immediately on Mrs. Bentley's return home, she informed Mr. Bentley of the circumstance set forth in the preceding paragraph, and we resolved that Mr. Bentley should instantly go to Mr. Hanson and tell him of the circumstance, and advise with him what should be done.

And the deponent, Thomas Charles Bentley, further saith:—

105. I immediately went to Mr. Hanson, and consulted with him accordingly. The Post Office being at this time closed, Mr. Hanson and I went out and met a gentleman connected with the Post Office, who said that he would give directions to have the letters from that particular post tied up and kept apart; and on the following Monday morning Mr. Hanson and I went to the Post Office about 8 o'clock, and by permission of the Post Office authorities had the letters from that particular post handed to us for inspection, as soon as the postman came in with them; we examined them accordingly, but made no discovery.

106. On the 17th day of March last, Monsieur Boulanger brought to my office the letter (No. 15); hereinafter set out, which he told me he had just received by post from Melbourne, enclosed in a letter from his wife, who was then there; and he stated to me that Mr. Plunkett advised that an advertisement should be put in a newspaper, and a detective officer employed. I drew up an advertisement accordingly, and went with M. Boulanger to Captain M'Lerie, who, after hesitation on account of difficulties which he expected would be thrown in the way by the Post Office authorities, gave his consent to a detective officer being employed in the matter, and wrote a draft of a letter to be sent to the Sydney Post Office, addressed "H. B.," which draft I copied and addressed accordingly, and caused it to be delivered and registered at the General Post Office, George-street, Sydney. Mr. Harrison was present at part of our interview with Captain M'Lerie, and it was arranged that the whole matter should be again placed in his hands in a day or two, on his return from the country, where he was then going, and in the meantime another police officer was employed to watch the Post Office, to see if any one came for the said letter addressed "H. B."

107. On the 19th day of March last, and the four following days, the last-mentioned advertisement was published in the *Sydney Morning Herald*. The following is a copy of that advertisement:—"If the gentleman who, on the 9th or 10th of February last, wrote to Mr. J. H. Plunkett on musical topics, and signed his name so indistinctly that it cannot be deciphered, will kindly call at the Sydney General Post Office, he will find a letter for him, addressed 'H. B.,' Sydney. *Melbourne, 13th March.*"

108. On the afternoon of Tuesday, the 18th day of March last, on which day Signor Cutolo's concert in aid of the Destitute Children's Asylum was advertised to take place, Monsieur Boulanger came to my office and said that, from all he had heard from me, as well as Mr. Hanson and others, the disparaging manner in which Signor Cutolo had spoken to him of the musical profession, and his general conduct towards himself, prevented him from divesting himself of the impression that Signor Cutolo was the party attacking us. He said that his object in coming to me was to ask me to assist him in carrying out a plan which he thought might, as far as moral proof went, add to our convictions or otherwise; and he proposed that Mrs. Bentley and myself, and he and Mr. Aldis, and if possible others who had received the anonymous letters, should go to the concert, and that we should take care that Signor Cutolo should see us all together, conversing in the most friendly manner; that if he was guilty he might learn how signally he had failed, and that he was already suspected. I at first refused to agree to the plan proposed, but after seeing Mr. Aldis I eventually consented; and Monsieur Boulanger, Mr. Aldis, Mrs. Bentley, and myself, met together in the evening in the concert room. Signor Cutolo was to have played three times; he played twice only, and an apology was offered by Mr. Montagu for his not playing the third time, on account of his suffering from an accident to his finger, which in consequence was very inflamed. I was told a few days afterwards by Mr. Black, that he had been informed that Signor Cutolo, on the evening of his said concert, after he had played his second piece, was seen walking up and down the passage of the concert room, showing great passion, and tearing the Garibaldi ribbon out of his coat.

109. On the following day a paragraph appeared in the *Sydney Empire*, in reference to the aforesaid concert of the 18th day of March last, of which paragraph the following is a copy:—

"CONCERT IN AID OF THE DESTITUTE CHILDREN'S ASYLUM.—This concert took place last night, as advertised, at the Masonic Hall, York-street. We were sorry to observe that Signor Cutolo, under whose auspices the affair was got up, had again to have an apology offered for his non-fulfilment of his portion of the evening's entertainment, on account of

“ his being suddenly attacked by an inflammation of one finger. We trust that Signor Cutolo will not attempt any more concerts until he recovers the use of his fingers. We may feel it necessary to refer again to this concert.”

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

110. On the evening of the 19th day of March last, Monsieur Boulanger was at our house, when, about 7 o'clock, Mr. Hanson came in, out of breath, and in a very excited state, and exclaimed, “ Montagu has been to the office and said ‘ Cutolo took up your paper this morning, and when he had read the paragraph about the concert threw the paper upon the floor, took up his hat, rushed out of the house, and had not been heard of since.’ ” The manner in which Mr. Hanson made this communication conveyed the impression that he was afraid Signor Cutolo had committed suicide, in reference to which impression Monsieur Boulanger said to him, “ You have nothing to upbraid yourself with; why do you fear?” Mr. Hanson replied, “ I don't fear; I hope the wretch has drowned himself; ” and after some further conversation left.

And the deponent, Thomas Charles Bentley, further saith :—

111. Afterwards Monsieur Boulanger wrote a critique on the concert of the 18th day of March last, in accordance, as I understood, with a previous arrangement with Mr. Hanson, in which the performance of Signor Cutolo was severely criticised, which critique appeared in the Sydney *Empire* of the 21st day of March last.

112. On the afternoon of the 20th day of March last, Monsieur Boulanger brought me another letter, which he informed me he had that day received through the Post Office, addressed “ Monsieur Boulanger, Mr. Aldis', George-street,” and bearing the Post Office stamp of the previous day, of which letter the following is a copy :—

(No. 16.)

“ A few days since I was informed you intended playing in public with Mrs. Bentley; now sir, allow me to state this fact, if either of you attempt such a thing, I swear by all I hold most sacred, to make you bitterly repent doing so. I indulge in no idle threats, but if you care not for yourselves, those who are near and dear to you may possibly have some hold on you. Mr. Bentley's hold on life is but slight, and a little thing will snap the cord which binds him to his cursed wife, and what will be the use of her playing then?

“ Think well of what I say, and know that no fear of consequences shall ever deter me doing what I have said, if you persist in joining yourselves together. So help me God. ————— An Enemy. *I scorn and detest you both.* ”

113. In consequence of the receipt of this letter, I called, with M. Boulanger, upon my solicitor, Mr. Robert Johnson, who advised us to act in defiance of the threats contained in it, and expressed his opinion that if a concert were given for the Sydney Infirmary or some other public institution, and if Mrs. Bentley played thereat with M. Boulanger, the party or parties writing these anonymous letters, might proceed to greater lengths, and do some act which would lead to their discovery. On my informing Mrs. Bentley of Mr. Johnson's opinion, she agreed to play with M. Boulanger, and afterwards I was informed by many of my friends that the plan proposed met with their entire approval.

114. On or about the 21st day of March last, Monsieur Boulanger called on me at my house, and asked me to let Mr. Harrison come in that evening to talk over the matter of the anonymous letters, as they were doing him great injury, saying that if I asked Mr. Harrison to my house, and treated him as a friend, and gave him £10 towards any expenses he might incur, to show him that I was in earnest, he would take more interest in the matter. I consented, and Monsieur Boulanger then said, “ I have anticipated your answer, and taken the liberty of asking him to come here at 9 o'clock.” M. Boulanger then left. At 9 o'clock M. Boulanger and Mr. Harrison came to my house, and Mr. Harrison was introduced to Mrs. Bentley, and we all supped together. After supper Mrs. Bentley left the room. All the anonymous letters that we then had, were then examined by Mr. Harrison, Monsieur Boulanger, and myself. After examining the letters, Mr. Harrison said, “ Oh, yes, I know the handwriting.” I then gave him the writing of Signor Cutolo on the music given to me by Mr. Hanson, and some writing given to me by Mr. Aldis, as Mr. Montagu's. He asked me for a pen, and he then traced out the peculiarities, which convinced him that Mr. Montagu, and no one else, was the writer, but he added, “ I will endeavour to get a letter of Mr. Montagu's which I have seen,” adding that the handwriting in that was even more like the handwriting of the anonymous letters than the writing of his then under examination. I then said to Mr. Harrison, “ I had better give you this note (handing him a £10 note) towards any expenses you may incur, as I suppose I must not tax the public purse.” This he refused to accept, saying that he would keep an account, which he would hand me when he had discovered the authors.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

115. A few days afterwards, Mr. Harrison brought the letters back, and said he had had them put under a magnifying glass by a banker in this City, to whom he had shown some handwriting which was a genuine letter of Mr. Montagu, and who said he was ready to take his oath that, in his opinion, the letters shown to him (being the anonymous letters so as aforesaid given to Mr. Harrison) were in the same handwriting as that genuine letter of Mr. Montagu; and on the occasion of returning the letters, Mr. Harrison produced one of Mr. Montagu's (signed, we believe, “ Montagu of the Glen ”), and pointed out the peculiarities in each. We placed ourselves entirely in Mr. Harrison's hands.

And the deponent, Thomas Charles Bentley, further saith :—

116. Mr. Harrison then told me that he would willingly, at all times, attend to any suggestions we would make. Upon this or a subsequent occasion, Mr. Harrison stated that letters

letters had been shown to him by Captain M'Lerie in reference to this matter, and that upon his mentioning Mr. Montagu's name, Captain M'Lerie said, "Why, you're a witch." Mr. Harrison frequently said to me that he was the first person to say Signor Cutolo was the principal in the affair, and had first told Mr. Hanson so.

117. On the evening of Saturday, the 22nd day of March last, Monsieur Boulanger and Mr. Harrison informed me that whilst they were talking in Mr. Clarke's music-shop in George-street, Sydney, Signor Cutolo had passed by in a cab. Mr. Harrison insisted that he could not have been seen by Signor Cutolo; Monsieur Boulanger expressed a different opinion, and said that after the cab had passed, Signor Cutolo had looked out of the window.

118. On the afternoon of Monday, the 24th day of March last, on returning home from the Union Club, I found a letter (No. 17) on my dining-room mantelpiece unopened; it came through the Post Office, addressed "Mrs. Bentley, 67, Elizabeth-street North," and bears the Sydney Post Office stamp of that date. Mrs. Bentley being engaged upstairs, I immediately opened the letter. The following is a copy of it:—

(No. 17.)

"Madam,

"A few days since I heard you were going to play in public with M. Boulanger. Now, you have both done me an injury which I can never forget, and I am determined you shall not do so; perhaps whatever I say to *him* will have no effect, but you are a woman, and, I believe, love your husband, and would therefore do anything to keep him from sorrow, which might kill him. Now, you can absolutely refuse to play with that blackguard, or associate yourself in ANY WAY with him. I appeal to all your better feelings as a woman to do this; and if you will follow my wishes, you shall *neither* of you have *another* word of or from me.

"Boulanger has a wife and child dependent on him; he shall be left alone to work his way, and you will therefore be doing him a kindness. *You* have your husband's health to think of, and let me ask you, did anything happen to you, would he long be here to take care of your little children? If, however, you persist in following out the course you intend, I will *never* leave you alone, whatever the consequences may be; I will prevent you playing together, if it be but at the last moment and the next I am in the hands of that cursed Harrison, who, I am perfectly aware, *thinks* he will take me, but he may yet learn he is not so clever as he thinks. Think well of what I say; I tell you plainly I hate you both, but plainly as I tell you this, I also say that if you will follow my wishes I will keep my promise, and you shall NEVER hear any more from me; if you will not, you shall rue the day you ever made me an enemy; and until I have crushed you both, which you both know I have it in my power to do, I will never cease.

"Yours, " \_\_\_\_\_ "

119. Shortly afterwards, I believe on the following day, Monsieur Boulanger came to our house, and I showed him the said last-mentioned letter (No. 17), and thereupon we entered into a discussion as to how the idea that he and Mrs. Bentley intended to play together in public had got abroad, as such a step had never been contemplated until after the receipt of the letter (No. 16) addressed to M. Boulanger. In the course of that discussion I informed Monsieur Boulanger that Mrs. Bentley had purchased the duet of Hummell's, as hereinbefore mentioned, and he said, "Why about that time I also purchased the same piece at Moss' for one of my pupils," whom he named. Up to the moment he made that statement I was unaware that he had made any such purchase. Mrs. Bentley was present at this conversation.

And the deponent, Julia Bentley, further saith:—

120. Up to the moment when Monsieur Boulanger made the statement last above deposed to, I was unaware that he had made the above-mentioned purchase of Hummell's duet, and no idea had ever been entertained by me, or, as I believe, by him, of our playing together, until it was suggested by Mr. Johnson, as hereinbefore mentioned.

And the deponent, Thomas Charles Bentley, further saith:—

121. One evening in the latter end of March last, about 8 o'clock, I went down stairs for a book, and found the street door open. I called to the servants, and begged them to be careful. I had on several other occasions found it open before this occasion; the lock was worn, and after the door was closed, unless it had a second push or jerk, it would at times fly open, as, until very recently, we had no latch-lock to it, although it had always a keyhole, which gave it the appearance of having one. The house also was without secure fastenings at the back, and we were accustomed to leave the back door open from the morning till night, until the servants went to bed.

And the deponents, Mary Ryan and Anna Maria Bradshaw, further say:—

122. Mr. Bentley has called our attention to the street door being left open, and has requested us to be careful not to allow it to be so.

And the deponent, Thomas Charles Bentley, further saith:—

123. On or about the 25th day of March last, I received a note from Mr. Henry Burton Bradley, enclosing another letter (No. 18), received by him through the Post Office, addressed "Burton Bradley, Esq., Margaret-street," and bearing the Post Office stamp of the previous day, of which letter the following is a copy:—

(No. 18.)

"Sir,

"A few days since I was informed that you were admitting into your family a professional lady of this town, with whose character I am quite sure you are unacquainted.

"I



" I am the last who would wish to speak unkindly of another, but I have children of my own, and feel it a duty to society that such a woman should not be admitted into the privacy of our houses. Mrs. Bentley, sir, under a quiet exterior hides a character of the worst description. When her husband sleeps out of the house, I have seen gentlemen leaving her house at 2 and 3 in the morning. When her husband was dying, as every one thought, I saw her walking about, with a gentleman's arm round her waist, in the Gardens. Her sin is now, however, finding its own punishment; no one can see her without noticing the change in her appearance; she is now looking really ill, and only last — her own medical attendant told me she was killing herself by the life she led, and that he was so disgusted with her that he had refused to attend her any longer. Now, sir, I know how particular you are with your daughters. Will you allow this woman to associate with them? I am aware she is admitted into society, but society judges of people as they appear, not as they are. 'Ere many weeks are over I know the door of every respectable house will be shut against her. I am sure you will understand my object in writing; I feel that, like myself, your one thought is, that your daughters' friends should be those of unblemished character and reputation, and you will therefore pardon a liberty otherwise inexcusable.

" Sir, I remain, yours truly,  
" H. DURBIN."

124. A short time previously to receiving the said last-mentioned letter from Mr. Bradley, I, at the request of Mr. Aldis, called on him at his office upon the subject of the said anonymous letters. He asked me to allow him to have them to compare with some letters he had in his possession. I gave them to him accordingly, and he afterwards returned them to me, saying that he had not found any resemblance in the handwriting to that with which he had compared them. I believe I only had three interviews with Mr. Bradley up to the time of his sending me the said letter (No. 18), and all those interviews were at his office, where I went for the purpose of seeing him, and I had never spoken to him before, except on one occasion, when I asked him for his interest as a member of the committee of the Union Club, on my behalf.

And the deponent, Julia Bentley, further saith :—

125. I was and am wholly unacquainted with Mr. Bradley and his family, not even knowing any of them by sight, excepting that on the morning of the 27th day of May last Mr. Bentley pointed him out to me as he passed by us in George-street, walking with another gentleman (Mr. Ingelow, as Mr. Bentley informed me.)

And the deponent, Thomas Charles Bentley, further saith :—

126. Shortly after receiving the said letter (No. 18) from Mr. Bradley, I went to him and saw him, when he expressed his indignation at the letter, and then informed me that he thought it probable that the writer of it had heard that Mrs. Bradley had shortly before made an arrangement with a lady for giving instructions to his daughter, and had been erroneously informed that Mrs. Bentley was that lady.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

127. On or about the said 25th day of March last, in the evening, Mr. Harrison told us that he had seen Signor Cutolo on the previous day—the day when the said letter (No. 17) was posted—in a cab with Mrs. Cutolo, going, as he supposed, to the Railway Station; that he (Mr. Harrison) caught sight of Signor Cutolo in the cab, and turned round to look at him, when he saw Signor Cutolo looking out of the window of the cab at him.

And the deponent, Thomas Charles Bentley, further saith :—

128. On or about the 26th day of March last, Mr. Hunt, of the Post Office, called upon me, and informed me that the registered letter, addressed " H. B.," had been called for; that the man who called for it read it, and said there was some mistake—that it was not for him, and threw it back and left, and that a detective police officer was following him. I went immediately to Captain M'Lerie's office to see if I could learn anything, but Mr. Harrison was not there, and I only learnt that it was the fact that an officer was following the man who went to the Post Office for the said registered letter. The same evening Mr. Harrison came to our house and informed me that the person who went to the Post Office for the letter was traced to Messrs. Herman, Brothers, booksellers in Sydney.

129. On the following day I was informed by Mr. Harrison that he had not been able to make anything of the bookseller, who said it was his habit to receive letters addressed " H. B.," of which Mr. Harrison expressed his disbelief.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

130. On the 1st day of April last Mr. Harrison came to our house in the evening, by appointment, to meet Monsieur Boulanger, to confer as to the propriety of inserting an advertisement in the newspapers offering a reward for the discovery of the parties concerned in writing the said anonymous letters. We had just sat down to tea when Mr. Harrison came in. Monsieur Boulanger, M. Harrison, and ourselves were all present together. Mr. Harrison produced a draft advertisement, which he had brought with him already written, offering a reward of £100. M. Boulanger expressed his opinion that the reward should be larger. Mr. Bentley then stated to Mr. Harrison that his (Mr. Bentley's) desire was not to offer any more than was absolutely necessary but that, if it was calculated to promote our object, he would willingly offer £400, as he knew his own and Mrs. Bentley's relations would willingly help us to pay it, should the reward have the effect desired. Some further discussion ensued, which ended in considerable alterations being made in the advertisement, and the sum offered remaining at £100—Mr. Harrison expressing his opinion that that sum would be sufficient, and he then left. The advertisement appeared in the *Sydney Morning Herald* and the *Sydney Empire*, on the 3rd day of April last, and several following days.

And

And the deponent, Thomas Charles Bentley, further saith :—

131. After this discussion, and writing and re-writing the advertisement, one of the servants was sent for some oysters for supper. M. Boulanger and my wife then returned to the drawing-room. I had occasion to go to the back parlour. I walked out on to the verandah, saw that it was a fine night, returned to the back parlour, and closed the verandah door, but whether I fastened it or not I cannot remember. I then went up stairs into the drawing-room, where Monsieur Boulanger and my wife were. M. Boulanger was sitting down to play at the pianoforte. Not more than three or four minutes elapsed from the time Monsieur Boulanger and my wife left me to go to the drawing-room, when I found them in that room.

And the deponent, Julia Bentley, further saith :—

132. Monsieur Boulanger and I went together into the drawing-room, as mentioned in the last preceding paragraph, and neither of us left that room up to the time of Mr. Bentley joining us, which was only a few minutes after we parted below.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

133. After we had remained in the drawing-room about half-an-hour, our supper being ready, Monsieur Boulanger and ourselves all went down together to the dining-room. Mr. Bentley passed through the folding doors into the back parlour, with a light, to fetch a bottle of ale (the ale being kept in that room). Almost immediately he exclaimed, "Why, what's all this, look here; why the ground's covered with music!" Upon this M. Boulanger and Mrs. Bentley also went into the back parlour, and we all saw a quantity of music torn, evidently done wilfully, and the verandah door open. Mr. Bentley said, "Why, the verandah door's open, and I shut it." At the same time we observed that the music was so spread about that the verandah door could not be closed without removing some of the music. Mr. Bentley immediately stooped to gather it up, and cleared it from the verandah door, when Monsieur Boulanger said, in an emphatic manner, "I must insist on your not letting anyone disturb this until Harrison has seen it; I'm sure it will be better, so pray do instruct your servants." Monsieur Boulanger and Mr. Bentley, accompanied by Mrs. Bentley, took a candle and went all over the house, and at last Monsieur Boulanger went up the steps on the landing by our bed-room door, and put his head up through the opening there leading to the roof (which at that time had only a loose piece of wood, in place of a door), and said no one was there. Mrs. Bentley, at the time, expressed her fear to Monsieur Boulanger at his putting his head through the trap, as, if anyone was there, he might be injured. We then all went down stairs, shortly after which Mrs. Bentley fainted, and remained insensible for more than an hour. The servants were called, and brought pillows for Mrs. Bentley to recline upon. Remedies were used to restore her, and at length she was restored to consciousness, and was then seized with violent spasms of the heart, so violent indeed as to render it necessary for Monsieur Boulanger to hold her hands in both of his, to prevent her injuring herself. She then again fainted, when we sent out the servant—Anna Maria Bradshaw—to get some Eau-de-Cologne at the nearest chemist's. She returned, saying the nearest chemist's was closed—it being then very late. We then told her to go to Jenkins', in George-street, and to knock them up, which she accordingly did, and brought the Eau-de-Cologne, and, upon a great deal of it being applied to Mrs. Bentley, she at length revived, and Monsieur Boulanger left. Anna Maria Bradshaw then stated that she had had an escort to the chemist's; Mr. Bentley asked her what she meant, and she said that a foreigner (she thought an Italian) spoke to her when she first went out, and inquired if there was illness in the house, or something to that effect; to which she replied in the affirmative, and said she was going to the chemist's to get some Eau-de-Cologne, and that he said "You will, I think, find the shop shut;" and he afterwards said, "If you had come with me, I might have been able to give you some." That she went on as fast as she could to the shop, in Hunter-street, which she found shut, as before mentioned. Mr. Harrison and M. Boulanger were both informed of this circumstance.

And the deponent, Anna Maria Bradshaw, further saith :—

134. I went out in the evening just mentioned to fetch some Eau-de-Cologne from a chemist in Hunter-street. On my way there a foreigner, and I think an Italian, spoke to me to the effect mentioned in the preceding paragraph. The shop in Hunter-street was shut, and I hurried back and told Mr. Bentley so. Mr. Bentley then told me to go to Mr. Jenkins, of George-street, and knock them up, which I did.

And the deponent, Thomas Charles Bentley, further saith :—

135. The next day Monsieur Boulanger informed me that he had communicated with Mr. Harrison on the events of the previous night; and in the evening Mr. Harrison came to our house with Monsieur Boulanger, and they both, with Mrs. Bentley and myself, examined the back parlour and the music, which had not been interfered with since M. Boulanger left on the previous night. In one of the pieces of music, one of us—I think Mr. Harrison—found a letter, addressed "Mrs. Bentley, 67, Elizabeth-street," and bearing no postmark, of which letter the following is a copy :—

(No. 19.)

" Madam,

" You will find this letter where you least expect it, and I place it there that you may see I am in earnest, and not using empty threats. I have injured you more than you think, but I can repair that injury, and I will do so if you will follow the contents of my last letter, and also gradually withdraw yourself from public notice. I have two papers in my hands—one concerning you, another respecting that blackguard Boulanger. They contain particulars which will damn you both *irretrievably*. You can guess what the contents are respecting yourself, and Boulanger knows full well *what* they refer to.

" In

“ In regard to him these papers shall be used, so help me God, if you will not follow my  
 “ advice and listen. You are killing your husband by not doing so. If you \* \* \* \*  
 “ \* \* \* are empty threats, I think you will alter your opinion when you find this,  
 “ and know that I care not *what* I risk to attain my object. I tell you, your life or that  
 “ man’s shall not stand in my way. I risk much now, but I will risk more yet if you will  
 “ \* \* \* \* \* \* \* \* \* \*

“ Yours,

“ ———.”

136. We all expressed our astonishment at this letter, and Monsieur Boulanger said, “ I thought we should find something, and that was my reason for desiring that nothing should be disturbed.” Mrs. Bentley was pale and agitated. Monsieur Boulanger and Mr. Harrison turned to her and begged her not to be alarmed; and M. Boulanger added, “ because you will be ill again as you were last night.” After some further conversation Mr. Harrison went away, saying that he would make arrangements, as I understood, to have our house watched, and see us to-morrow. The letter was left with me. The top of the paper, containing the stamp at the corner on which this and all the subsequent anonymous letters containing threats—namely, Nos. 19, 21, 22, 23, 24, and 26—are written, is cut off.

137. On the morning of the following day, namely, the 3rd day of April last, Mr. Harrison came to our back yard or garden, and with me examined it. The flower-bed at the bottom end of it was much trodden down; the bricks of the wall loosened and disturbed, and one brick had fallen on to the flower-bed. About this time, but whether on this or the following day I cannot recollect, Mr. Harrison called my attention to the fact that there was no blind to the back parlour window, which observation induced me to nail up a tablecloth in place of a blind until I could get one made. Afterwards Monsieur Boulanger saw this, and expressed his opinion that it was a mistake to put up any blind, and that things should be left just as they were, as otherwise the parties would suspect we were on the alert; and when I next saw Mr. Harrison, he said that he didn’t mean me to put up a blind, and agreed with Monsieur Boulanger that things should be left as they were, and he requested that the fastenings of the house should remain undisturbed.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

138. On the night of the same day, namely, the 3rd day of April last, Mr. Harrison came to our house in the evening, and told us that he had been to Mrs. Marshall’s and to Miss Flower’s (whose houses are situated in Castlereagh-street, directly at the back of our house), to inquire who were in them on the previous night, and also to look at the premises. That he asked at Miss Flower’s if they had heard anything on the night of the 1st of April, in reference to what had occurred at our house, and was informed in reply that they had not, but had heard the dogs barking very much; and that at Mrs. Marshall’s he learnt that a woman servant had left on the morning of the 2nd day of April last. He also said he had told Miss Flower and Mrs. Marshall that our house had been entered at the back, and some articles of small value taken away; he said he made that statement principally as an excuse for examining their premises, and that Mrs. Marshall suggested that perhaps the parties who had entered our house had got over the back wall by the aid of the dust bin. He also said that he warned them to be careful, as there were some bad characters about. He also told us that he had left a memorandum at his office, to be inserted in the newspapers on the following morning, to the effect that our house had been entered and some music torn. We objected to such a paragraph being inserted, but after some discussion assented to a statement being sent to the newspapers, provided we were not publicly identified with the transaction. Our reasons for not wishing the circumstances to appear in public, as identified with us, were, that we thought the parties concerned in sending the anonymous letters had resorted to so extreme a proceeding with the view of removing suspicion from themselves, on the supposition that they would not be generally supposed likely to resort to such desperate measures, and that the publication of the fact would rather play into their hands. We assented to a notice appearing, without alluding to us, because Mr. Harrison told us it was necessary for something to appear to justify his visit to Miss Flower and Mr. Marshall. Mr. Harrison begged us not to tell Monsieur Boulanger that he had seen Miss Flower or Mrs. Marshall, giving, as his reason, that he (Monsieur Boulanger) got so excited, and suggested such extraordinary things, and always thought his own suggestions so much better than those of anyone else. Before Mr. Harrison left Monsieur Boulanger came in, and he was informed of the notice proposed to be sent to the newspapers; he instantly exclaimed that it was the most indiscreet thing that Mr. Harrison could do, and insisted on his (Mr. Harrison’s) hearing what he had to say, and it ended in Mr. Harrison’s promising not to insert any notice on the subject. Monsieur Boulanger then expressed his opinion that if any publication took place, all the anonymous letters ought to be published, which he thought ought to be done. Upon this a very warm discussion took place between Monsieur Boulanger and Mr. Bentley, in which, eventually, Mr. Harrison joined, he and Mr. Bentley expressing their opinions that the letters ought not to be published—Mr. Bentley stating that nothing should induce him to publish letters containing such statements about his wife. Monsieur Boulanger then left, and Mr. Harrison said that if Monsieur Boulanger only was concerned he would throw the matter up, but that on our account he should still prosecute it to the best of his abilities. He then left. On the morning of this day (the 3rd day of April last) the advertisement offering a reward for the discovery of the parties concerned in sending the anonymous letters first appeared.

139. On the evening of the following day, Friday the 4th day of April last, Monsieur Boulanger came to our house and apologized for his warmth on the previous evening, and stated that I ought to have known he was only drawing Mr. Harrison out,

as

as he never suggested anything, but seemed always to look to us for suggestions as to what ought to be done. Monsieur Boulanger remained, and in the course of the evening played on the pianoforte, and about 9 o'clock, whilst he was so doing, Mrs. Bentley left the room and went up stairs.

And the deponent, Thomas Charles Bentley, further saith :—

140. On Mrs. Bentley leaving the room I feared she was again taken ill, and I went to the door and called to her, and asked her if it was the case ; she replied no, and said she would be down directly. In about half-a-minute she came back into the drawing-room pale and agitated, said that she had heard footsteps hurrying along the passage (meaning the passage leading from the street door) and the street door shut. I said, "Oh, you're nervous, and you fancy this." Monsieur Boulanger said (taking hold of her hands), "my dear lady, don't agitate yourself, or you will make yourself ill again." She was, however, so positive, that Monsieur Boulanger and I went down stairs to see if anything was wrong, and, on our way, we saw a letter on the sill of the staircase window ; we took it to the drawing-room. It is addressed "Mrs. Bentley, 67, Elizabeth-street," and bears no postmark. The following is a copy of it :—

(No. 20.)

"If Mrs. Bentley will come to Newtown on Saturday afternoon at 5 o'clock, the gentleman who stopped her some time since will meet her and inform her of the name of the gentleman who requested him to speak to her, the writer having seen the advertisement in the paper. If Mrs. Bentley comes, it must be *alone*, and without *any* one to follow her, or the writer of this will not be seen. I need not say you have nothing to fear at my hands. I certainly have insulted you once, but I am anxious to make all the reparation in my power ; but I shall have to ask you not to mention my name, as I am known in Sydney, and it would injure my position ; but I can give you information which will be invaluable to you. If you will come I will meet you some way on the open space of ground opposite Mr. Josephson's gate ; but again let me say, it must be alone.

"Yours truly,  
"—————."

141. After reading this letter we communicated with Mr. Harrison. My impression is that Monsieur Boulanger went for him ; at all events, he afterwards on that night came to our house, and was informed of what had taken place. The letter was examined, and, after a long discussion, Mr. Harrison expressed his opinion that it was the same handwriting as the bulk of the said anonymous letters. I expressed a contrary opinion, but I afterwards coincided with Mr. Harrison in his opinion, on account of the peculiar formation of some of the letters in different words which he pointed out. We then discussed what course Mrs. Bentley should take, and, at Mr. Harrison's suggestion, it was decided that she had better not go as invited in the letter ; and in fact she did not go.

142. After I had retired to my bed-room, and was undressing, and after Mrs. Bentley was in bed, I felt somewhat dissatisfied with the decision that had been come to, but for what particular reason I cannot now recollect ; but in consequence of this feeling of dissatisfaction I went to the Detective Police Office, to see Mr. Harrison. I found Monsieur Boulanger there, but not Mr. Harrison, and I returned to my house in a cab, which was standing at the door, and which had been hired by Monsieur Boulanger.

143. At or about this time, but I cannot recollect as to the exact day, I lent Monsieur Boulanger my revolver—Mr. Harrison having undertaken to get me one from his office—Monsieur Boulanger wishing to have mine, on account of its convenient size and of its having a catch which prevented its going off by accident ; he requiring it to carry about his person on going home late at night, whereas I only required one in my own house.

144. About this time, and I believe in the evening of the following day, Saturday, the 5th day of April last, Mr. Harrison came to our house and stated that Signor Cutolo had been watched for three days ; that he had never left his house during that period ; that on one of those days he was closeted in his own house with his solicitor, Mr. Hellyer, and that on the evening of the other he was seen walking up and down his verandah with a gentleman whom he described, but which description I forget. I believe Monsieur Boulanger was present when Mr. Harrison made this statement. He (Monsieur Boulanger) afterwards informed me that he had ascertained that Signor Cutolo had gone as usual to his professional engagements during one of those three days, and afterwards I ascertained, and informed Monsieur Boulanger of the fact, that there was no verandah to Signor Cutolo's house. Monsieur Boulanger insisted I was mistaken on that point, and then took up his hat and went out to Signor Cutolo's house to ascertain himself whether there was a verandah to it or not, and shortly returned, saying that I was right—that there was no verandah ; and he made use of an observation to this effect, "Harrison thinks he must tell us something, and therefore he humbugs us, and I shall tell him what I think," which he afterwards told me he did. Mr. Harrison has never offered any explanation to me on the subject.

145. On this night of Saturday, the 5th day of April last, the police first came to stay in our house. They usually came about 7 o'clock in the evening, and remained until 12 o'clock. It was my regular habit at this time to sit in the dark, from dusk till about the time when the police arrived, with a loaded revolver. I usually gave the police some grog about 11 o'clock, and on their leaving at or about 12 o'clock it was my habit to go round the house and see that all the doors and windows were closed, except when the police were in the house all the night and took possession of the key of the street door (which they did for some time, although by the desire of Mr. Harrison, it was kept a profound secret from all persons—Monsieur Boulanger and our servants included—except Mrs. Bentley and myself, that police were in the house after 12 o'clock, but afterwards one of our servants discovered the

the fact by accident). Mr. Harrison gave as a reason for this profound secrecy, that Monsieur Boulanger was not to be trusted, as he talked so unguardedly; so much so, that one night just previous he had taken his revolver out of his pocket in a public-house, making at the time remarks which conveyed the impression that he intended to use it for some deadly purpose. Afterwards, having suffered from a severe attack of diarrhœa, I had to leave the locking of the street door to Mrs. Bentley, who attended to it, there being a detective officer in the house up to the time of its being locked—who, or the servants, used to look to the other fastenings during my illness, which was excessively severe for about a fortnight.

And the deponents, Mary Ryan and Anna Maria Bradshaw, further say:—

146. It was Mr. Bentley's usual habit, at this period, to place himself with a revolver, from dark until the arrival of the police, in the back parlour, in such a position that he could see anyone entering the passage from the back of the house, or through the glass door leading to the verandah, or going up or down the staircase.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

147. When Mr. Harrison again took charge of this matter, in March last, he made it an express condition that nothing that occurred should be mentioned to anyone—more especially to Mr. Hanson, Mr. Black, or Mr. Aldis—giving as a reason that communicating what occurred was calculated to frustrate the discovery of the guilty parties; and in consequence of this injunction of Mr. Harrison, we abstained from our former habit of discussing the occurrences with the gentlemen just above named, and confined our communications to Mr. Harrison and our solicitors.

And the deponent, Thomas Charles Bentley, further saith:—

148. About the 5th day of April last Mr. Harrison asked me whether it was possible that Signor Cutolo could learn Mrs. Bentley's professional movements. I said (as the fact was) that he could, as I thought, most easily do so, through a lady (whose name I mentioned) with whose family Signor Cutolo was upon terms of the greatest intimacy; and with whom and mutual acquaintances we were also on terms of friendship.

149. On Tuesday, the 8th day of April last, Monsieur Boulanger brought and gave to me another letter, which he informed me that he had received through the Post Office, addressed "Monsieur Boulanger, French Caffè, George-street," and bearing the Sydney Post Office stamp of that date, of which letter the following is a copy:—

(No. 21.)

" Sir,

" I hear that your concert is to take place on the 28th of next month. Now, sir, if you remember, some months since you informed me of a circumstance, which I need not remind you of, and which you bound me not to mention. Now, from your subsequent actions, I am released from that promise, and if you persist in what your present idea is, you shall be exposed. You see I am not afraid of your knowing the writer of this letter, as I am fully aware you dare not mention my name, for I have you in my power—breathe a word and you shall be exposed. Now, Monsieur Boulanger, listen to me, and let me ask you, am I one likely to swerve in a course I have commenced, and you *know I have power*, and can do what you little thought I could. Now, I have an object, I own, in being *determined* you and Mrs. Bentley shall not come together in public, but a very different one from what you think. If you persist, you shall neither of you leave that room alive. You may think I would not harm a woman, but I would, and I tell you it plainly, for I hate that woman. For the last twelve months I have noticed her well, and I know her temperament as I know myself. I am quite aware threats are useless with her; but also passing events prey on her mind more than she will own. In a few months she will have another child. Will you, by edging her on, be her death? I am perfectly aware that a few nights since it was almost a matter of life or death to her; another attack, and I have the game in my own hands. Stop, and again I swear you shall hear nothing more of me. Your concert is not advertised—you can withdraw without any \* \* \* to yourself. Proceed, and you shall both DIE. Yours ———. You need not think Harrison will catch me; no, NEVER."

150. Some discussion took place between Monsieur Boulanger, Mrs. Bentley, and myself, on the subject of the said letter (No. 21), and particularly as to the 28th of the next month being stated therein to be the day on which Monsieur Boulanger was to give his concert, as no time had then been fixed for such concert, nor any preliminary arrangements made respecting the same, beyond the fact that Monsieur Boulanger had given to Mrs. Bentley the manuscript of his own arrangement of Thalberg's Fantasia, or the Huguenots, for two pianofortes, for her to practice the same; and during this conversation as to the said date for his concert being stated, Monsieur Boulanger said that Mr. Aldis had asked him if he would play for some society at Newtown, which he (Monsieur Boulanger) thought perhaps might be referred to. At a subsequent conversation I pointed out to Monsieur Boulanger that the word "Café," in the address of the said letter (No. 21) was spelt with the ff—the Italian mode of spelling that word. The said letter (No. 21) was subsequently shown to Mr. Harrison. During the week from the 7th to the 12th of April last, Mr. Harrison withdrew the detective officer from our house, saying that he was short-handed, and could employ them more effectually in another manner, which I understood to be by watching the movements of the suspected parties, he (Mr. Harrison) not having men to do this, and also to watch, at the same time, both inside and outside the house.

151. On going to bed on the night of Friday, the 11th day of April last, seeing a peculiar reflected light from an unoccupied house on the opposite side of the street, I thought it was on fire; but recollecting that I had seen about dusk two cabs draw up to that house, and the drivers walk in without knocking, taking in parcels with them, I imagined they were thieves; and I therefore went over to Mr. Lindsay (who occupied the adjoining house) and called his attention to the peculiarity of the light in question, which appeared and disappeared at intervals. He went with me into the street, and saw the light; he thanked me, and said he would look after his premises.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

152. On the following evening, namely, Saturday, the 12th day of April last, Monsieur Boulanger and Mr. Harrison came in and joined us at dinner. Mr. Bentley related the circumstance mentioned in the last preceding paragraph, and also, that on the afternoon of that day (the 12th) he had seen two well-dressed men, apparently gentlemen, go into the before-mentioned unoccupied house. On hearing this, Mr. Harrison jumped up from the table, exclaiming that he would soon find out who was there, and left the house. He returned in a short time, saying that he thought he was right, mentioned a name which he said was that of one of the men; and said that the house, although unfurnished, was occupied by a woman who had recently been taken up for shop-lifting. After dinner we went to the drawing-room; we remained talking for about twenty minutes, when reference was made to the *Ingoldsby Legends*, which led Mr. Bentley to say he had better go and bring them up, and Mr. Bentley left the room for the purpose of getting the book.

And the deponent, Thomas Charles Bentley, further saith:—

153. I immediately proceeded with a candle to the back parlour, to get the book. The moment I entered that room I saw that the verandah door was open. I instantly called out "Hie! hie!" and instead of Mr. Harrison and Monsieur Boulanger coming down to me immediately, as I expected and desired, one of them called out, "What is it?" I then answered, "I want you, Harrison; some one's been in." He then came down, walked on to the verandah, walked back again, and walked out of the house at the front door, saying he would fetch his man, and in a few minutes he returned with a detective. During his absence I went into the garden with a candle and a revolver, and searched to see if anyone was concealed, but I found no one. Up to this time there had been a strong wind and heavy rain, but at the time I went into the garden the wind had subsided, and the rain had considerably decreased. When Mr. Harrison returned with the detective officer they went down stairs, and Mr. Harrison shortly afterwards returned to the back parlour, and said he would not examine the verandah that night, as he feared that the light would put the suspected parties on the alert. I believe he stated that he would be obliged to leave Sydney on the following day, and he begged that I would in the morning examine the verandah and the yard, to see if there were any marks, and said he would see us on the Monday, and, in the meantime, would send the detectives into the house again; and he thereupon left, first closing the verandah door; he also replaced my tool-chest (which always stood there open, for convenience of the servants or others requiring to use the tools) against it.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

154. On the following day (Sunday, the 13th day of April last) we went into the back parlour to make the examination, as requested by Mr. Harrison; we found the handle of the verandah door broken, the knob of its fastening broken off, the fastening itself much bent and loosened, and a small thin piece of wood, cut off the outside of the door, was found lying in the verandah, showing that great violence had been used. On the verandah, close to the outside of the door, there was a quantity of dried mud or garden mould, which presented the appearance of having been much trodden upon; and we also saw two large footprints, apparently of a man, leading from the door to the verandah steps towards the garden. We also found, in a large china vase having a round hole in the top and large open spaces down the sides (which vase always stood in the verandah), a letter without any envelope, of which the following is a copy:—

(No. 22.)

"You are a set of fools. Don't think you are going to thwart me. I know Harrison is with you this night, and also the names of his friends, who think they will keep me out; but I laugh at them—don't think they can protect you!"

On that night (Sunday, the 13th day of April last) a detective was again placed in the house.

155. On the following day, about 4 o'clock in the afternoon, Mr. Harrison again came to examine the back parlour and verandah. He expressed a difference of opinion from ours as to the footprints being those of a man, stating that, in his opinion, they were four footmarks, and of a woman—two going and two returning, the returning steps, to some extent, obliterating the previous ones and making the whole impression large. He also pointed out marks which, he said, were heel marks, in several directions, shewing that the person who made them had walked both ways. Mr. Bentley said it was not likely they could get a woman to commit burglary; he replied, "Oh, you don't know—come to my office and you'd think differently." Mr. Harrison had already seen the letter No. 22, which we showed him on his coming into our house on that day. Mr. Bentley told him, as the fact was, that when he found the letter No. 22, being under the impression that the party leaving it had been disturbed whilst breaking into the house on the Saturday, and had therefore left it in the vase in the verandah, he (Mr. Bentley) had placed a piece of plain note paper, folded, in the vase, in

lieu of the letter, thinking that probably the party would return to see if the letter had been found, and would be under the impression that it had not. The paper could not be got out of the vase without some difficulty, nor without making a noise, owing to there being heavy flower-pots on boards, supported by the vase. We opened the verandah gate for Mr. Harrison to go down and examine the yard, which he did; and on this and on subsequent occasions, said he was sure that Mrs. Marshall's wall was the place they came from, and that he should place some one in her house as a lodger. Mr. Bentley expressed a different opinion, saying the drop on Mrs. Marshall's side of the wall was too great for them to climb, and that it was far more probable that they had got over the wall by the lane (which a lad could leap), and passed along under the shade of the trees. Mr. Harrison treated this opinion as absurd, because he himself had, as he stated, gone down the lane in the night and the dogs immediately began to bark. At this period Monsieur Boulanger came in, and Mr. Harrison took a small dinner knife and showed how the verandah window had been forced open. Mr. Harrison then left. On this occasion, or on the preceding Saturday, he said that in future the detectives should come into our house in day-light, which they accordingly did, at about 4 o'clock in the afternoon, for the first time, on the following day, Tuesday, the 15th day of April last, or thereabouts.

And the deponent, Thomas Charles Bentley, further saith :—

156. At or about half-past 11 o'clock on the night of the said Monday, the 14th day of April last, I went down stairs to give the detective his grog, and before I got down to the bottom of the stairs the detective came out of the back parlour and, in an earnest and anxious tone, asked me if I had left the gate of the verandah open. I said I had not, but in the same breath added, "But I won't be too positive," and I then called to Mrs. Bentley, saying, "Did I close the verandah gate this afternoon?" and she replied, "Yes, most certainly; I tried it myself after you closed it." The detective then said, "Will you bring in a light, sir, to see if they have left anything?" I gave him my candle; he took it and searched the verandah, more especially amongst the flower pots, but found nothing. I asked him if he had heard or seen anything; he replied, "Oh no, I observed the gate open, and thought I would ask you." We then closed the verandah gate, and I searched the back parlour, but found nothing. I then returned up-stairs to Mrs. Bentley, and expressed to her my belief that the detective had been asleep, that the house had been attempted again; that he must have jumped up on hearing the noise, and alarmed the party making the attempt.

157. On the following day I saw Mr. Harrison, and informed him of the occurrence described in the last preceding paragraph, and stated to him my impression that the detective had been asleep; which Mr. Harrison said he was sure was not the case, as he had got the best men in Sydney employed in this matter.

158. The letter (No. 22) was shown to Monsieur Boulanger, and in a conversation respecting it between him, Mr. Harrison, Mrs. Bentley, and myself, Mr. Harrison said, "We're sure to catch them, they are little better than madmen;" when Monsieur Boulanger said, with some emphasis, "They say it is we who are the fools;" whereupon Mr. Harrison said, "No, they are the fools, how did they know that I wasn't there, lying on my stomach ready to catch them?" To which Monsieur Boulanger replied, laughingly, "Oh no, Harrison, they wouldn't think that; besides they know you were in the drawing-room—you talk so loud."

159. At or about this time, two detectives were placed on our premises (one in the house and one in the yard), from about dusk until 12 o'clock at night; and on one of those occasions one of the detectives came in late, whilst Mr. Harrison was with us. Mr. Harrison spoke to him, and then informed us that the detective had found the house watched by a little dark man with a small black moustache; to which I replied, "Why, that answers to the description of San Juste."

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

160. Some time in April last (we believe in the earlier part of that month) Mr. Harrison told us that he had engaged a servant who was formerly in the employ of Mrs. Cutolo during her former husband's life, and who occasionally still called at the house, in the hope that he might learn something from her.

161. At or about the same period, Mr. Harrison stated to us that Mr. Montagu had been speaking to a very suspicious-looking character, whom he (Mr. Harrison) thought a likely person to have been employed to post the anonymous letters, and that he was watched for some considerable time that night, but nothing had occurred. Mr. Bentley asked him if he had found out who the man was; he replied that he had not, but that if they wanted him they'd soon find him; and on a subsequent occasion Mr. Harrison told us that Mr. Montagu had been seen, one evening (then recent, and in the early part of which it had been raining), under the shadow of the row of houses of which ours forms one, and that the detective who saw him there could not be positive whether or not he had come from the lane leading to the back of that row of houses; that he (Mr. Montagu), on that occasion, was followed for two hours (from 9 until 11 o'clock) walking about the town, and that he then went into his own house, but did not then go to bed, as was (as Mr. Harrison stated) his usual habit, but wrote some letters in his room, and afterwards seemed restless, and walked in and out of the house to the verandah, until about 1 o'clock in the morning, apparently looking for or expecting some one.

And the deponent, Thomas Charles Bentley, further saith :—

162. On the 17th day of April last Monsieur Boulanger informed me that his drawer at the Café (where he was living) had been forced open, and some letters abstracted therefrom; and on another occasion, that an attempt had been made to get his pianoforte taken away under false pretences.

And

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

163. On Saturday, the 19th day of April last, Mr. Bentley, in Mrs. Bentley's presence, told Mr. Harrison that he need not send a detective to Newtown on the following Tuesday, as on that day, on account of its being Easter week, she would not have to give the lesson which she usually gave on that day of the week at Mr. Josephson's.

And the deponent, Julia Bentley, further saith :—

164. About mid-day of Monday, the 21st day of April last, during Mr. Bentley's absence, being in my bed-room (which is in the top story of the house), I heard a noise as if some one had stumbled in the roof over my head. Having my youngest child (then about seventeen months old) with me, and feeling nervous, I went down stairs immediately.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

165. On Mr. Bentley returning home in the evening, Mrs. Bentley told him she had been somewhat frightened, and that she fancied she had heard some one stumbling in the roof over the bed-room; Mr. Bentley replied, "Oh, you must have been nervous, and heard some noise in the house of Miss Johnson" (a lady who resides and keeps a school in the house adjoining ours, and whose school-room adjoins our bed-room.)

And the deponent, Thomas Charles Bentley, further saith :—

166. On the evening of the said last-mentioned day (Monday, the 21st day of April last) I went up the ladder to the trap or opening leading on to the roof of our house (which at that time was only closed by a loose piece of wood). I put my head and a lighted candle through the opening, saw nothing, and felt satisfied that Mrs. Bentley had been needlessly alarmed, and expressed that opinion to her; and on the same night Mr. Harrison was informed of the circumstances in this and the last two preceding paragraphs set forth.

167. On the following morning, as soon as I got up, I went into the roof, to see what kind of fastening there was to the window leading on to the outside of the roof, and found it was fastened by a hook on the inside. I made no particular search, and saw nothing that led me to suppose that anyone had been in the roof.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

168. On the evening of the same day, on returning home after paying some visits, we found a letter which, during our absence, had been received through the Post Office, addressed, "Mrs. Bentley, Elizabeth-street," and bearing the Post Office stamp of that date (the 22nd day of April last), of which letter the following is a copy :—

(No. 23.)

"Within a short time I have seen you twice pass Monsieur Boulanger close in the street without taking any notice of him, and this makes me feel that possibly your own inclination may lead you to fall into my wishes, but that you are compelled to be friendly with him by your husband. Now, Mrs. Bentley, again let me ask you not to play with him, as you can refuse at the last moment, and I swear to undo all the harm I have done you. On Tuesday I will be at the Philharmonic concert. If you will follow my wishes, do not speak to him at all, or allow him to speak to you, and I shall know by that you intend doing what I wish. I hear he is going to give a concert for Saint Vincent's Hospital, but your name is not associated as going to play with him, therefore you can now refuse. I know threats are useless with you; but listen, and then judge if I cannot do all I say. I have been two nights and a day above your bed-room, and one night was in your bed-room, in the middle of the night; had you awoke and attempted to alarm the detective down stairs (for he had not left the house then) I would have killed you in an instant; and you are well aware your husband is too delicate to protect you. I saw you leave your room, in the middle of the night, and go in to see your little baby, and had my pistol pointed at you from the trap-door—for I thought you saw me, but found I was mistaken. The night before that, I saw you as you came up-stairs, after your husband was in bed, obliged to sit down on the stairs—your old complaint having attacked you; and you know as well as I do, however much you may try to hide it from others, that that is doing its work quickly and steadily, and if anything occurs to startle you very much, will kill you. I have told you where I was, because I never shall be fool enough to go there again. Again let me ask you to do what I wish, and you shall be perfectly unmolested after; persist, and again I say, I will kill you both, for I have that which will effect my object without much fear of my being discovered; and even were that not the case, I would risk my life and all I had, or ever hope to have, to revenge myself on two for whom I have a hatred which nothing can ever quench. Yours, ———."

And the deponent, Julia Bentley, further saith :—

169. It is true, that during the night of Easter Sunday, the 20th day of April last, I did leave our bed-room to go, and went into the nursery to see our baby, and found that our bed-room door was not locked, although it was our usual habit to lock it when we retired to bed. It is also true, that I did, on the night of the preceding day (Saturday, the 19th day of April last) go from our bed-room to the drawing-room, for some remedy for the toothache, and that, in returning, I was attacked by a spasm of the heart, which compelled me to sit on the stairs. I am not aware that I ever passed Monsieur Boulanger in the street without taking notice of him, as alleged in the said letter (No. 23), and he has told me that he was not aware of anything of the kind having occurred. If I did so pass him, it was because I did not see him. I believe that, at that time, Monsieur Boulanger contemplated giving a concert for St. Vincent's Hospital, at which it was agreed between us that I should play with him a duet on two pianofortes, but no preliminary arrangements had been made for giving such concert.

And



And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

170. On the evening of Tuesday, the 22nd day of April last, we informed Mr. Harrison of the receipt of the letter No. 23, and showed it to him. He said, "Oh! depend upon it that's mere intimidation—they never could have been there." Mr. Bentley said he should have thought so too, were it not for the circumstance that some of the facts mentioned in that letter really occurred. Mr. Harrison then went up-stairs with a candle to examine the loft in the roof; on his return Mr. Bentley asked what his impression was; he stated that he did not know what to think; that judging from the window he should say that no one had got in that way, but that there were marks of footsteps on the flooring over the joists leading from the trap to the window; to which Mr. Bentley replied, that that was no criterion, as they might be his own, as he had been up to examine the window. Mr. Harrison expressed his decided disbelief that the writer of the letter had been in the bedroom. Mr. Harrison left, saying he would bring a native tracker the next morning. At or about this time detectives were for the first time placed in the house all night, one relieving the other at 12 o'clock—an arrangement which Mr. Harrison insisted on being kept secret, even from Monsieur Boulanger and our servants. No detectives were, as far as we know, ever in the house all day; the time for their arrival was about 7 o'clock, after dark; on a few occasions one of them arrived as early as 4 o'clock in the afternoon.

And the deponent, Julia Bentley, further saith :—

171. On the next morning (Wednesday, the 23rd day of April last), Mr. Harrison, according to his promise, came to our house with an aboriginal native tracker, and they both went up into the loft together, but I heard nothing of the result of their inquiries. Mr. Bentley was not at home at the time.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

172. On the evening of the same day, Mr. Harrison came to our house, and informed us of the result of the examination of the roof by himself and the native tracker. On this occasion, as on the previous night, Mr. Harrison said that if the man who had got through the window was as large as himself he would have taken off the dust, which he (Mr. Harrison) on passing through wiped pretty clean, but that a small man might have done so; upon which Mr. Bentley said that the window was fastened inside with a hook; to which Mr. Harrison replied, that it was of little consequence if it was open when they came, as he (Mr. Harrison) had himself several times fastened it from the outside by swinging the hook, but that he never could unfasten it from the outside. He also, at our conversation on the evening of Wednesday, the 23rd day of April last, said that he found sand and broken glass on the roof outside the window, packed together as if by the rain, and on Miss Johnson's side a pool of dirty water, which he thought had been thrown out of her skylight window, but that he saw no footmarks on the roof. And either upon this, or an occasion very shortly afterwards, Mr. Harrison stated to us that he had called at the lodging-house two doors off in the same row, and went up-stairs to look at the trap-door of the roof in that house, and was informed that there had been no ladder there; and that he told the people in that house to be on their guard, as our house had been entered, either for a hoax or for some other purpose. Mr. Harrison also stated to us, that either he or one of his men should stay in our loft until the day of judgment rather than that anyone should get in there again.

And the deponent, Julia Bentley, further saith :—

173. On the morning of the 24th day of April last (Mr. Bentley being still in bed), I was dressing, and in pulling open a drawer in the toilet table I found one of Mr. Bentley's visiting cards, with some writing on it, in the same characters as that of the majority of the before-mentioned anonymous letters.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

174. Upon finding this card Mrs. Bentley exclaimed, "Why here is some of the anonymous writing!" Mrs. Bentley then showed Mr. Bentley the card. The words written on it were "Mr. Bentley's visiting card." We discussed the matter together, but could come to no clear conclusion as to how the card could have got to where it was found. When we next saw Mr. Harrison we informed him of the occurrence. He asked us where it was likely Mr. Bentley's cards could have been obtained, and we informed him of the names of several persons whom we visited.

And the deponent, Thomas Charles Bentley, further saith :—

175. On or about the 24th day of April last, Monsieur Boulanger informed me that on the previous night he had been followed on the Race-course by a man for some time; that he (Monsieur Boulanger) had miscalculated the distance between them, when he felt the man's hand on his shoulder; whereupon he (Monsieur Boulanger) wheeled round and levelled his revolver at him, when the man ran away like a deer. He described the man as tall, and broadly made. Monsieur Boulanger on this occasion asked me to ascertain from Mr. Harrison, without telling him of the occurrence of the previous night on the Race-course, whether he knew anything of his (Monsieur Boulanger's) movements that night, in order to learn whether he was (as Mr. Harrison told him he was) watched. I did so, but Mr. Harrison stated that he knew nothing of his movements.

And the deponent, Julia Bentley, further saith :—

176. On Friday, the 25th day of April last, I proceeded as usual by the omnibus to Newtown, and went to Mr. Josephson's, and gave as usual the lessons I was in the habit of giving there. On returning, when I was about leaving Mr. Josephson's grounds, I saw a man standing at an opening to the paddock, on my right hand. This man was dressed in a monkey jacket; from his dress he did not present to my mind the appearance of a gentleman. I saw no one else near the spot. I felt some misgivings, and hesitated whether or not to return

to

to the house, in consequence of the man looking about in a curious manner, as if he wanted to see whether any other person was within view or not; but I thought I should only make myself appear ridiculous by returning, as the man might probably turn out to be one of Mr. Josephson's men, employed on his grounds. I resolved to proceed, and walked on accordingly. When I reached the gate I found he had followed me. He placed his hand violently on my shoulder, advanced, and looked me in the face. I felt dreadfully agitated, and placed my hand under my Zouave jacket on my heart, which was beating violently. On this he exclaimed, "Oh, you have one, have you!" as if he supposed I was drawing a pistol or other weapon to defend myself with; and he then thrust his hand into my bosom with violence, which caused me great pain. I was so agitated and alarmed that I lost my speech; I was quite unable to speak, or even to scream. He said, "I thought you couldn't make much noise." I, however, had sufficient presence of mind to look at him and examine him, which he observed, and said, "Oh, yes! dark eyes, dark hair" (and, taking hold of and showing his shirt sleeves), "foxes' heads and brushes," and added (holding out his hand, and showing me a ring on one of the fingers), "and tell Harrison a gold ring with a cornelian anchor!" He then pulled the gate partially open, slipped through, and ran away down the Enmore Road, and then turned down a lane called Pig-lane, which runs at the side of Mr. Josephson's grounds. I examined the man well after he attacked me; his eyes were not dark. I saw he had a false beard, for it did not fit him closely; and I saw his own hair underneath or through it, and I believe his eyebrows were coloured dark, as they did not present a natural appearance. I saw when he shewed me his ring that his hand was white, presenting the appearance of that of a gentleman and not of a working man. I proceeded to the omnibus and went home, where I arrived about 3 o'clock in the afternoon.

And the deponent, Mary Ryan, saith:—

177. On Mrs. Bentley's return home, on this occasion, I opened the door for her, and saw that she looked excessively pale; she went into the parlour immediately. I asked her if she was going to faint, when she said, "Bring me something to drink," which I accordingly did. She then told me that she had been very much frightened, having been stopped by a man, and thought, for the moment, she was going to be killed. That a man had come up to her as she was leaving Mr. Josephson's; and she showed how he had put his hand upon her—namely, upon her breast; also, that the man said to her, "You can't make a noise, I see." She told me what the man was like, and that he had told her to tell Mr. Harrison something about a ring. I said I wondered she did not faint; and she said she thought she was too frightened. Shortly after Mrs. Bentley's arrival Mr. Bentley came home.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

178. On Mr. Bentley's arrival he went into the parlour; Mrs. Bentley repeated to Mr. Bentley what had occurred, and said, "This is Mr. Harrison's watching!" and Mr. Bentley left the house immediately, saying he would go at once and see Mr. Harrison, and expressed himself angrily that no detective had been on the watch so that he could have protected her.

And the deponent, Thomas Charles Bentley, further saith:—

179. I immediately went to Captain M'Levie's office, and found that Mr. Harrison was not there; I at once proceeded from thence to his then private residence in O'Connell-street, but he was not at home; I asked for a pencil and paper, which were supplied, and I wrote and left for him a memorandum asking him to come up to our house immediately. On leaving his house I met him, and took him with me to my house; on our way I told him what had occurred, and expressed to him my annoyance at the police not being at hand to protect Mrs. Bentley, when he said, "Why you told me she was not going up—that it was Easter-week." I repeated to him what had been stated on that point, but observed, that I could understand how the mistake had arisen; to which he replied, "I was a little in doubt " myself, and looked at my watch, and should have gone myself had I not found it was too " late."

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

180. On Mr. Harrison and Mr. Bentley arriving at our house, Mrs. Bentley described to Mr. Harrison the particulars of the assault, in the same manner, in substance, as she did to the deponent, Mary Ryan, as hereinbefore deposed to. Mr. Harrison begged us to say nothing to Monsieur Boulanger about the ring, and, in short, to tell him nothing, except the fact of the assault, and left, saying he would have the police out at once to make inquiries, and would see us again on the next day.

And the deponent, Julia Bentley, further saith:—

181. During Mr. Harrison's visit at our house on this evening, and, I believe, whilst Mr. Bentley was out of the room, Mr. Harrison expressed his regret that he had not sent a detective to Newtown as usual—that it had not been done in consequence of what he had understood Mr. Bentley to say as to my not going to Newtown during Easter week; he added,—"Sanderson (one of the detectives) came to me this morning and asked me if he " should go; I told him there was no occasion to do so, but afterwards I had my misgivings, " and was going up myself, and looked at my watch, but then found it was too late. I felt " very fidgetty, and was coming to your house to see if anything had occurred, when I met " one of my men, who said he had seen you go home, and I therefore concluded all was " right."

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

182. On retiring to bed about eleven o'clock on the same night, and on Mrs. Bentley's commencing to undress herself, Mr. Bentley observed some blood, which led to an examination, when we found a good deal of coagulated blood round her nipple, as if it had been  
torn

turn by some hard substance being violently thrust against it, which led us to the conclusion that the injury was caused by the ring on the man's hand coming into contact with the nipple, when he thrust his hand on her bosom. Mr. Bentley immediately called to the deponent Mary Ryan, who at once came up to our bed-room.

And the deponents, Thomas Charles Bentley, Julia Bentley, and Mary Ryan, further say :—

183. On Mary Ryan coming into Mr. and Mrs. Bentley's bed-room, Mr. Bentley said to her, "The wretch has hurt Mrs. Bentley more than we thought for;" Mrs. Bentley showed her breast (which was then bleeding) to Mary Ryan, and Mr. Bentley ordered her to make a hot bread poultice, and bring it up immediately, which she accordingly did, and applied the same to Mrs. Bentley's breast. Mrs. Bentley complained of its being very painful.

And the deponent, Mary Ryan, further saith :—

184. On the following day (Saturday) I took from Mrs. Bentley's bed-room, rags stained with blood, by reason of their having been applied to her breast, and which were removed in my presence. The next day I was told that Mrs. Bentley's breast was better.

And the deponent, Anna Maria Bradshaw, further saith :—

185. On Friday in last Easter week, when I brought Mr. Bentley's children home from our afternoon's walk, Mary Ryan told me that Mrs. Bentley had been assaulted and hurt by a man, and very much frightened; and on the following day (Saturday) I saw Mrs. Bentley's breast, and the rag which had been put upon it, which was stained with fresh blood. I inquired at night-time, or on the Sunday morning, and as far as I can remember, the bleeding had then ceased.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

186. On the evening of Saturday (the 26th day of April last), Mr. Harrison came to our house, and informed us that the police had not been able to learn anything at Newtown; but that he, believing that he knew something of a shirt answering to the description given of that of the man who committed the assault (and which he called a Crimean shirt), had gone over the water, meaning (as we understood) to Balmain, to make inquiries, but without success.

And the deponent, Thomas Charles Bentley, further saith :—

187. On Monday, the 28th day of April last, I saw Dr. Brereton, and mentioned to him the fact of the assault upon Mrs. Bentley, and the state of her breast. He said I had better let him come and see it; I replied, "You know what a nervous creature she is, and what a dislike she has to consulting doctors, and she's better now;" he replied, "Oh! but I mean by way of evidence;" I said, "What evidence do we want?" We talked further on the subject, and it ended by my saying I would ask Mrs. Bentley if she would see him.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

188. Mrs. Bentley's breast continued sore, and to bleed at intervals, until the morning of Monday, the 28th day of April last, when it showed symptoms of healing. On the Monday evening Mr. Bentley mentioned to Mrs. Bentley the conversation between himself and Doctor Brereton lastly hereinbefore set forth. Mrs. Bentley expressed her repugnance to see a doctor on the subject, but said she would consult Doctor Brereton if it did not continue to get better. In fact it did continue gradually to get better, and in a short time got well.

And the deponent, Julia Bentley, further saith :—

189. On the said 28th day of April last I received through the Post Office another letter, addressed "Mrs. Bentley, 67, Elizabeth-street," and bearing the Sydney Post Office stamp of that date, of which letter the following is a copy :—

(No. 24.)

"Will you now follow my wishes? After what took place on Friday, you can scarcely doubt my intentions if you persist. You thought you would never be attacked in daylight, but you found to the contrary; and if I am not mistaken it will be some time before you recover quite from the effect of my hand. You think you can describe me; you are mistaken.

"I was disguised in every way, and to show what I say is true, I will be near you at the concert to-morrow evening, and you will not know me. Listen! You are a plucky woman, but you are not free from fear with all your courage; your face told me that. You have felt the weight of my hand once, but by God you shall feel it again, if you persist, in a very different way.

"Think well, and believe me, I will trouble you no more if you give in.

"Yours,  
" \_\_\_\_\_"

And the deponent, Thomas Charles Bentley, further saith :—

190. On returning home from the Club about 4 o'clock in the afternoon of the said last-mentioned day, Mrs. Bentley gave me the said letter (No. 24), and I went out with it for the purpose of taking it to Mr. Harrison at his office; I saw him, and showed him the letter, and he said he would come up and see us in the evening.

191. On the occasion of the receipt of one of the said anonymous letters received by Mrs. Bentley, and I believe of the one No. 24, on my way to Mr. Harrison's office I met Captain McLerie, and showed him the letter, and told him I was on my way to Mr. Harrison to consult him about it

And

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

192. On the evening of the said Monday, the 28th day of April last, Mr. Harrison, according to his promise, came to our house, and we had some conversation on the subject of it; he then promised that in future the detectives should always be at hand, and that if Mrs. Bentley wanted to go to Balmain or the suburbs, she had only to give him half-an-hour's notice. He also said he would lend her a small stiletto, which she could carry under her dress, and which a lady could easily use, and a whistle, which she must wear round her neck, so that if any suspicious-looking person approached her she could use it, and a detective would be at hand, who would come to her assistance. He said he would send these things, or meet her on her way to Newtown and give them to her, adding, that he wished to have the stiletto sharpened.

And the deponent, Julia Bentley, further saith :—

193. On the following day Mr. Harrison met me as I was walking to the omnibus and gave me a stiletto and a whistle. I wore the stiletto on that occasion, and once afterwards, and the whistle constantly. The first occasion when I wore the stiletto I went to Mr. Josephson's, and when I came home I found that the case of it had dropped off; I then (feeling that it was useless to carry it about with me, as I never should have courage to use it,) resolved to wear it no more. On the next occasion of my going to Mr. Josephson's, one of his family showed me the case (supposing it was a scissors' case), and asked me if it was mine; and on my saying it was, gave it to me. After I had so as aforesaid resolved not to carry about with me the stiletto any more, I took it once with me, at my husband's request, he saying, "As Harrison wishes you to wear it, do so;" but after this second occasion I never carried it about with me.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

194. Some time about the end of April last, Mr. Harrison told us that Mr. Montagu had been seen in Pitt-street talking to another man, and that the following conversation between them had been overheard, namely, that Mr. Montagu said—"You had better not; take my advice—the risk is too great;" to which the other man replied, "but I will, though." Mr. Harrison said that he was anxious about this, as he thought it might refer to the entry into our roof. We believe that Monsieur Boulanger was present at this conversation.

And the deponent, Thomas Charles Bentley, further saith :—

195. On Tuesday, the 29th day of April last, Mr. Aldis brought Mr. Kloete to me at my office, and the last-named gentleman gave me a letter, which he stated he had received through the Post Office, and addressed to "— Kloot, Esq., George-street," and bearing the Sydney Post Office stamp of the 28th day of April last, of which letter the following is a copy :—

(No. 25.)

"Will you meet me to-morrow, at a quarter to 12 o'clock, on the Enmore Road, Newtown, between the commencement of it and Mr. Josephson's gate? I do not know you, but have long wished to. May I trust to your honor not to divulge my name, for I am a married lady. If you cannot be there, will you come to the Philharmonic in the evening.

"Yours ever,  
"L."

After Mr. Aldis left, Mr. Kloete and I had some conversation on the subject of the anonymous letters, and as to the handwriting of them, and he then left; and when I returned home in the evening, I told Mrs. Bentley of the said last-mentioned letter (No. 25), and of what had occurred between Mr. Aldis, Mr. Kloete, and myself, about it.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

196. We went together in a cab to the Philharmonic concert, on the evening of the said 29th day of April last. On arriving at the concert-room we saw Mr. Harrison at the door in York-street, and the detective Campion in the passage. We went into the concert-room together. As the last piece of music was commenced many of the audience rose to leave. Mrs. Bentley said to Mr. Bentley "There he is—there he is—he's held up a letter." Mr. Bentley said, "Where, where?" She said, "He has just gone out" by such an entrance (naming the street.) Mr. Bentley immediately went to find Mr. Harrison, leaving Mrs. Bentley with a lady with whom she was acquainted.

And the deponent, Julia Bentley, further saith :—

197. Just as the audience were getting up to leave the concert-room, as mentioned in the last preceding paragraph, I saw a man in the room hold up a letter or piece of paper and look at me with a peculiar grin, by which I instantly recognized him to be the man who had assaulted me as hereinbefore mentioned; he was in the crowd, and I could only see his face and his hand which he held up. He immediately disappeared, going away by the stairs at the back of the concert-room leading to Clarence-street, and I immediately made the statement to Mr. Bentley mentioned in the last preceding paragraph. He replied, "Where, where?" I told him at the Clarence-street entrance. Mr. Bentley then left me with the said lady, and went to find Mr. Harrison.

And the deponent, Thomas Charles Bentley, further saith :—

198. In the confusion in which I was, I must either have misunderstood or forgot which street Mrs. Bentley mentioned. I was, in fact, ignorant of that part of Sydney, and did not know which was Clarence-street and which was York-street. I found Mr. Harrison at the York-street entrance, and told him what had taken place; he said that no man  
answering

answering the description (alluding to the description Mrs. Bentley had before given of the man who had assaulted her) had passed that way. I went back to Mrs. Bentley and told her what Mr. Harrison had said, when I found I had gone to the wrong entrance. By this time the concert was just finishing, the hall was crowded by people leaving, and I felt that all opportunity of finding the man was lost; but as soon as I could get to Mr. Harrison I informed him of my mistake. Monsieur Boulanger at this time, according to previous arrangements, came to Mrs. Bentley and offered her his arm, which she took, and the other lady took my arm, and we, with a young lady who was with her, all left the concert-room together by the York-street entrance.

And the deponent, Julia Bentley, further saith :—

199. When I took Monsieur Boulanger's arm, as mentioned in the last preceding paragraph, I was still greatly agitated, and trembled very much, and Monsieur Boulanger said to me something to the effect that I must not be foolish, or he should not know what to do, evidently fearing that I was about to faint.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

200. Mrs. Bentley did not tell Mr. Bentley of the remark of Monsieur Boulanger mentioned in the last preceding paragraph, nor was any allusion made to the circumstance until after the receipt of the letter (No. 26) next hereinafter set out. After seeing the before-mentioned lady, and the young lady with her, into a cab, Monsieur Boulanger and Mr. and Mrs. Bentley proceeded to walk home to our house. After we had proceeded a few yards, Monsieur Boulanger pointed to a man close to his shoulder, in the street, saying, "That man has been dogging my heels ever since I left the concert-room; fetch Harrison." Mr. Bentley went to try and find Mr. Harrison, but without success, but saw the detective Campion, to whom he pointed out the man indicated by Monsieur Boulanger, and we three proceeded homewards (the man, after Mr. Bentley had pointed him out, ceasing to follow us). Campion followed us at a distance, and Mr. Harrison joined us, and we all went into our house. Some conversation took place respecting the events of the evening, in the course of which Monsieur Boulanger said that signs were made by one of the suspected parties and others whenever he made his appearance at the concert-room door; which statement Mr. Harrison confirmed, and described the nature of the signs, which he stated were made by several persons one to the other, and that one of them was Mr. Montagu. Campion was then called in, and told to accompany Monsieur Boulanger home; and he (Campion) being asked if he had seen the people making signs, said that he did.

And the deponent, Thomas Charles Bentley, further saith :—

201. I have since been told by Mr. Aldis, that at the last before-mentioned Philharmonic concert, and also at the one afterwards given on the 27th of May last, Mr. Harrison had applied to him for, and obtained, ten tickets for each concert, to enable him to pass in ten detective officers. Mr. Aldis also stated to me that, after the concert of the 29th day of April last, he had seen Mr. Harrison, and had stated to him that he (Mr. Aldis) could not see anything going on, although he had been watching a suspected party (meaning Mr. Montagu); and that Mr. Harrison replied, "Oh! you haven't the eye of a detective; we saw them making signs one to the other whenever Boulanger made his appearance."

And the deponent, Julia Bentley, further saith :—

202. On the following day (the 30th day of April last) I received through the Post Office a letter addressed "Mrs. Bentley, 67, Elizabeth-street," and bearing the Sydney Post Office stamp of that date, of which letter the following is a copy :—

(No. 26.)

" You saw me last night, and that letter I showed you told you you should never  
 " hear anything more of or from me, for I believed you had determined to follow my wishes;  
 " but I hear you did not, and that after I left, you took that damned Boulanger's arm, and  
 " walked out of the concert with him. Did you wait until I went, to show me that you  
 " would do what I wish? \* \* \* \* \*

" your husband; the only hope I have of this being the case is, that you were seen almost  
 " clinging to Boulanger's arm for support, you could scarcely stand, and he evidently  
 " thought you were fainting, from his remark: 'Now don't be foolish, or I don't know what  
 " I shall do.' Let me tell you this: Last night neither of you would have come home safe  
 " had I not believed you had given in. When the concert was over, you left, and then  
 " the work was entrusted to a damned fool who *pitied* you; but you have brought it on  
 " yourselves by your cursed obstinacy, and you will find that nothing shall turn *me* from  
 " my purpose; and although you are under Harrison's protection, or with Boulanger armed  
 " with his pistol and cocking it, as he did last night outside the concert, you shall not  
 " be safe. I thought I had prevented you appearing for some considerable time in the  
 " costume you wore last night; but you must have a harder blow than I thought, and  
 " the next shall be a surer one. I can learn all your movements now. I know that at  
 " the concert you play at you are to be watched there and back, and followed; that you  
 " are watched at Newtown; that the detectives are in your house till 12; I know  
 " also that two are watched day and night, or ought to be. I can learn *everything*  
 " that Harrison has done in your house, and from a quarter you little think of, Mrs.  
 " Bentley. I am not hasty now. When I struck you I did it calmly, and I believed  
 " I had injured you more than I find I have. When I saw you last night on that cursed  
 " man's arm, had I had my pistol with me I would have risked all, and shot you both.  
 " Boulanger may be a stronger man than I am, but I don't fear him; he is a coward; or  
 " why does he have a man dogging his heels? You both have systematically injured me,

“ in a way that I never can nor will forgive, and each day I live makes me hate you both more and more. For the intense satisfaction it would be to me to injure both of you seriously, I would risk any danger of discovery. Still, do what I wish, and you shall be at peace.

“ Yours,  
“ \_\_\_\_\_.”

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

203. On the evening of the last-mentioned day Monsieur Boulanger and Mr. Harrison joined us at dinner, when the last-mentioned letter (No. 26) was shewn to them, and discussed. Monsieur Boulanger stated that it was quite true that he had cocked his pistol outside the concert-room, as mentioned in that letter; he also stated that he had spoken to Mrs. Bentley, to the effect set out in that letter (which Mrs. Bentley confirmed), and that, at the time, Mr. Montagu was standing close by them. At, and shortly before and after this time, the detectives were in our house all the night, relieving one another at 12 o'clock; but that circumstance was, as before mentioned, kept a profound secret.

204. On the evening of Friday, the 2nd day of May last, Monsieur Boulanger came to our house, and whilst he was there Campion came to the house, and asked if Mr. Harrison was there; Mr. Bentley said he was not, but that he knew where to find him, and left the house with Campion.

And the deponent, Thomas Charles Bentley, further saith :—

205. I then went with Campion down to the Victoria Theatre. On our way I asked if his business with Mr. Harrison was connected with our affair. Campion said it was, but gave no further explanation. I found Mr. Harrison in the theatre, and told him Campion wanted to see him about something connected with our case. Mr. Harrison came out of the theatre, saw Campion, and we all three got into a cab, and, by Mr. Harrison's directions, drove until we came to a post—(one of the iron posts for receiving letters)—at the corner of Castlereagh and King streets. Mr. Harrison then stopped the cab and jumped out, and had a conversation, apart with Campion. Mr. Harrison, on our way, told me the nature of the communication made to him by Campion, which was, that one of the suspected parties—(I believe, Mr. Montagu)—had been seen at that post, and was supposed to have posted a letter there, although Campion could not speak positively on the point. After Mr. Harrison had spoken aside to Campion he called me out of the cab—(which, I believe, I then dismissed)—and said he must have some of the envelopes of the anonymous letters for comparison, as he intended to send Campion to the Post Office early in the morning, to see the contents of the iron post in question opened. I told Mr. Harrison that the letters were at the Union Club, in a safe place, and that I would go down for them when he wanted them, and he said that he would call again that night, (mentioning some hour) for them; he, however, then accompanied me to my own house, and went in with me, where we found Mrs. Bentley and Monsieur Boulanger. Mr. Harrison continued to converse with me aside from Mrs. Bentley and Monsieur Boulanger, about the examination of the letters at the Post Office on the following morning, and in a few minutes left, saying he would call again for the envelopes. In the course of the evening I went to the Union Club and got the letters, and Mr. Harrison afterwards called and I gave them to him to make such selection from them as he thought fit. He took about half-a-dozen of the envelopes, which he said was all that he required, and then left, taking the envelopes with him, which he retained for some weeks.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

206. On this evening we had some dispute with Monsieur Boulanger, on account of Mrs. Bentley declining to take part in some domestic matters of Monsieur Boulanger, which we feared would lead to a police office matter, and he never visited us after this evening.

207. The same evening we told Mr. Harrison of our disagreement with Monsieur Boulanger, and expressed a fear that if Mr. Bentley was called as a witness in a Police Court, in reference to Monsieur Boulanger's affairs, it might lead to publicity being given to the circumstances of our case, which at that time we all thought it most desirable to avoid until the guilty parties were discovered. Mr. Harrison said to Mr. Bentley, “ You need not fear; he shall never trouble you by calling you as a witness at the Police Court. I can make the place so hot for him that he'd have to leave it in twenty-four hours.” He also expressed his opinion that our quarrel with Monsieur Boulanger was rather a matter of congratulation, as he (Mr. Harrison) believed him to be perfectly capable of going over to the enemy, if they only offered to pay his debts for him. On a subsequent occasion, on one of us stating to Mr. Harrison that it was singular that the attacks upon Monsieur Boulanger had ceased, Mr. Harrison said, “ Oh, there's no occasion for them to attack him now; the only respectability he ever possessed he lost when he quarrelled with you.”

And the deponent, Thomas Charles Bentley, further saith :—

208. At or about this time Mr. Harrison told me he was very short-handed, and wished to withdraw the man from the inside of our house; to which I objected until I had had the house made secure; and in order to make it secure, I employed Mr. Toose, a carpenter, to put bolts and bells on the doors (including the door window leading to the verandah at the back), and a latch lock on the street door, and the piece of wood at the trap made into a trap door, and double-bolted, and a bell attached,—all which was done; and afterwards, namely, on or about the 5th of May last, the detectives were withdrawn from the inside of the house, and came no more for the purpose of protecting it; but Mr. Harrison informed me it continued watched outside, back and front, by detectives, he himself taking charge of the inside, and he, in fact, usually came in every night and remained until 12 o'clock.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

209. On Saturday, the 3rd day of May last, Mr. Harrison informed us that the investigation at the Post Office had not resulted in any discovery, and we believe on the same day, or thereabouts, he showed us an anonymous letter which he had received, addressed to himself (but in a handwriting quite unlike any of the anonymous letters herein set out), stating that if he took any further interest in the Bentleys, things should be made unpleasant for him. We discussed the matter, and all of us came to the conclusion that the writer of this letter had no connection with any of the parties by whom the anonymous letters herein set out were concocted.

210. During the winter of 1861 a large quantity of the ceiling in our bed-room fell in the night, making a great crash, and covering the foot of our bed and the floor of the room with heavy fragments; the space left vacant where the ceiling had fallen from was a circle about four feet in diameter. The ceiling was re-plastered by the before-named Mr. Toose, but it was not whitewashed, so that the spot where the ceiling had fallen was quite perceptible.

211. In consequence of the long continuance of the annoyances hereinbefore set forth, and of the various circumstances hereinbefore detailed, we were both of us in a continual state of nervous excitement.

212. One morning in April last, being the one following, or next but one following, the Friday on which Mrs. Bentley was assaulted, as hereinbefore mentioned, Mr. Bentley, whilst lying in bed, observed to Mrs. Bentley, "Suppose those fellows do purposely what the rain did accidentally, and let the ceiling down upon us, it would be awkward, would it not?"

And the deponent, Thomas Charles Bentley, further saith:—

213. A few days afterwards, when Mr. Toose was in the house, making it secure, as hereinbefore mentioned, I called him into our bed-room and showed him the part of the ceiling where it had fallen, and asked him if he remembered it; he said he did. I then said I was going to speak to him in confidence, and informed him of the annoyances to which Mrs. Bentley had been subjected, and of the assault upon her, and of the suspicions as to some one having been in the roof; and I asked him if he could contrive something for our bedstead which would protect us in case any attempt was made to let down the ceiling upon us; and he expressed his sympathy, and said he could make a wooden covering. Whilst he was measuring, I said, "Couldn't you put a piece of tin or something on it?" adding, "because you know a man who would strike a woman wouldn't stick at trifles." We had some further conversation, which resulted in his making a covering of zinc. I told Mr. Harrison what had been done, of which he approved, intimating that the same idea had occurred to himself.

214. On the 5th day of May last I saw Mr. Robert Johnson, and requested him to see Mr. Plunkett, who had recently arrived from Melbourne, and to show that gentleman all the before-mentioned anonymous letters. My reason for taking this step was, that he (Mr. Plunkett) had some correspondence with Monsieur Boulanger on the subject, and had been provided by Monsieur Boulanger with copies of some of the aforesaid anonymous letters, and had expressed his sympathy with Mrs. Bentley. And on the 10th day of May last, Mr. Robert Johnson informed me that he had had an interview with Mr. Plunkett, and had received from him a letter, which he gave me. It is addressed to the Honorable "J. H. Plunkett, Q.C., Macquarie-street;" it bears the Sydney Post Office stamp of the 30th day of April, 1862. The following is a copy of it:—

(No. 27.)

" Sir,

" Seeing your arrival announced in the paper, I take the earliest opportunity of writing to you, on a subject which I am quite sure you will give your earnest consideration. Some time since I wrote to you, informing you of the bad character of two now resident professionals of Sydney, and I am pained to be obliged to return to that subject again. Monsieur Boulanger proposes to give a concert in aid of St. Vincent's Hospital, in which, if I am not misinformed, he is to be assisted by Mrs. Bentley. Now, sir, I know that you can entirely stop this; and will you not do this, for would it not disgrace a society calculated to do so much good, to countenance anything connected with two such characters? On Monday night, between 11 and 12 o'clock, I met Mrs. Bentley walking on the Race-course with a gentleman (who is very nearly connected with you), whose arm was round her waist; he walked home with her, and when they parted, her last words were, 'Come back at 2, and I will come down to you when my husband is asleep.' As for Boulanger, he has been the companion of prostitutes since he has been in Sydney, and there is scarcely a bad character in Sydney he has not had connection with; indeed the finger of scorn is being, and justly, pointed at them both; and now these two are going to play for a religious institution. Surely Mr. Plunkett you will prevent it, for you can; and I know how bitterly you would despise yourself for countenancing anything of the kind—for, believe me, I have not told you even one-half what I could. Again let me ask you to pardon the liberty I have taken, but justice to others demands I should do what I have, and—

" Believe me to remain,

" Yours obediently,

" ARTHUR VINDIN."

215. On the night of Saturday, the 10th day of May last, at about two o'clock in the morning, I heard a knock at our street door; I was in bed with my wife; I jumped up and told Mrs. Bentley of it; I threw open the bed-room window, and asked who was there?

I saw two men, and one of them in reply said, "Harrison"; I immediately put on my dressing-gown, put my revolver (which I always had, when I was in bed, under my mattress) in my pocket, and went down and opened the door. I found Mr. Harrison and a detective officer with him; I asked Mr. Harrison what was the matter; he said he had a letter just delivered to him, which he then gave to me; he said that it having been addressed to the Police Station, in George-street, was the reason that he had not had it earlier. It was addressed "Inspector Harrison, Central Police Station," bearing the Sydney Post Office stamp of May the 9th, 1862. The following is a copy of it:—

(No. 28.)

"Mrs. Bentley's life is in danger. Look *everywhere* yourself—I speak from knowledge." The address to this letter, and the letter itself, are in printing characters, but made with a pen. Mr. Harrison and the detective both took off their shoes, and Mr. Harrison asked me if I had a revolver with me; I told him that I had. Mr. Harrison then showed me the letter, and I read it, and then gave it back to him. I was very much alarmed. The detective then went down stairs to the kitchen; Mr. Harrison went up stairs, and I was following him, when the detective came up and asked me where Mr. Harrison was; I told him (as the fact was) that he was just above on the stairs, and we all three then went up stairs together. When we got up stairs Mr. Harrison went up the ladder to the trap, which he unbolted, and took off the bell from it; and the detective handed him a candle, and he (Mr. Harrison) went into the loft. I then went into our bed-room and told Mrs. Bentley (who I found out of bed with her dressing-gown on) what was going on.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

216. Shortly afterwards Mr. Harrison returned from the loft, and as he came down the steps, Mr. Bentley said, "Well, have they been in there?" and he said, "Yes," and added that the roof window was open and propped up with a brick; he also said there were a good many bricks lying about, and that he had picked up a piece of paper, which he then showed Mr. Bentley—two pieces of torn and crumpled paper, apparently note-paper, which he said he had picked up in the loft. He then washed his hands, and seeing that Mrs. Bentley was dreadfully agitated, said, "Don't be alarmed; I'm sure there's no intention of really injuring you—it is only intimidation." Mr. Bentley made some remark, to the effect that they might be coming down the chimney next; Mr. Bentley then looked up the chimney, and said, "Oh, there's no fear of that." Upon this Mr. Harrison looked up, and said, "They could, though; a man on horseback might come down," and he then walked to a chest of drawers and placed it against the fire-place. We then all went down-stairs together, and when in the dining-room, Mr. Bentley asked Mr. Harrison what he thought of the letter (No. 28); he said he did not know what to think. Mr. Bentley said, "Could it come from the man described as the damned fool that pitied you?" Mr. Harrison said, "Perhaps it might," or that perhaps it was a "feeler." He handed it to Mr. Bentley, who then pointed out that it was posted the day before, and that therefore there was no telling when they had been in. Mr. Harrison said, "No, they could not have been in in the night-time, or I should have found a candle." When Mr. Bentley pointed out that the letter had been posted the day before, Mr. Harrison looked at it and said, "So it was," in a manner which led us to suppose that he had not before observed that circumstance. After some further conversation he and the detective left, Mr. Harrison saying he would have the place watched, and would see us again in the morning, and we returned to bed. The trap was re-fastened and the bell again put on by Mr. Harrison before he left.

217. On the following morning (Sunday, the 11th day of May last) on getting up, we conversed about the events of the previous night, and after some little time Mr. Bentley saw, and pointed out to Mrs. Bentley, a small hole in the ceiling, over the bed; shortly afterwards, Mr. Bentley called the servant, Anna Maria Bradshaw, who was then in the nursery, into our bed-room.

And the deponents, Thomas Charles Bentley, Julia Bentley, and Anna Maria Bradshaw, further say:—

218. On Anna Maria Bradshaw going into Mr. and Mrs. Bentley's bed-room, Mr. Bentley pointed out to her the hole in the ceiling, over their bed; Anna Maria Bradshaw expressed her surprise, and afterwards left the room, and shortly afterwards called Mrs. Bentley into the nursery, and Mrs. Bentley went there accordingly.

And the deponent, Anna Maria Bradshaw, further saith:—

219. On entering the nursery, I observed a hole in the ceiling of that room, and called Mrs. Bentley in to look at it, who came accordingly, and she afterwards called to Mr. Bentley, who also came into the nursery.

And the deponents, Thomas Charles Bentley, Julia Bentley, and Anna Maria Bradshaw, further say:—

220. We were all together in the nursery, and saw the hole in the ceiling thereof.

And the deponent, Thomas Charles Bentley, further saith:—

221. Between 1 and 2 o'clock, in the day-time of the same day, Mr. Harrison came just before we were going to dinner. I at once took him up-stairs and showed him the holes in the ceiling of both our bed-room and the nursery. After dinner, and during daylight, Mr. Harrison went into the loft, accompanied by me; when we got up there we both commenced to look about, when I saw an old pocket-knife lying close to Mr. Harrison's feet, which I picked up and gave to him. It had the appearance of having been there a long time. One of us discovered the hole in the nursery ceiling; the light was plainly visible through it. I said, "Where on earth's the other hole?" Upon my saying this, he stooped down



down to the plaster between the joists, and after looking for a short time, said, "Here it is," and plunged the blade of the knife I had handed him through the ceiling. After a few minutes' reflection, I came to the conclusion that it was not in the position of the hole over the bed. I called to Mrs. Bentley, who was then in our bed-room, and asked her if that was the hole; she called out, "No, further off;" I asked her what she meant by further off; she replied, "Wait a minute, and I'll show you." She passed a thin iron rod through the hole over the bed, which discovered to us where the hole was. There was then some discussion as to where the bricks came from. Mr. Harrison seemed at a loss to form an opinion, when I said, "Could they have taken them from the chimney?" and we both walked over to the abutment forming the chimney, and I put my hand against the bricks, which have an uneven surface there, and on the ground close by saw a piece of paper, which I picked up, and in the act of doing so, put my hand upon a gimlet. I immediately exclaimed, "Why here's a gimlet, Harrison," and handed it to him, together with the piece of paper. He opened the piece of paper, which had a few lucifer matches in it, and seeing some writing on the paper, he (having returned to the skylight window) read it. It was torn, dirty, and crumpled. It appeared like the fragment of a note, and such fragment contained, as well as I am able to make out, the following words:—

(No. 29.)

"For . . . . . light sleeper . . . . . on the left hand side  
"finish at once . . . . . shoot."

I then proposed that we should make a further search to see if we could find anything else. We did so, and I saw something lying between the joists which I thought was a piece of a candle. I exclaimed, "Why, here's a piece of candle, Harrison," but on taking it into my hand, I found it to be a piece of mortar shaped like a piece of candle. Finding the skylight window had been closed, I suggested to Mr. Harrison that it had better be left with the brick keeping it open, as he had found it on the previous day—saying that from the gimlet being left it was probable whoever had been in would return. Mr. Harrison examined the gimlet, and remarked that there was fresh lime in it, and that it had evidently been recently used. We then came down, and went into the nursery, where Mrs. Bentley was, and told what had occurred in the loft. Mr. Harrison then left the house. I went with him to look at the adjoining houses from the outside, which we did, and we discussed the possibility of anyone getting up on the roof. I expressed my opinion that they might, by the aid of ropes; he differed from me. He then said he had occasion to go to his office, and we walked together. On the way I expressed my opinion that things had been carried to an alarming length, an opinion in which he, by his manner, appeared to concur. He asked me if I would like to have a man in the loft. I said, "Yes, I should, most certainly;" and when we parted that evening, he left, leaving me to understand that a man would be put in the loft, but no man came. After Mr. Harrison had left, I found that he had not taken the knife, the gimlet, or any of the torn paper with him; I therefore put them away in a cabinet in the drawing-room, where they remained for several weeks. Afterwards Mr. Harrison obtained the gimlet from me and took it away.

222. I afterwards inquired of Mr. Harrison why he did not have a man put into the loft; he replied that he had changed his mind about it, that he had made arrangements to place a man, who was a dead shot, in the attic of the empty house opposite, where the light had been previously seen, as hereinbefore mentioned, and that while the nights were light no one could get on our roof without being shot, and that if the nights got rainy or dark he would make other arrangements. On this or a subsequent occasion he took me out into the street to show me from what quarter the roof could be seen, and pointing to a certain spot, said, "That's where (naming a detective, whose name I forget) always stands."

223. On Tuesday, the 13th day of May last, Mrs. Bentley received an official invitation from the Committee of the Philharmonic Society, to play at their concert on the 27th day of that month. I consulted Mr. Harrison on the subject, who advised that Mrs. Bentley should accept the invitation, and play whether she was ill or well, adding that if she broke down it was no matter, as everyone would soon know the cause. The invitation was accordingly accepted, and the fact that Mrs. Bentley had consented to play at that concert was advertised in the newspapers.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

224. Between this and the 27th day of May last, Mr. Harrison came into our house nearly every night, but nothing of importance occurred. As we understood, the detectives still watched the house all night from dusk, changing guard at 12 o'clock. During this period Mr. Harrison stated to us that he was engaged in another matter in reference to anonymous letters respecting Signor D'Apice. Mr. Harrison stated that a letter had been sent to His Excellency the Governor, purporting to be written by Signor D'Apice, requesting to be allowed to wear some badge of honor conferred upon him by the Pope, and also that several letters had been forged in the name of Mr. Turville (His Excellency's Private Secretary), asking for information as to Signor D'Apice's antecedents. We expressed the opinion that this was a matter too silly in itself to be genuine efforts to affect Signor D'Apice, but that we thought that it was a ruse to direct Mr. Harrison's attention from the more serious matter connected with ourselves; in which view Mr. Harrison appeared to concur. Mr. Bentley said, "I am surprised the Governor has not had some of these communications about us." Mrs. Bentley said, "How do you know such is not the case?" to which Mr. Bentley replied, "Because His Excellency, at an interview which I had with him in November last, in consequence of Government House being mentioned in one of the letters, informed me that up to that time he had not received any such communication, and told

"me

"me that if he did he would let me know." Mr. Harrison said, "At any rate, I'll ask Mr. Turville." A few days afterwards Mr. Harrison told us that he had been informed that His Excellency had had a letter, and that he (Mr. Harrison) would learn the particulars in a day or two. A short time after this Mr. Bentley asked Mr. Harrison if he had seen the letter, and he (Mr. Harrison) said he had not, and spoke in such a tone, and seemed so reserved on the subject, as to impress us with the idea that what he had before said about this matter was unauthorized, and that he was unable to afford us any further information respecting it.

And the deponent, Thomas Charles Bentley, further saith :—

225. A few days before the last-mentioned Philharmonic concert took place, I gave Mr. Harrison a note for Monsieur Boulanger, requesting him to return my revolver, which he (Mr. Harrison) said he would get back for me. The day after I had given this letter to Mr. Harrison, I met Monsieur Boulanger at Mr. Aldis', in George-street; he told me that he would clean my revolver and then send it to me. The same evening I told Mr. Harrison that he need not send my letter, and informed him of my conversation with Monsieur Boulanger. Mr. Harrison then said to me—"By-the-by, yours has been loaded for a long time; you had better have it reloaded, or it might miss fire." He then said—"I will not leave you, though, without one. I will bring my own revolver for you to-morrow, and then take the other back"; and he brought me a revolver of his accordingly, and subsequently (after I had got my own from Monsieur Boulanger), took both of his away.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

226. On the evening of the 26th day of May last, Mr. Harrison asked us what arrangements we had made as to the concert on the following night. We told him (as the fact was) that it was arranged that we should leave our house at a quarter before 8 o'clock in a cab, and that we should leave the concert immediately after the first part, and Mr. Harrison said he would make his arrangements accordingly. He agreed to go with us in our cab, and then left.

227. On the evening of the following day Mr. Harrison came to us accordingly. We all three went from our house together for the concert in a cab, being rather late in starting, in consequence of Mrs. Bentley being very unwell. On our way to the concert Mr. Harrison said he should very much like us to leave as soon after Mrs. Bentley played as possible, without waiting for the end of the first part. To this Mrs. Bentley objected, on the ground that it would disturb the audience; he, however, stated that he had made his arrangements upon the supposition that we should agree to it, and we consented to act according to his wishes.

228. We arrived at the concert shortly after 8 o'clock, and in consequence of Mr. Merewether, the Vice-President of the Society, refusing to lead Mrs. Bentley to the platform, she refused to perform, and left the concert-room about half-past 9 o'clock, followed by Mr. Wrench. On our leaving, Mr. Harrison said he would join us as soon as he could. We at once proceeded home in a cab. Mr. Wrench returned to the concert-room.

229. After we had been home about an hour, Mr. Harrison came in. He said that he had remained behind to hear what people said; that at first everyone expressed great annoyance at Mrs. Bentley's conduct, but that before he left the tide had quite turned, and that he had shewed Mr. Aldis a letter he (Mr. Harrison) had received that evening before going to the concert, which quite satisfied him on the subject. We asked him what the letter was, and he said he would bring it with him the next evening. He had not before mentioned to us that he had received such a letter. He expressed himself very strongly against Mr. Merewether, as to his conduct in refusing to lead Mrs. Bentley to the orchestra. He on the next evening gave Mr. Bentley that letter; it is addressed, in imitation of print, "Inspector Harrison, Central Police Station," and bears the Sydney Post Office stamp of the 27th day of May last. The body of the letter is also written in imitation of print. The following is a copy of it :—

(No. 30.)

"Do not allow Mrs. Bentley to remain at the concert to-morrow evening until the last; induce her to leave as early as possible, for *real danger* is very near, where you least think of, and that you *cannot* guard against. I have not deceived you hitherto, and I do not now. *Nothing* but Mrs. Bentley's life will satisfy those who are injuring her, and I have written this knowing what I say."

230. Mrs. Bentley was this night seized with another attack of her heart complaint, produced by the agitation of the events of the evening. Mr. Bentley went to Dr. Brereton for advice, and came back with medicine. Mr. Harrison was still with Mrs. Bentley, and both the servants were rendering all the assistance they could to her, and when she partially recovered Mr. Harrison left; it was then past midnight.

And the deponent, Thomas Charles Bentley, further saith :—

231. On the next day, the 28th day of May last, I went to Mr. Wrench's office, about 4 o'clock in the afternoon, to go with him to see and consult with my solicitor as to what course should now be pursued. Mr. Wrench told me he had ascertained that Mr. Robert Johnson would not be disengaged until after 5 o'clock. I remained with Mr. Wrench until after that hour, and just before he and I left to go over to see Mr. Robert Johnson, Mr. Wrench, in passing through his office, took a letter off his desk which had just been delivered through the post. It is addressed "— Wrench, Esqre., Pitt-street," and bears the Sydney Post Office stamp of the 28th day of May last. The following is a copy of that letter :—

(No. 31.)

(No. 31.)

" Sir,

" I have written to you before respecting Mrs. Bentley, and from not having proof, you have, I know, not believed my letters. Perhaps you will now alter your opinion, after the just exposure that was made of Mrs. Bentley last night. You may not be aware of the cause of Mr. Merewether's refusal to countenance Mrs. Bentley's appearance at any society to which he belonged. Mrs. Bentley has been his *mistress* until within the last month, when he cast her off, and some words ensuing, he told her he would never countenance her in any way, and that if she played at the Philharmonic Society she should be treated but as one of the common supernumeraries, without having either his own or Mr. Plunkett's support, for that she should not appear there as one who had always conducted themselves properly. Now, Mr. Wrench, will you still continue to countenance this woman, who is no better than a prostitute? Is she a fit companion for your wife? Feeling sure you will think of what I have said,—

" I remain, Sir, yours truly,

" ARTHUR VINDEN."

Mr. Wrench did not then open the letter, but said, " Let us take it over to Mr. Johnson unopened." We both recognized the handwriting of the address as being the same as that of the majority of the before mentioned anonymous letters. We went to see Mr. Robert Johnson, but he was not in, and I then requested Mr. Wrench to open the letter, which he did, and we read it. Mr. Wrench said he had a strong suspicion as to who sent that letter, and then mentioned that on the previous evening, on returning to the concert room, after Mrs. Bentley left, he observed Mr. Montagu talking to a lady by his side in a way which at the time convinced him that he (Mr. Wrench) was the subject of their conversation, which circumstance led him to believe that the letter came from Mr. Montagu. He again went to Mr. Robert Johnson, and saw him, and by his advice I wrote and sent to the *Sydney Morning Herald* the letter which appeared in that newspaper on the 4th day of June last.

232. On this evening (Wednesday, the 28th day of May last), Mr. Harrison came to our house and gave me the letter (No. 30), and said he did not say anything about it the preceding night, before going to the concert, for fear of agitating Mrs. Bentley and preventing her playing. I told him of the letter (No. 31), received by Mr. Wrench as aforesaid, and told him (Mr. Harrison) that I had been advised by Mr. Robert Johnson to write an explanatory letter to the newspapers. Mr. Harrison said he could see no help for it, but enjoined me emphatically to avoid all allusions to the police in the matter. He again expressed himself violently against Mr. Merewether, and expressed his opinion that the conduct of that gentleman had thrown away a good chance of finding out the authors of the persecution; he further stated his opinion that the two letters, in imitation of print, sent to himself, were mere feelers, and that it would have been a mere question of time if matters had not become public in consequence of what had occurred at the concert.

Mr. Harrison expressed this opinion upon more than one occasion, and the regret that he had not put some advertisement in the newspapers to induce the writer of the letters (Nos. 28 and 30) written in imitation of print, to come forward under promise of secrecy.

233. On the next morning (Thursday, the 29th day of May last,) I went to see Mr. Aldis, having with me the letter to Mr. Wrench (No. 31). I saw Mr. Aldis, and showed him that letter. He said, " I've got one also—a most extraordinary one;" he read the one to Mr. Wrench, and said, " It's just like mine;" he took me into a room behind his shop, and handed to me the one received by him; it is addressed "—Aldis, Esq., George-street," and bears the Sydney Post Office stamp of the 28th day of May last. The following is a copy of it:—

(No. 32.)

" Sir,

" After the exposure which took place last evening at the Society of which you form one of the Committee, I feel you will now exonerate the writer of this letter from trying to injure a lady of such *unblemished character* as Mrs. Bentley. Mr. Merewether knows her character—for until within the last month she has been his kept mistress, and he justly refused to countenance her appearing at any Society to which he belonged. Finding he could not prevent her playing, he acted as a man in refusing to give her the same position as that she was entitled to had she been a lady of unblemished character, and compelling her, if she played, to play without the countenance of either the President or the Vice-President of the Society, which she had when her character was not known. I feel sure that after this you will not doubt what I have already said, and

" I remain yours,  
" \_\_\_\_\_ "

234. On the 31st of May last an advertisement appeared in the *Sydney Morning Herald* and the *Sydney Empire*, from the Secretary of the Philharmonic Society, of which the following is a copy:—

" To the Members and Subscribers of the Sydney Philharmonic Society.

" The Committee of the Philharmonic Society have to acknowledge, with thanks, the kind manner in which Mrs. Bentley placed her services at the disposal of the Committee, for the performance of a pianoforte solo, at the last concert of the Society. They deeply regret that, owing to an unfortunate misunderstanding which arose on the evening of the

" concert

“concert, that lady should have felt herself compelled to decline performing. While they deeply regret the disappointment occasioned to the subscribers and the public, the Committee feel it only due to state that the course taken by Mrs. Bentley was justified by a careful regard for her position, and was called for under the peculiar circumstances which have since come to their knowledge.

“By order of the Committee,

“CHARLES T. GEDYE,

“Honorary Secretary.

“May 30th, 1862.”

235. On or about Monday, the 2nd of June last, I called at Mr. Hanson's office, and saw him. We conversed on the turn matters had taken at the Philharmonic concert, and he expressed himself very warmly in regard to Mr. Merewether's conduct. I stated that at any rate the Committee had done all in their power, as, besides the advertisement hereinbefore set forth, they had sent (as the fact was) a very courteous letter to me, in order that the difficulty which had arisen might be properly explained. Mr. Hanson said it was no apology at all, and that he had told Mr. Aldis very plainly what he thought; and that if Mr. Merewether was not turned out of his Vice-Presidentship, they might just as well close the Society.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

236. In consequence of Mr. Harrison's injunctions of secrecy, and also of our fear that our servants would not remain with us if they were aware of all that was going on, we did not communicate to them more than was absolutely necessary to account for the circumstances and arrangements which unavoidably came under their own observation.

And the deponent, Julia Bentley, further saith:—

237. On the afternoon of Wednesday, the 4th day of June last (the day on which Mr. Bentley's letter appeared in the *Sydney Morning Herald*) Signor Cutolo and his wife called upon me at my residence. I was engaged giving a music lesson, as the servant who answered the door knew, and she, as she informed me, stated to them that I should not be disengaged for an hour; but that Signor Cutolo said he would wait, but at the same time pressed so much to have his card taken up, saying he would not detain me one moment, that she shewed them into the dining-room, and fetched me down. On entering the dining-room, Signor Cutolo took both my hands, and shaking them in an enthusiastic manner, said he had not been able to do anything since 8 o'clock that morning but read Mr. Bentley's letter, and Mrs. Cutolo added, “In short, Mrs. Bentley, we couldn't rest until we'd seen you.” Signor Cutolo said he had been very angry both with me and Mr. Bentley, on hearing that we had suspected him, and turned to his wife, and asked her if it was not impossible for him to be guilty of such wickedness, and asked me to visit them. I treated them with as much coolness as I was able, and simply thanked them. Mrs. Cutolo, seeing, as I believe, by my manner, the meaning of my expression, said, “But you will come to see us, won't you?” on which I repeated the words, “I thank you.” They then proceeded to leave, Mrs. Cutolo going first—Signor Cutolo saying to me, “Don't be frightened, Mrs. Bentley; I'm sure they don't intend to hurt you.” I replied, “But they have hurt me.” He said, “But have they really?” when I said, indignantly, “You know they have.” Mrs. Cutolo then called to him to go, and they both left together. The following Saturday they sent to know how I was.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

238. On the evening of the said 4th day of June last, Mr. Harrison came to our house at about half-past 9 o'clock, and told us what was said out of doors—that everyone said it was Signor Cutolo, and that he had certainly not said anything to remove that impression, intimating that it was a matter of course that he should have encouraged that opinion. During that night Mrs. Bentley was taken very ill, so much so that about half-past 11 o'clock we sent for Dr. Brereton, who came and remained in the house some time, and Mr. Harrison left a few minutes afterwards, it being then nearly 1 o'clock.

And the deponent, Thomas Charles Bentley, further saith:—

239. On the following morning (Friday, the 6th day of June last) I went to see Mr. Josephson, and saw him at his office in Sydney, and informed him (as the fact was) that Mrs. Bentley was too ill to give her usual lesson at his house that day. He alluded to my letter, and expressed his opinion that it was ill-judged. He also said that he himself had received an anonymous letter about Mrs. Bentley—that he left his office with the intention of bringing it to me, but on his way changed his mind and destroyed it. I believe he said he received that letter after the evening of the 27th day of May last.

240. On the afternoon of the 5th of June last I met Mr. Richard Johnson, one of my solicitors, who referred to a circumstance which had been mentioned to him as having occurred at Exeter, when my wife was a child, and asked me if I knew anything about it. I replied, “So many years have elapsed, that I have forgotten the particulars.” I then told him the little I knew of the matter, adding that it could have no reference to our present persecution. On the same evening—it being my custom to inform Mr. Harrison of anything that happened during the day relative to the business entrusted to him—I told him what had been said at the interview between Mr. Richard Johnson and myself, adding that it could have nothing to do with the anonymous letters. I have since learnt that Mr. Harrison states that I have spread the report that the persecution endured by Mrs. Bentley and myself is the work of the Jesuits, and that Signor Cutolo is their agent. I never made such a statement. During the discussions which took place between Mr. Harrison and myself, Mr. Harrison on some occasions spoke in a conjectural manner as to whether it was possible the Jesuits had anything to do with the matter. I always said I felt that such an idea was nonsense; that I had been married five years, and been resident in Rome itself for many months

months, and we had never been molested in any way until Mrs. Bentley appeared in public as a professional musician. I have stated that it was possible Signor Cutolo might be a Jesuit, using means to forward his own selfish views, being 12,000 miles away from those who could call him to account. Mr. Harrison frequently said I did not know what the Jesuits could do, that they would stick at nothing even for the smallest ends; and told me that I ought to read the "Wandering Jew," and he subsequently lent us an English edition of that work, in order that Mrs. Bentley and myself might read it.

241. Soon after my aforesaid letter appeared in the *Sydney Morning Herald*, Mr. Harrison expressed his wonder at the silence of the *Empire* newspaper, saying that he believed Mr. Hanson was disappointed at not having an opportunity of attacking the police, as they were not mentioned in the letter, and added that that was one of his reasons for insisting on my being silent on that point.

And the deponent, Julia Bentley, further saith:—

242. Mrs. Segmont (a lady who had been introduced to me in consequence of my teaching at Mrs. Irving's) sat in the front row near to me at the said concert of the 27th day of May last.

And the deponent, Anna Maria Bradshaw, further saith:—

243. One day, early in June last, after Mr. Bentley's letter appeared in the *Sydney Morning Herald*, Mrs. Segmont called at our house. I opened the door for her. She asked to see Mrs. Bentley. I told her (as the fact was) that Mrs. Bentley was not at home, on which Mrs. Segmont asked what day Mrs. Bentley was most likely to be disengaged, and I said she was always disengaged on Wednesday. Mrs. Segmont desired me to tell Mrs. Bentley that she wished to see her very much, as she had seen a man in disguise at the concert, and that she would call on the following Wednesday.

And the deponent, Julia Bentley, further saith:—

244. On the following Wednesday, (the 11th day of June last), Mrs. Segmont accordingly called upon and saw me. She told me that at the concert her son (a lad of about sixteen years of age) had pointed out to her a man with a false moustache sitting close to them; that he was wrapped up in a cloak, and presented to her mind so forbidding an appearance that she had refused to allow her son to remove from her side, as his doing so would have placed her nearer to the man in question. She also stated that he turned his head away all the evening, as if to avoid observation. She also told me that her son had brought home the newspaper with Mr. Bentley's letter in it, and said to her, pointing out the letter, "Read that, and tell me what strikes you." That she did so, and immediately exclaimed, "Why, that man in disguise!" We had some further conversation, and she then left.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

245. From this time until nearly the end of the month of June last (except for a few days at the time of the gold escort robbery), Mr. Harrison came to our house nearly every evening. At the earlier part of this period he stated that the public opinion was changing, and that he was sorry to say there was quite a reaction in Signor Cutolo's favour, and that the rumours now all pointed to Mrs. Boulanger. We treated that suspicion as absurd. A few days afterwards Mr. Harrison stated that every person was saying that Mrs. Bentley was a monomaniac; and that she had done it all herself, and was killing Mr. Bentley, to whom they gave three months to live; and it made him (Mr. Harrison) mad. On our asking him what he said to all this, he stated that he had said he would stake his soul that we had had nothing to do with it, an expression which he repeated on several occasions. He also at the same time said no one suspected Mr. Bentley.

And the deponent, Thomas Charles Bentley, further saith:—

246. On the 14th day of June last I wrote to Dr. Brereton a letter, of which the following is a copy:—

"To Dr. Brereton.

"My dear Doctor,

"Being anxious that those who are so kindly aiding me in my endeavours to bring to justice the miscreant who has so pertinaciously persecuted us, may have other testimony than my own to silence the silly reports circulated, perhaps, by interested parties, and calculated to throw a doubt upon my statement, at least in the minds of those unable to inform themselves of facts, I write to ask you to be kind enough to exert yourself to recollect any circumstances connected with your attendance upon Mrs. Bentley, which you may think have had any reference to the painful matter I am so diligently endeavouring to unravel. I must apologize for thus trespassing upon your time, although I feel sure that under the circumstances you would not think anything a trouble which will forward my views.

"I remain, my dear Doctor,

"Yours very sincerely,

"THOMAS C. BENTLEY.

"67, Elizabeth-street North,

"14 June, 1862."

And on the 17th day of the same month I received an answer from Dr. Brereton, of which the following is a copy:—

"The Bath, 17 June, 1862.

"My dear Mr. Bentley,

"In answer to your note of the 14th, I shall be happy if any information I can give, as Mrs. Bentley's medical adviser, will aid at all in your object of 'bringing the miscreant to justice' who has so deeply injured your wife. By my day-book I find that I  
"visited

“ visited Mrs. Bentley during the night of the 10th of October last; she was in a violently hysterical state, from which she lapsed into a heavy stupor. I considered, and stated at the time, that the symptoms were probably the result of mental excitement. On the night of the 27th of May, 1862, you called me up, and described your wife to be again suffering as on the former occasion, and I prescribed for her accordingly. During the night of the 5th of June you again called me in to visit your wife. She was, when I arrived, in the same heavy stupor which followed the convulsions I witnessed on the 18th of October. You described her as having shortly before (when you came for me) been in violent convulsions, which statement was confirmed by her own testimony the next day when I called.

“ I am, my dear Mr. Bentley,  
 “ Yours very faithfully,  
 “ LE GAY BRERETON.”

247. On the 17th day of June last I called on and saw Mr. Hanson, and asked him if he could recollect the date when Mrs. Hanson told Mrs. Bentley of the purport of the first anonymous letter which he had received, as I believed that a letter I had received from Dr. Brereton (meaning the letter to me of the 17th day of June last) would fully answer the silly report that Mrs. Bentley was a monomaniac. Mr. Hanson said he thought it was an insult to Mrs. Bentley and myself to answer such rumours. And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

248. About the middle of June last Mr. Aldis came to our house and saw both of us. He told us that Mr. Curtis had told him that Mr. Harrison had stated to him (Mr. Curtis) that he (Mr. Harrison) did not believe half Mr. Bentley's statement. Mr. Aldis said he had written a letter, which he handed to Mr. Bentley, and said he would thank him to give it to Mr. Harrison, and added that when he (Mr. Harrison) had seen Mr. Curtis he (Mr. Aldis) should like to have matters explained. This letter was given to Mr. Harrison the same evening, and having read it Mr. Harrison denied ever having made to anyone such a statement as that alleged to have been made by him to Mr. Curtis.

249. The following evening Mr. Harrison again came to our house, and stated that he had seen Mr. Curtis, who said that he had never made such a statement as that imputed to him, nor even mentioned his (Mr. Harrison's) name; that what he (Mr. Curtis) had said was, that a detective officer stated that there was no proof against the suspected parties. Mr. Harrison then informed us that he thought these rumours had got about from his having at that time become very cautious what he said, as he was stopped and questioned by everyone as to the suspected parties, and as he had previously spoken freely against Signor Cutolo, even mentioning his name.

250. A few evenings afterwards Mr. Wrench came to our house. Mr. Harrison was there at the time. Mr. Wrench addressed him and said, “ You're the man I want to see; I came to see this loft. I hear that a detective officer has said that, in the first place no one could get through the window in the roof, and that even if they did so it would be at the risk of their lives.” Mr. Harrison said that he had been through it several times himself, and as to risk of life there was a parapet four feet high, so that anyone could get from house to house with perfect safety, and without being seen from the street. Mr. Wrench said, “ I'm glad I've seen you, as, although I did not believe the statement, I'm glad to be in a position to contradict it.”

And the deponent, Thomas Charles Bentley, further saith:—

251. On the 20th day of June last I went to Mr. Wrench's office, and saw Mr. Harrison there, in Mr. Wrench's private room. The next morning I saw Mr. Wrench in the street; I asked him if I should go to see Mr. Cowper about these anonymous letters, as I was anxious to write to England. He said he had seen Mr. Cowper; that everything was in a right train; begged me not to be importunate, and to do nothing until the next week. I then asked Mr. Wrench what had transpired at his interview with Mr. Harrison the previous afternoon. Mr. Wrench told me that it had been satisfactory. I said, “ Why I ask you is because of the delay, and these reports alleging Mrs. Bentley to be a monomaniac; the police having been once or twice at fault, it makes me a little suspicious that they are throwing obstructions in the way.” Mr. Wrench said, “ Well, but what has Harrison said to you?” I replied, “ Why, that he'll stake his soul that neither Mrs. Bentley nor I have had anything to do with it.” And Mr. Wrench replied, that the substance of what Mr. Harrison had said to him was to the same effect.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

252. After this, Mr. Harrison again came to our house, and reference being again made to the report about Mrs. Bentley being a monomaniac, Mr. Bentley stated that the rumour was absurd, that the very slightest investigation would prove that Mrs. Bentley could not have done it without his (Mr. Bentley's) knowledge. Mr. Harrison said, “ Yes, to an unprejudiced mind; but yet it would not be impossible, although I'll stake my soul that neither you or Mrs. Bentley had anything to do with it.” Mr. Bentley said, “ How could Mrs. Bentley go down in the middle of the night without my knowledge?” He said, “ Perhaps you're a sound sleeper.” Mr. Bentley said, “ And go down stairs, and muddy her boots, and then muddy the verandah; but how about the banker, who declared the letters to be Mr. Montagu's?” Mr. Harrison said, “ That is as far as his belief goes; besides, since then, I've seen other writing which is more like.” Mr. Bentley said, “ Then how about the signs said to have been seen by you and your man at the concert?” He replied, “ Oh! we might have been mistaken.” Mr. Bentley said, “ How about those letters which were sent to you?” He replied, “ Well, that's about the greatest mystery of all.” This conversation continued for

some time, Mr. Harrison stating, as we understood, what might be said by people who took prejudiced views against us, and not as putting forth the arguments as his own; and in reply to some statement by Mr. Bentley, Mr. Harrison said, "Well, the fact is, I'm so cross-questioned every day, I can't be too careful what I say." Mr. Harrison then left, saying he would see us the next evening.

And the deponent, Julia Bentley, further saith:—

253. On this occasion I went down with Mr. Harrison to let him out of the house. Before leaving he begged me to use all my influence with Mr. Bentley to prevent him pressing for an investigation, saying that it would do us harm. I replied, "Why, what have we to fear? I certainly shall do no such thing; we have everything to gain by it. You say that people believe me to be a monomaniac, and any investigation will prove that I am not one." He replied, "You don't know; even my papers won't remove the impression from prejudiced minds." I said, "Well, I can't help that; when the plain facts are known people can't think so." He then said, "Mrs. Bentley, I wish I could caution you; I am subjected every day to such a searching cross-examination." I said, "Caution me against what—is anyone going to bear false witness against me?—for that's the only thing I can think of. You have no right to be talking to me in this way. If you have any thing to say, say it." He then said, "Mrs. Bentley, I can say nothing more than this: Answer all questions put to you, but ask none," to which I replied, "That I most certainly shall not do." He said, "Well, I shall see you to-morrow night, and then I will tell you more." He then left, and I have never seen him since.

And the deponents, Thomas Charles Bentley and Julia Bentley, further say:—

254. On Mrs. Bentley returning up-stairs, she told Mr. Bentley what had transpired between her and Mr. Harrison, as detailed in the last preceding paragraph. We discussed the matter between ourselves as to the probability of Mr. Harrison having favoured the report as to her being a monomaniac, in consequence of his having been unsuccessful in discovering the perpetrator of the persecution against us. We, however, came to the conclusion that such could not be the case, but that he was so perplexed and harrassed in the matter, that he did not know what to do or say.

255. About the end of the last week in June, Mr. Hanson called at our house and saw both of us, and remained conversing with us a considerable time in the most friendly way. He alluded to the fact of having seen a carriage at our door a few nights previously, and said how pleased he was to learn from that circumstance that Mrs. Bentley was going out again.

And the deponent, Thomas Charles Bentley, further saith:—

256. On the 2nd day of July last, Mr. Wrench informed me that he had, on our behalf, seen the Honorable Mr. Cowper, the Chief Secretary for the Colony, on the subject of offering a reward for the detection of the author of the persecution, and that Mr. Cowper said he could do nothing until he (Mr. Wrench) had had an interview himself with Captain M'Lerie.

257. On the 4th day of July last, Mr. Wrench again called on me, and said that he had seen Captain M'Lerie, that his interview was strictly confidential, but that if Mrs. Bentley and myself would only depose on oath to what I had stated, the Government would help me. I protested against such a matter being kept secret from me, and characterized it as a very un-English proceeding, but at the same time stated, that there could not be any possible objection to the course proposed; and I immediately (while Mr. Wrench waited), wrote a note to Captain M'Lerie, to inform him of my intention to adopt the course suggested. I at once instructed my solicitor accordingly, and the following morning took the note to Captain M'Lerie. I saw Captain M'Lerie. He received me courteously, and informed me that as soon as I had placed the necessary documents in his hands he would recommend the Government to offer a large reward. I suggested that a free pardon should also be offered to an accomplice, and he said that he would recommend that also.

258. During the following week I called on Mr. Cowper, and thanked him for having given our case his favourable consideration, and at this period, was under the firm belief that the matter was now in due course for a thorough investigation.

259. About this time I met Mr. Hanson and informed him of my interview with Captain M'Lerie, and what I believed would be done, and that (as the fact was), I had seen my solicitor, Mr. Robert Johnson, and he had stated that he would not have me depose merely to the truth of my published letter, but that all the letters should be set forth, and all the circumstances in any way bearing upon the case, minutely detailed, so as to let the facts tell their own story.

260. On Saturday, the 5th day of July last, I had an interview with Mr. Robert Johnson on the subject of the proposed deposition, and have been almost daily with him since, during all such hours as his arrangements, or my own, rendered it possible, in order to complete the same as quickly as possible. I have been engaged with him, for many hours, on many days, getting this deposition prepared, but his other avocations, and my own engagements, have rendered it impossible to get it completed sooner.

261. On the 14th day of July last, I wrote to Captain M'Lerie, informing him of the nature of the causes which prevented the depositions being completed as speedily as I wished.

262. Some days prior to the 16th day of July last, Mr. Wrench informed me that he had written to Captain M'Lerie, requesting to be allowed to communicate to my solicitors what had transpired at the interview between Captain M'Lerie and himself, stating, as his reason, that he thought such a course was only just to me, as it might be used unfairly against me.

263. On or about the 16th day of July last I saw Mr. Wrench, who informed me that Captain M'Lerie had called upon him and stated that it was not in his power to grant Mr. Wrench's request, but that he would consult the Crown Solicitor on the subject.

264. On the 18th day of July last a leading article appeared in the Sydney *Empire* newspaper, commenting on the case, and insinuating that the whole matter had been concocted by Mrs. Bentley and myself, and that such was the theory of the police themselves.

265. I immediately consulted Mr. Robert Johnson thereon, and by his advice wrote letters on the subject for publication in the Sydney *Empire* and *Sydney Morning Herald* of the following day, in which publications they appeared accordingly, in the latter one as an advertisement. The following is a copy of that letter as it appeared in the Sydney *Empire*:—

“ To the Editor of the ‘*Empire*.’

“ SIR,—I have this moment had a copy of the *Empire* of to-day placed in my hands, in which an article appears in reference to the persecution suffered by Mrs. Bentley. I will not reply to it now, further than to state that I am not aware that the police have made any statements whatever which reflect upon us, although I am aware that some secret and confidential communication has been made by Captain M'Lerie to a kind friend of mine (who has all along endeavoured to have as much light thrown on the matter as possible), and against which secrecy I have protested; but my friend has felt himself bound to observe it, and through your columns I hear, for the first time, that the police have a *theory of their own*, clearly insinuating this *theory* to be that Mrs. Bentley and myself are the authors of the calumnies circulated against her, and the inventors of the incidents stated in my published letter to have occurred. This is neither the time nor the occasion to combat so *monstrous* and *cruel* a suggestion. If the police have given expression to any such *theory* it is indeed surprising, as the last time I saw Inspector Harrison he stated, in reference to rumours out of doors, ‘I will stake my soul that neither Mrs. Bentley or yourself have had anything whatever to do with it;’ and I feel sure he never can have stated that ‘on the 19th of April Mrs. Bentley requested that this escort might be discontinued, as Mrs. Bentley would not give her lessons during the following week.’ Mr. Harrison was informed by me on the 19th of April, that on the following *Tuesday* Mrs. Bentley was not going to her professional duties, it being Easter week; but the assault took place on the following *Friday*; and Mr. Harrison himself informed us that he was in so much doubt as to whether he ought to send some one on *that day* that he looked at his watch, intending to go himself, but found he was too late. I regret that I this morning sent you a cheque for the advertisement, as you may think I did so in consequence of your comments. Such is not the case, I assure you. I had not then seen them; and I write calmly, although indignantly, as Mr. Hanson (who is an editor as well as a proprietor of your paper) has all along, by his statements and conduct, given me the strongest assurances of his belief in the truth of all I have stated. Mr. Hanson knows he heard it from me that I am engaged with my solicitor drawing up depositions on oath, that I have been and am urging the Government for assistance and inquiry; and, in the face of this, instead of waiting a few days, when all the facts and circumstances will be stated on oath, he practically *lends* himself to the villains who have so untiringly persecuted us.

“ Sir, every inquiry shall be made and must be made. I have done and am doing everything in *my power* with that view; and I feel deeply the *cruelty* of this, to say the least of it, premature insinuation, that my wife and myself are persons capable of acting in concert to carry out so base and detestable a conspiracy, as would be the case if the insinuation were true.

“ I am, Sir,

“ 67, Elizabeth-street North,  
“ July 18th, 1862.”

“ Your obedient Servant,

“ THOMAS C. BENTLEY.”

266. On the following day my solicitors wrote a letter to Captain M'Lerie, of which letter I believe the following to be a copy:—

“ 181, Pitt-street, Sydney,  
“ 19 July, 1862.

“ Dear Sir,

“ No doubt you are aware that an article appeared in the Sydney *Empire* of the 18th instant, on the subject of the slanderous anonymous letters written respecting Mrs. Bentley, in which article it is insinuated that the police (who were employed to detect the guilty parties) have formed the opinion that Mr. and Mrs. Bentley are themselves the authors.

“ Will you allow us, on Mr. Bentley's behalf, to ask you if any statement has been made by the police authorities which justifies such an insinuation? We, of course, do not ask for your confidential communications (if any such exist) with the Government or otherwise; but whether any statement has been made to the proprietors or editor of the *Empire* (or which has been accessible to them) to the effect in question? We cannot believe such is the case, because we are confident such a statement would not have been communicated to the proprietors or editor of a newspaper, and withheld from the parties themselves who were most entitled to know, and most interested in knowing it.

“ Requesting your early reply,—

“ We remain, dear Sir,

“ Yours truly,

“ JOHNSON & JOHNSON.”

“ To Captain M'Lerie,  
“ Inspector General of Police.”



267. My solicitors received from Captain M'Lerie the following answer to the said last-mentioned letter :—

*“ Police Department, Inspector General's Office,  
“ Sydney, 21 July, 1862.*

“ Gentlemen,

“ I have the honor to acknowledge the receipt of your letter dated the 19th instant, written on behalf of Mr. Bentley, and, in reply, beg to inform you that I have received a report from an officer of this department respecting the anonymous letters referred to by you.

“ Without admitting your right to inquire what use has been made of the report, I have no objection to state that it was shown to two gentlemen, who expressed a wish to peruse it, as friends of Mr. Bentley—I refer to Mr. Wrench and Mr. Hanson.

“ I have the honor to be,

“ Gentlemen,

“ Messrs. Johnson & Johnson,  
“ Solicitors.

“ Your most obedient servant,  
“ JNO. M'LERIE,  
“ Inspector General of Police.”

And in reply thereto my solicitors sent another letter to Captain M'Lerie, of which letter I believe the following to be a copy :—

*“ 181, Pitt-street, Sydney,  
“ 21 July, 1862.*

*“ Re BENTLEY.*

“ SIR,

“ Your communication of this date has just come to hand, and we presume that as you have shown the report therein mentioned to Mr. Wrench and Mr. Hanson, on the assumption that they were both acting as friends of Mr. Bentley, there cannot be the least objection to show the same to us, as his solicitors. Indeed, after the use which Mr. Hanson has made of the perusal afforded to him, it is a mere act of justice to our client to give him the same amount of information as that given to the gentleman just named. It would oblige us if you would furnish us with a copy, which would save us the trouble of attending to read the original.

“ We have the honor to be,

“ Sir,

“ Your most obedient servants,  
“ JOHNSON & JOHNSON.”

“ To John M'Lerie, Esq.,  
“ Inspector General of Police.”

268. Afterwards, Captain M'Lerie placed in the hands of my solicitors the report referred to, which is a statement by Mr. Harrison in relation to the matters aforesaid, and that report was read to me by Mr. Robert Johnson, on or about Wednesday, the 23rd day of July last, when, for the first time, I became acquainted with the real nature of Mr. Harrison's representations.

And the deponent, Thomas Charles Bentley, further saith :—

269. At my request, Mr. Robert Johnson inspected our bed-room and nursery, and the loft above them. He went through the trap into the loft, and examined the trap-door and the skylight, as well as the interior of the loft. He also measured the openings for the trap and the skylight. He furnished me with a memorandum of the result of his examination, which is to the purport following :—

“ Went to Mr. Bentley's. Went up into the roof—trap-door nineteen inches by fourteen and a half inches. Skylight twenty-four inches by thirteen and a half inches. Saw the three holes—one over the nursery, two over Mr. and Mrs. Bentley's bed-room, one over the bed. Saw the plaster on top of bedstead (the zinc covering) evidently forced off ceiling by a puncture from above. Could see, without stooping much, from trap-door partially into Mr. and Mrs. Bentley's bed-room, and into the nursery, and down stairs. Could see anyone going in or out of those rooms, or on the stairs; also saw back parlor and door leading into verandah, and examined old fastenings, which had evidently been forced and broken. Saw also Mr. Bentley's tool-chest, which had all the gimblets (four) mentioned in the printed list pasted on it.”

And, lastly, the deponents, Thomas Charles Bentley and Julia Bentley, further say :—

270. We, each speaking for himself and herself severally, solemnly swear that the insinuation or imputation that we, or either of us, are, or is, the authors or author of any of the aforesaid anonymous letters, or the contrivers or contriver, or inventors or inventor, in any way whatever, of the aforesaid transactions or matters herein set forth, is utterly false and unfounded. All the transactions and circumstances respecting the same are herein fully, minutely, and truly set forth, to the best and utmost of our knowledge, remembrance, information, and belief.

THOS. C. BENTLEY.  
JULIA BENTLEY.  
MARY RYAN.  
ANNA MARIA BRADSHAW.

Sworn by the four deponents, on the day  
first above mentioned, at Sydney  
aforesaid, before me, a Justice of the  
Peace in and for the Colony of New  
South Wales,

DAN. EGAN, J.P.

(2.)

181, Pitt-street, Sydney,  
17 September, 1862.

Sir,

We have the honor to forward herewith the depositions of Mr. and Mrs. Bentley, and their two servants, relative to the persecution to which they were so long subjected, and on their behalf we beg your careful consideration of the same, which we are quite convinced will dispel all impressions (if any such exist) as to their being the authors of the many anonymous libels circulated respecting them. We trust that you will have no hesitation in recommending the Executive Government to offer a reward for the detection of the guilty parties, and a pardon to any accomplice whose testimony may be available for their conviction.

If such steps be taken, we trust that the authors of this unparalleled persecution may yet be made amenable to justice.

Requesting your early attention to this communication,

We have, &amp;c.,

To the Honorable the Colonial Secretary,  
Sydney.

JOHNSON &amp; JOHNSON.

(3.)

Colonial Secretary's Office,  
Sydney, 10 October, 1862.

Gentlemen,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 17th ultimo, in which you forwarded the depositions of Mr. and Mrs. Bentley and their two servants, relative to certain anonymous letters circulated respecting them, and suggested that a reward should be offered by the Government for the detection of the authors of these papers. Mr. Cowper has also received your further letter of the 3rd instant, referring to your former communication on the subject.

2. The Colonial Secretary desires me to state to you, in reply, that he has read with attention the depositions of Mr. and Mrs. Bentley, and their female servants, and that after full consideration, he is clearly of opinion that the case is not now one for the interference of the Government. It appears that large rewards have already been publicly offered, without any successful result, for the discovery and conviction of the parties to the annoyances of Mr. and Mrs. Bentley, and the authors of the anonymous letters which are referred to. Quite sufficient has, it seems to Mr. Cowper, been done to effect this object, if any pecuniary inducement could be of avail.

3. Besides the rewards thus offered, every assistance has also been given, for several months past, by the Police Department, in endeavouring to bring to light the actors in these diabolical proceedings; and the Colonial Secretary considers that the Government has, in this respect, done all that could be reasonably expected.

4. The case is undoubtedly one involved in mystery, but as the names of several persons have been used, and suspicions avowed of their being parties concerned, it would, in Mr. Cowper's opinion, be wrong in the Government to mix itself up in the matter, after it has assumed its present peculiar shape, and the features of which are of so extraordinary a character.

I have, &amp;c.,

Messrs. Johnson and Johnson.

W. ELYARD.

(4.)

142, Pitt-street,  
Sydney, 10 June, 1862.

Dear Sir,

As the friend of Mr. T. C. Bentley, I beg to direct your particular attention to the wicked persecution to which his wife has been subjected during the last twelve to fourteen months, as partly made known by his letter to the Philharmonic Society, and to call upon the Government to lend its powerful assistance towards the discovery of the base authors of the anonymous letters. I may mention, in justification of my interference in this matter, that I am one of Mr. Bentley's oldest friends in the Colony, and that years ago in England our families were on terms of intimacy. The first anonymous letter was, I believe, received by me, and from first to last I have seen all the letters which, addressed to his friends and others, have from time to time been placed in his hands.

The whole of the correspondence is now in my possession, and I will wait on you with it at any time you may appoint, in order that you may be as satisfied as I am that it bears evidence on the face of it that it is the work of more *than ONE* writer.

Believing this, I would beg to suggest for your consideration, that the Government should offer a large reward for the detection and conviction of the principals in this infamous business, accompanied by the promise of a *free pardon* to any accomplice, not being the actual author, who will give such evidence as will ensure punishment reaching the guilty parties.

As head of the Government of this Colony, I would earnestly press upon you the necessity of using the strongest measures for purging society of the villains, whose presence renders the character of every lady liable to defamation by the insidious system of anonymous letters.

I am, &amp;c.,

To the Honorable  
Charles Cowper, Esq.

E. WRENCH.

Letter

*Letter referred to in the foregoing.*

To the Members and Subscribers of the Philharmonic Society and their Visitors, on the occasion of the Concert on the 27th of May.

Ladies and Gentlemen,—I feel it my duty to lay before you a simple statement of facts which, I trust, will satisfy you that Mrs. Bentley's refusal to perform the portion of the programme allotted to her at your last concert was not the act of a capricious woman, but the necessary determination of a lady, placed by circumstances in so painful a position that no other course was open to her than to withdraw.

Painful as it is to obtrude our private troubles on the public, I yet am glad that a fitting opportunity has occurred to justify me in thus addressing you, as I sincerely hope that this publicity may be the means of aiding me in my endeavours to discover and punish the miscreant who, sheltering himself under the veil of anonymous letters, and by the aid of the Post Office, has persisted in a series of outrages, quite, I believe, unparalleled, at least in an English community; and I am advised by my solicitors, Messrs. Johnson and Johnson (with whom I have been consulting for some months on the subject, and who have the letters in their possession), to adopt this course with that view.

Let me premise that the facts about to be laid before you are collected from upwards of forty letters, placed in my hands from time to time by the heads of families of this city. All these letters, with the exception of forgeries purporting to be written by Mrs. Bentley, and a supposititious "Mrs. Morris," are anonymous, and in the same—a very peculiar—handwriting.

On the 14th of May, 1861, Mrs. Bentley for the first time played in public, being introduced by your honorable President as a pianiste, at the Philharmonic concert given on that evening. The following morning her performance was favourably criticised in both the leading journals. Two days afterwards a member of the committee received an anonymous letter through the post, stating that the writer was sure that the gentleman to whom the letter was addressed would not countenance Mrs. Bentley when he was informed that that lady "was sailing under false colours," not being the English lady she pretended to be, but an Italian, whose conduct had broken the heart of her own mother only a few years since. A letter of the same kind was sent about a month afterwards to another member of committee, stating that, had it not been for Mrs. Bentley's misconduct she "could have lived in her native country, a climate far more suited for her poor husband's health, in affluence and ease." These letters were followed by others addressed to the heads of various families resident in Sydney, stating that Mrs. Bentley was a person of disreputable character, and unfit to be the companion of their daughters.

On the evening of the 29th of October, Mrs. Bentley handed me the following letter, just received through the post, at the same time asking me who was the Mrs. Morris by whom it purported to be written:—

"Mrs. Morris presents her compliments to Mrs. Bentley, and would feel much obliged by her calling at her residence to-morrow afternoon, at about 5 o'clock, to make arrangements for Mrs. Morris's three little girls taking music lessons. Mrs. Morris is sorry to trouble Mrs. Bentley, but she is a great invalid herself, and cannot leave the house, or she would give herself the pleasure of calling at Mrs. Bentley's own residence. Mrs. Morris's house is situated at the back of Mr. Lamb's, and is called Murringa. Tuesday morning. Murringa."

The same evening a proprietor of one of the leading journals (who had before received one of these anonymous letters, and whose daughter was receiving musical instruction from Mrs. Bentley) handed me a letter, posted at the same time as the foregoing, requesting him to satisfy himself as to the truth of previous statements respecting Mrs. Bentley's private character, the writer stating that he had seen a letter written by her "making an appointment to meet a gentleman who is very well known to all Sydney;" and that he desired the gentleman addressed to be at the place referred to in the above letter at the appointed hour, in order to satisfy himself of the truth of the accusations made against her. Steps were immediately taken to entrap the conspirators, but without success. A letter of the same kind was also placed in my hands by my medical adviser.

Anonymous letters of a similar character were from that period, from time to time, sent to Mrs. Bentley's friends, until the arrival of Mr. Boulanger, who, on the 6th of January, 1862, was introduced in the street to Mrs. Bentley by a member of the committee, who, the next morning, received an anonymous communication to the effect that both Mrs. Bentley and Mr. Boulanger were disreputable characters; and stating that Mr. Boulanger was already known to Mrs. Bentley, "and has come here with the idea that they may play into each other's hands, and crush the other professionals."

On the evening of the 20th January, just before leaving to perform at his first concert, Mr. Boulanger received a letter putting him upon his guard against Mrs. Bentley, and enclosed a letter forged in her name, to prove that she was endeavouring to blast his reputation; at the same time letters were sent to your honorable President and other influential persons, enclosing forged letters purporting to come from certain persons resident in Melbourne, and repeating the same malicious slanders with regard to Mr. Boulanger. At this time I was brought down by a serious illness, and having broken a blood-vessel, Mrs. Bentley for some days never left my bed-side; more of these anonymous letters were then sent to the heads of two families, stating that at the time I was supposed to be dying, "that heartless woman was walking in the Botanical Gardens for three hours with a gentleman whose character is well known in Sydney," and otherwise slandering her.

These anonymous letters were followed by others, addressed to the same parties, by way of corroboration, enclosing letters forged in Mrs. Bentley's name, and described as the originals—

originals—in different handwritings, however, thus fortunately evidencing the falsehood of the slanderer—making appointments on certain days, and at certain hours, in the neighbourhood where Mrs. Bentley was called by her professional duties. Early in March, Mrs. Bentley purchased a copy of one of Hummell's duets for the piano, a copy of which, by a singular coincidence, had been purchased a day or two previously by Mr. Boulanger. On the 19th of that month, Mr. Boulanger received a threatening letter, saying that the writer had been informed that he "intended playing in public with Mrs. Bentley. Now, sir, allow me to state this fact: If either of you attempt such a thing, I swear, by all I hold most sacred, to make you bitterly repent doing so. I indulge in no idle threats," &c., &c. Signed—"An Enemy—I hate and detest you both." A few days after, Mrs. Bentley received the following letter:—

"Madam,—A few days since I heard you were going to play in public with Mr. Boulanger. Now, you have both done me an injury which I never can forget, and I am determined you shall not do so. Perhaps, whatever I say to HIM will have no effect; but you are a woman, and, I believe, love your husband, and would therefore do anything to keep him from sorrow, which might kill him; now you can absolutely refuse to play with him, or to associate yourself in ANY WAY with him. I appeal to your better feelings as a woman to do this, and if you will follow my wishes, you shall NEITHER of you hear ANOTHER word of or from me. Boulanger has a wife and child dependent on him; he shall be left alone to work his way, and you will therefore be doing him a kindness. You have your husband's health to think of, and let me ask you, did anything happen to you would he long be here to take care of your little children?

"If, however, you persist in following out the course you intend I will never leave you alone, whatever the consequences may be. I will prevent you playing together, if it be at the last moment, and at any risk \* \* \*

"Think well of what I say. I tell you plainly, I hate you both; but plainly as I tell you this, I also say that if you will follow my wishes, I will keep my promise, and you shall never hear any more from me; if you will not, you shall both rue the day you have made me an enemy, and until I have crushed you both, which you know I have it in my power to do, I will never cease.

"Yours, ———."

This was followed by other threatening letters, one of which was left in the house, on the 1st of April, and pinned to some music, wantonly torn and thrown down on the dining-room floor—entrance having been effected by the glass door opening upon the verandah at the back of the house.

On the 21st of April (Easter Monday) on my return from the Club, my wife informed me that she felt sure that, whilst in her bed-room, she had heard some one stumble and fall, over her head, amongst the rafters. I looked through the trap door in the roof, and saw that no one was concealed there, so we naturally concluded that some noise next door had caused a false alarm.

The next day we received by the post the following letter, addressed to Mrs. Bentley:—

"Within a short time I have seen you twice pass Monsieur Boulanger close in the streets without taking any notice of him, and this makes me feel that possibly your own inclination may lead you to fall into my wishes, but that you are compelled to be friendly to him by your husband. Now, Mrs. Bentley, again let me ask you not to play with him; you can refuse at the last moment, and I swear to undo all the harm I have done you. On Tuesday I will be at the Philharmonic concert. If you will follow my wishes, do not speak to him at all, or allow him to speak to you, and I shall know by that you intend doing what I wish. I hear he is going to give a concert for St. Vincent's Hospital, but your name is not associated as going to play with him, therefore you can now refuse. I know threats are useless with you; but listen, and then judge if I cannot do all I say. I have been two nights and a day above your bed-room, and one night was in your bed-room in the middle of the night; had you made an attempt to alarm \* \* \* I would have killed you in an instant, and you are well aware your husband is too delicate to protect you. I saw you leave your room in the middle of the night and go in to see your little baby, and had my pistol pointed at you from the trap door, for I thought you saw me, but I found I was mistaken. The night before that I saw you as you came up-stairs (when your husband was in bed) obliged to sit down on the stairs, your old complaint having attacked you, and you know, as well as I do, however much you may try to hide it from others, that it is doing its work quietly and steadily; and if anything occurs to startle you very much will kill you. I have told you where I was, because I never shall be fool enough to go there again. Let me ask you to do what I wish, and you shall be perfectly unmolested after; persist, and I say I will kill you both, for I have that which will effect my object without much fear of my being discovered, and even were this not the case, I would risk my life and all I have, or may hope to have, to revenge myself on two for whom I have a hatred which nothing can ever quench."

Mrs. Bentley did go into the nursery on the night of Easter Sunday to see our child, and as she left our room informed me that the door had been left open, and on the previous night Mrs. Bentley also left the room, just after I had gone to bed, to fetch some medicine, and she was attacked as she came up-stairs with a spasm of the heart, and compelled to sit down on the stairs. We also found a visiting card of my own, with the words, "Mr. Bentley's visiting card," written on the back in the anonymous handwriting, placed in the drawer of our toilet table. The household had long retired to bed.

On the 24th of April Mr. Boulanger informed me that on the night of the 22nd he had been stopped in the Race-course, at midnight; that he levelled his revolver, and the man took to his heels.

On

On the 25th Mrs. Bentley, as she was returning from her professional duties, was waylaid at a solitary spot, and brutally struck and seriously hurt by a man in disguise.

On the 28th of April Mrs. Bentley received the following letter :—

“ Will you now follow my wishes; after what took place on ———, you can scarcely doubt my intentions if you persist; you thought you would never be attacked in daylight, but you found to the contrary; and, if I am not mistaken, it will be some time before you recover quite from the effect of my hand. You think you can describe me; you are mistaken; I was disguised in every way; and to show you that what I say is true, I will be near you at the concert to-morrow evening, and you will not know me. Listen! You are a plucky woman, but you are not free from fear, with all your courage. Your face told me that. You have felt the weight of my hand once, but by God you shall feel it again, if you persist, in a very different way. Think well, and believe me, I will trouble you no more, if you give in.

“ Yours,  
“ ———.”

Other threatening letters were then posted to Mrs. Bentley, apparently with the same object, namely, to prevent her appearance in public as a professional pianiste. On the morning of Sunday, the 10th of May, at 2 a.m., I was roused from my sleep by a knock at the street door. I went down-stairs and was informed that something was wrong. The house was searched, and we then unfastened the trap in the roof (which had been made secure, so as to shut off all access to the house), and found the sky window open, but no one was there; the window was propped open with a brick, as if to ensure escape; a circular hole about an inch in diameter had been made in the nursery ceiling, and another hole had been commenced in our bed-room ceiling, exactly over our bed. In the roof was found a gimlet, full of lime, which had evidently been recently used; also an old knife, and some lucifers wrapped up in a torn piece of dirty paper, having upon it, in the same handwriting as the anonymous letters, fragments of what appear to be directions, viz., “ for ”—“ light sleeper ”—“ on the left hand side ”—“ finish at once ”—“ shoot.”

A few days after the last alarming occurrence, Mrs. Bentley was asked officially by your committee to play at your then forthcoming concert, which invitation (after advising with those considered most competent to give advice) she accepted; two members of your committee, who also made the same request, having assured Mrs. Bentley that the usual courtesy heretofore shown on similar occasions (to Mrs. Bentley herself on one of such), of being led to the platform by the President or Vice-President (if present) would, as a matter of course, be accorded to her.

The persecution herein detailed had seriously affected my wife's health. On the afternoon of the day of the concert she was very unwell, but determined not to fail in her engagement, and accordingly went to the concert with the full intention of performing the portion of the programme allotted to her. When the time arrived for that performance, Mrs. Bentley naturally expected that, the President being absent, the Vice-President, who was present, would, as a matter of course, conduct her to the platform; and being suddenly informed that that gentleman positively refused to do so, she was so pained and agitated at the idea that such a public refusal, by an official patron of your society (who was aware of the anonymous persecution Mrs. Bentley had been subjected to) might, in some minds at least, give countenance to the wicked slanders so artfully and so widely disseminated against her, that she (feeling that there was no alternative) withdrew from the concert room.

Since the concert I have had other of such anonymous letters placed in my hands by one of your committee, and another gentleman, stating the confidence of the writer that “ after the just exposure that was made of Mrs. Bentley last night ” by the Vice-President, who, the writer asserts, was cognizant of her bad character, and had, therefore, publicly withholden from her the courtesy “ she was entitled to had she been a lady of unblemished character,” no further doubt will be left in their minds as to her being a disreputable person.

It is gratifying to me that your committee have published an advertisement, exonerating Mrs. Bentley from all blame in the course she adopted in declining to play.

I have endeavoured to be as brief as possible; but although much has therefore necessarily been omitted, my solicitors, Messrs. Johnson and Johnson, will certify that there is no colouring or suppression of facts whatever.

Feeling that the circumstances of the case are my justification in thus addressing you,

I remain, Ladies and Gentlemen,  
Your obedient servant,

THOMAS C. BENTLEY.

67, Elizabeth-street North, 2nd June.

P.S.—A reward of two hundred pounds (£200) will be paid by me to any one who will give such information as may lead to the conviction of the offender or offenders.

(5.)

No. 123, King-street,  
Sydney, 8 October, 1862.

Re BENTLEYS.

Dear Sir,

I am instructed a deposition made by Thomas Charles Bentley, Julia Bentley, Mary Ryan, and Anna Maria Bradshaw, on oath, before a Magistrate, has been forwarded to you; I am informed the name of Signor Cutolo has been used in a manner which requires attention on his part, in this deposition.

For

For him I respectfully inquire—

Why this deposition has been placed in the possession of the Government?

Will any steps be taken by the Government in the matter?

If not, may I ask the deposition may be lent to me, for perusal by me and Signor Cutolo, together with a copy of a report I have heard has been made by the police with reference to this matter.

If no report has been made by the police, will you kindly require a report from Inspector Harrison in the matter, as I am confident the close attention given to it for several months by that officer will point directly to the guilty parties; and I would respectfully urge that, in order to punish the indirect slanders and rumours prejudicial to Signor Cutolo, so industriously concocted and circulated by Mr. and Mrs. Bentley, such a report is absolutely necessary, and justify my application, to enable me to establish the innocence of Signor Cutolo beyond a shade of suspicion, and expose and—I hope—mete out adequate punishment to, his slanderers.

The Honorable C. Cowper, Esq.,  
Chief Secretary.

I have, &c.,  
WILLIAM HELLYER.

(6.)

*Colonial Secretary's Office,  
Sydney, 11 October, 1862.*

Sir,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 8th instant, and to inform you, in reply, that it is not the intention of the Government to take any further steps in the case of Mr. and Mrs. Bentley, therein referred to, but that your request to be allowed access to the documents in this office cannot be complied with.

William Hellyer, Esq.,  
123, King-street, Sydney.

I have, &c.,  
W. ELYARD.

(7.)

PARTICULARS OF THE BENTLEY CASE.

*(As handed in to the Colonial Secretary by Mr. Harrison.)*

THIS case was first put into my hands in November, 1861, by Mr. Hanson, of the *Empire*, and Mr. Bentley. I was then informed by them that a foreign professional was the suspected person; they afterwards told me that it was Cutolo, and gave me particulars which appeared to put the matter beyond a doubt. I took all necessary steps, and after the lapse of a month, being unsuccessful in finding the author, I was met by Mr. Hanson, who commenced a tirade of abuse against the police, and ended by saying that he believed I had betrayed them to Cutolo, and if he had sent a cheque at the time he sent the information, he had no doubt the author would have been discovered. I informed Captain M'Lerie of the fact, and took no further steps in the matter until the 18th March, 1862, when Mr. Bentley and Boulanger, who had just arrived in Sydney, called on Captain M'Lerie, and asked him to have the matter once more taken into the hands of the police. I again undertook the matter, on condition that it should remain a secret between us, as I knew that Cutolo was aware he was suspected, having been openly denounced by many of Bentley's friends as the author of the anonymous letters then in circulation.

I put Cutolo, Montagu, and St. Juste under surveillance night and day; and acting upon a letter which Mr. J. H. Plunkett had received, a fictitious letter was sent to the Post Office, signed H. B., and advertised to that effect; likewise advertised in both the daily papers, offering £100 reward for any information as to the authorship. Bentley wanted to make the reward £400, which I objected to. These advertisements did not lead to any result; and from steps taken I was soon convinced that if Cutolo was the author, and Montagu the amanuensis, there must be others employed.

*Wednesday, 2 April, 1862.*

Bentley informed me that, the night previous, he had discovered a quantity of torn music in the drawing-room, and he had left it there until this evening, so that I should see it in its original state. On examining one of the pieces, which Bentley handed me, I found a letter pinned between the leaves. On the following night I placed detectives back and front of the house, kept a watch on the suspected parties, and took many other steps, all of which Bentley was acquainted with. On Friday, the 4th, I told him I should withdraw the men from watching the house, as I could put them to a better purpose. The next morning Bentley shewed me a letter which had been left on the staircase window, and informed me that Mrs. Bentley had heard the footstep running down the passage and out of the front door. The letter, as usual, contained threats against Mrs. Bentley. On the following night, and subsequently, I placed a detective in the house, making every arrangement to ensure success; nothing, however, transpired. On the 10th I withdrew the men from the house, of which fact Bentley was aware. I again had the house watched closely, back and front, so that it was impossible for anyone to gain admittance without being seen by the detectives; of this Bentley was not aware, as I had become suspicious of something wrong on the premises, from the tenor of one of the letters, which shewed that the writer was aware of the steps taken by the police, although I had used extra precautions. The watching inside the house I took upon myself. About 9 o'clock on the night of the 12th, Bentley, who had gone down-stairs to the dining-room, called me, and said that he had found the

back verandah door open, which had just been fastened by him; that some one had gained admittance, but had been disturbed by his coming down. We looked for a letter, but did not find one; the house was searched, without success. The detectives who were watching informed me that no one had entered. I told Bentley to examine the yard next morning for some trace of the visitor, as it was raining heavily. The following day he informed me that he had found a letter on the flower-stand in the verandah, and marks of a large footstep in mud leading from the garden to the dining-room door. On examination I found it consisted of two small footprints, evidently made for the purpose of deceiving; I pointed this out to him. He insisted at first that I was mistaken, but afterwards said it was possible, as St. Juste had a small foot, and he had long suspected him as the man who had gained admittance to the house. I again placed a detective on the premises day and night. On the evening of Monday, 21st April, Mrs. Bentley informed me that she had been alarmed, at mid-day, by hearing a stumbling noise overhead; he said he had examined the place, and had come to the conclusion that it was a cat. On the following day Bentley shewed me a letter he had received, which stated that the writer had been concealed in the roof three days, and that he had watched Mrs. Bentley during the night, and had been in the bed-room while they were asleep, and had she given the alarm to the detective in the house he would have shot her. I then closely examined the roof, and found the only access to the same was by a small window, twelve inches by eighteen inches; this had cobwebs on it, and the window frame was thickly coated with dust. Examined the outside of the roof; there was a quantity of mud and sand in the gutter which would have retained the slightest impression. I failed in discovering any trace, and from the fact of the dust and cobwebs on the skylight window, I did not think it possible that any person could have gained admission without disturbing the same. I again examined the inside of the roof or loft. The flooring consists of joists, between which is the lath and plaster of ceiling beneath; the whole was covered with a thick coating of dust, being the accumulation of years. Admission is gained to the said loft by means of a ladder and a small trap about twelve inches square. This is situated under a beam about two feet from the ground. No one could possibly see what was going on down-stairs, as described by the letter, without lying flat on the ground and putting their head partly through the trap. Had this been done, some impression must have been left in the dust; but not a particle was disturbed, except the mark of a foot on a plank leading from the trap to the window and back. This I recognized as being similar to the boot then worn by Bentley, and without telling him the conclusion that I had come to, and that the purport of the letter was false with regard to anyone being concealed in the roof, I questioned him about the footprint, and he told me that it was his. Thinking the servants might be concerned in the matter (although frequently assured by Bentley to the contrary), I took steps regarding them, and soon satisfied myself that they were innocent. On the night of the 22nd, when the letter received by Mrs. Bentley was under discussion, I stated my unbelief of their having been into her bedroom, as I had advised them to keep it locked all night; this they had done, except on the night in question, when Mrs. Bentley said she had omitted doing so, being unwell. I told them had the writer been in the bed-room—his whole object being evidently intimidation and not murder—he would never have lost the opportunity of leaving some trace behind to convince them of that fact. I had a vague suspicion at the time I made the remark, which was strengthened the following day, when Bentley handed me one of his visiting cards, which he said Mrs. Bentley had found that morning in the dressing table drawer, and on the back of which was written, in the anonymous hand, "Mr. Bentley's visiting card." He also said this card must have come from Mrs. Foulis, and had been obtained by Cutolo—he and Mrs. Foulis being on a footing of more than simple acquaintance. In the course of conversation with Boulanger on the same day, he told me that on crossing the Race-course on the previous night, being followed by a man who pretended to be drunk, he came close up to him and made some remark, when thinking it necessary to draw his revolver, the man said, "Oh! you have got one, have you?" and ran away. Previous to this Bentley had advised Boulanger to carry a revolver, telling him that his life was in as much danger as Mrs. Bentley's. Boulanger believing this, was in a constant state of alarm. From cross questions I put to him I was satisfied that, if his statement were true, he had been needlessly alarmed by some drunken person. For some time previous to Easter week I had sent a detective to Newtown, on Tuesday and Friday (being the days on which Mrs. Bentley gave music lessons at Mr. Josephson's), Bentley having informed me that on more than one occasion she had been spoken to by gentlemen on the road, one of whom had followed her as far as Mr. Josephson's house. He told her that he had come there by appointment to meet her, but acknowledged that he had been duped. He apologized, but declined giving his name. Her description of him was so vague (although she said she had afterwards seen him at the Philharmonic concert) that I had little hope of discovering him. I told her to be particular with regard to the next one who stopped her, and take a careful survey of his dress, and especially of any article of jewellery he might have about him. On Saturday, the 19th April, Bentley told me it would be needless to send an escort to Newtown on the following week, as, being holidays, she would not give any lessons. On Friday, 25th, Bentley called on me in the afternoon, and told me that Mrs. Bentley had been assaulted at Mr. Josephson's gate by a man, whom she described as being about thirty years' of age, stout built, dark beard, hair, moustache, eyes, and complexion; that he roughly seized her by the shoulder, when, owing to fear, she became speechless, and put her hand upon her heart, whereupon he rudely thrust his hand inside her dress, and said, "Oh! you have got one too, have you?" and observing that she was taking particular notice of him, he said, "Oh! you are taking my description, are you? You can tell Harrison I wear a red Crimean shirt, with yellow foxes' heads and tails upon it, and a gold ring with a cornelian anchor upon it; and I shall be at the Philharmonic concert, and I defy him to catch me." I questioned Mrs.

Mrs. Bentley particularly about the man's description; she said she was sure his beard and moustache, wig, &c., were all false; believed him to be a fair complexioned man, although he appeared dark; he had the manners of a gentleman; but being very much alarmed, feared she could not recognize him unless he presented the same appearance. I left the house satisfied that Bentley, and no other, was the author of the anonymous letters, and the whole affair a fabrication. On the strength of this belief, I again saw Bentley on the same evening, and made some indirect remarks as to the motives of the assault. I did this for the purpose of confirming my suspicions, and, if correct, I knew that Bentley would write a letter next day, probably detailing the particulars of the assault, for the purpose of confirming Mrs. Bentley's statement. The following afternoon Bentley waited upon the Inspector General, with an anonymous letter confirmatory of the above. The following morning I had a long conversation with Captain McLerie about this case, and informed him that I had discovered the author, and the persons so long suspected were innocent, but I was not in a position to give him the particulars at the present time. My motive for doing so was this:—I saw the awkward position in which I was placed, the particulars of these anonymous letters were known to some hundreds in the city, all of whom felt the greatest interest in Mrs. Bentley—amongst the most active were Mr. Plunkett, Messrs. Johnson and Johnson, Hanson, Black, Wrench, Ingelow, Aldis, Bradley, and Doctor Brereton—and I felt sure that if a suspicion of my belief as to the author of the letters had reached Bentley's ears, he would have instantly declined any further assistance from the police, alleging, as an excuse, that they had conspired with the enemy. I even believed him capable of going to any length to confirm the same in public opinion. Had this taken place it would have been impossible for me to adduce proofs to the contrary, as at this time I had not one tittle of evidence against him. I was, therefore, compelled to let the matter take its course.

On the night of the Philharmonic concert, Tuesday, 29th April, I had detective officers placed at both doors, according to Bentley's request. A few minutes previous to the conclusion of the performance Bentley rushed up to me, and said that the man who had assaulted Mrs. Bentley at Newtown had just passed out of the door at which I was standing in York-street; he had made himself known to Mrs. Bentley by holding up a letter. I told him it was impossible, as only three persons had passed out during the last quarter of an hour, all of whom were known to me; he insisted that it was so, and I sharply told him he was mistaken; he returned to the room, and afterwards apologized, laying the blame on Mrs. Bentley for having wrongly informed him at which door she had seen the man pass out. On questioning Mrs. Bentley about the appearance of the man, she could not give me any description of his dress; she had recognized him by the sneering laugh as he held the letter up. I made some remarks to him that night, for the purpose of drawing another confirmatory letter, which duly arrived.

About half-past 1 on the morning of the 11th May a letter was given to me at the detective office, which was addressed to the Central Police Office, where it had laid two days; it was written in a printed hand, to the effect that Mrs. Bentley's life was in danger, and to search the house carefully. Anticipating the result, and the object with which it was sent, at the same time being engaged in police business of importance, I felt inclined to leave it until the morning; but thinking if I did so it might give rise to the very suspicion in Bentley's mind it was my object to avoid, I, in company with a detective officer, proceeded to the house at once. Some few days previously Bentley informed me that he had had the top of his bed lined with zinc. I roused him up and shewed him the letter, at which he appeared surprised and alarmed. I proceeded at once to the roof; the trap leading to the same was fastened with two strong bolts, and a bell attached, shewing that no one could have got to the top of the house through the said trap, and which Bentley informed me had not been unfastened for some days. I found the skylight window propped open with a brick, a number of which were lying on the ground; there was a quantity of mortar attached to some of them; the loose plaster between the joists was pulled up, evidently for effect, and perfectly useless for any sinister purpose. I searched the place carefully, but did not find anything but a piece of torn note paper. I told Bentley what I had seen, on coming down; he then said the note paper was the same as that on which the anonymous letters were written, and the enemy had evidently meditated an attack on his wife's life, which I had happily frustrated; and with regard to the letter I received, the writer must, through feeling of pity, or hope of future reward, have sent me the caution. I then told him (having an object in so doing) that they must have been there in the day-time, and not during the night, or I should have found some trace of a candle being used, and that I would return on the following morning and make a more careful search. I did so, in company with Bentley; he handed me, from behind one of the joists, an old knife, a new gimlet marked with plaster, and some wax matches wrapped up in a piece of torn note paper, on which was written, in the anonymous hand, "light sleeper"—"left side"—"shoot." I examined the paper, and was satisfied that the words had been written after the paper was torn, and not part of a torn letter, as was evidently the intention of the writer to convey; he also shewed me two small holes—one in the ceiling of the nursery, the other over his bed—remarking that the intention of the person concealed was evidently to shoot Mrs. Bentley through the same, as it was on the left side, and directly over where she slept; that they must, in the first instance, have mistaken the nursery for the bed-room, or they would not have made a hole there; he evidently forgot at this time, that had there been a design against the life of Mrs. Bentley there would have been plenty of time to put it into execution, as my letter of caution (which he said had been the saving of life) was detained two days at the Central Police Office. The gimlet found, from its make and general appearance, I have every reason to believe came out of a chest of new tools now in his possession. I made careful search for the place from which the bricks had been removed at the top of the house, but without success. I afterwards found some similar ones on a broken wall in rear of the garden.

On



On the evening of the last Philharmonic concert I got another letter in the same printed hand, advising me to withdraw Mrs. Bentley from the concert before its conclusion, as her life was in danger. On Mr. Merewether's refusal to hand Mrs. Bentley to the piano she immediately left. The following day Messrs. Wrench and Aldis received each an anonymous letter, with regard to the occurrence of the previous evening.

The object in first writing these letters I believe to be known only to Bentley,—probably for the purpose of creating an interest in his wife, and for the sake of notoriety. Pecuniary interest may have had much to do with it, as Cutolo was in many instances teaching at the same house where Mrs. Bentley gave her lessons. The animus of Bentley against Cutolo during the whole affair has been very great, and he has never lost an opportunity of impressing his friends, and those who have questioned him about it, that he, and no other, was the guilty party, and that his object was professional jealousy towards Mrs. Bentley. All the letters went to carry out the same idea; those sent to Mrs. Bentley, and which her husband shewed to all his acquaintances, were to the effect that she should retire at once from the musical world and then all persecution should cease. It is not likely that any number of people would band themselves together, commit burglary, and risk being shot at any moment when on the premises—not forgetting the punishment the law would have inflicted on them—for the paltry object of depriving Mrs. Bentley of a few pupils, or preventing her playing in public. There is nothing said in any of the letters to shew that other than professional jealousy is the object; and it must have cost a larger sum than the object was worth, to keep a number of subordinates faithful, in face of the large rewards offered, although the advertisements promised secrecy to anyone giving the information.

On Boulanger landing here he was introduced to the Bentley's, and became a constant visitor at the house. He received several letters, but on his quarrelling with Bentley they ceased.

In no case where the anonymous letters were received, could Mrs. Bentley's character have suffered, as in every instance they were sent only to those who, from intimacy with her, could never for a moment entertain the slanders against her. The recipients of the first letters were Mr. Hanson, Mr. Aldis, Mr. Black, and Dr. Brereton; they were, of course, well aware of the falsity of the charges preferred—Dr. Brereton being medical adviser to the family.

Since the publication in the daily papers of Mr. Bentley's advertisement (seeing that it has in a great measure turned public opinion *from* Cutolo into other channels) Bentley has circulated a report of Mrs. Bentley having fallen into the hands of the Jesuits, at Exeter, when a child, and that probably the late persecution may be their act, and that Cutolo is their agent, and has been working to answer their ends, at the same time answering his own by driving Mrs. Bentley out of the musical world.

In every instance Bentley has managed to get possession of the anonymous letters, alleging that he wished to have them all complete, to produce as evidence against the enemy when brought to justice; but I believe his motive in collecting them was, at any moment, in case of an *exposé*, to have the power of destroying them, thus doing away with any evidence against himself; as he has often said that Cutolo would try and get possession of them for the same purpose.

With regard to the assault on Mrs. Bentley, and the concealment of the parties in the house for the purpose of taking her life, if this portion is false, the letters must be so likewise; as, after the assault and reported concealment in the house, letters in the same handwriting were received confirmatory of the same. In addition I would remark, that the holes in the ceiling were so small that a quill could not be passed through them; neither Mr. Bentley nor I could find where they were made between the joists, until Mrs. Bentley had passed a wire through from beneath to indicate their position. After this was done nothing could be seen in the bed-room below.

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(8.)

62-329. *Police Department,  
Inspector General's Office,  
Sydney, 6 October, 1862.*

I HAVE carefully perused the accompanying depositions. Any opinion that I may entertain respecting the case, does not, I think, affect the question whether the application made on behalf of Mr. and Mrs. Bentley should be entertained by the Government or not.

It is a matter of fact, that certain anonymous letters have been written affecting Mrs. Bentley's character, and it is for the Government to decide if sufficient personal injury has been done or attempted thereby, to justify the offering of a public reward. I informed Mr. Bentley, when he spoke to me on the subject, that when a sworn information was made I would recommend the Government to offer a reward; though, at the same time, I cannot see any material consequence likely to result from this course—a heavy private reward having already been offered.

I may perhaps be allowed to suggest that, in the event of a Government reward being offered, it should be notified in guarded terms.

JNO. M'LERIE,  
I. G. P.

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(9.)

(9.)

165, *Pitt-street*,  
*Sydney*, 3 October, 1862.

Sir,

We have the honor to call your attention to the letter of our firm to you, dated the 17th of September last, enclosing the depositions of Mr. and Mrs. Bentley and their servants, and to request that we may be favoured with a reply thereto, at your earliest convenience.

We have, &amp;c.,

R. &amp; R. &amp; J. W. JOHNSON.

To the Honorable  
The Colonial Secretary,  
Sydney.

(10.)

(*"Herald" and "Empire," 7 April, 1862.*)

"ONE HUNDRED POUNDS REWARD (£100).—The above reward will be paid to any person who will, by letter or otherwise, give such information as will lead to the conviction of the author of numerous anonymous letters, addressed from time to time, during the last twelve months, to the heads of certain influential families in Sydney, having for their object the circulation of false and malicious charges against a lady professor, resident in the city; and also of certain anonymous communications recently written, with the same object, and directed against an eminent artist of musical profession, lately returned to the Colony.

"It is known that the letters alluded to have been written by an amanuensis, and information given by that person will entitle him to the reward.

"Apply to the parties concerned, or to Messrs. Johnson and Johnson, solicitors, Pitt-street."

(*"Herald" and "Empire," 4 June, 1862.*)

"THOMAS C. BENTLEY.

"67, *Elizabeth-street North*, 2 June, 1862.

"P.S.—A reward of two hundred pounds (£200) will be paid by me to anyone who will give such information as may lead to the conviction of the offender or offenders."

(*"Empire," 5 June, 1862.*)

"PROFESSIONAL JEALOUSY—ASSASSINATION.

"To the Editor of the '*Empire*.'"

"Sir,

"The advertisement which appeared in your paper of yesterday, containing particulars of a diabolical attempt to sacrifice the characters and lives of two unoffending and respectable citizens—residents here only, I understand, about two years—out-Herods everything on record in Botany Bay; and when the paltry object is taken into consideration with the protracted and systematic persecution, I remember nothing bearing its comparison in the world's history. My object in writing these few lines is to request you to draw the attention of the Government to the matter. It should come before Parliament, and no amount should be spared in a reward for the discovery of the wretches who are identified therewith. Who can rest in their beds after the disclosures of yesterday? It will remain a black spot on our character as a Colony of Britons, if we do not hunt out the band of miscreants in this most diabolical conspiracy. I can only say that I shall be but too happy to put my name down for £50, in addition to the reward already offered, for the purpose of bringing these human devils to justice.

"AN OLD CITIZEN OF SYDNEY."

(*"Empire," 6 June, 1862.*)"To the Editor of the '*Empire*.'"

"Sir,

"The advertisement signed by Mr. Bentley, which appeared in your paper of yesterday, must have evoked a feeling of horror and indignation in the breast of every man who read it.

"A correspondent in your paper this morning offers an additional reward of £50 for the apprehension of the unmanly ruffian who has made the dastardly attack on the life and character of a helpless woman. I, too, Mr. Editor, will cheerfully add another £50 to aid in bringing such a cowardly ruffian to justice; and I feel sure that the Government of a British Colony will not be so far wanting in its duty to the community as to delay in using all the means which power and money can effect in speedily avenging this gross outrage on humanity, and thus teaching the perpetrator thereof that an atrocious habit, but too prevalent in the south of Europe, cannot with impunity, be practised in a land inhabited by Englishmen.

"JUSTITIA."

"June 5."

B.

## B.

## (1.)

I COMMENCE a letter to you to-day, a day earlier than I intended doing so, feeling that Friday may be the only day I can post it.

How strange does it appear to have to write instead of talking to you. I have so *much* to say, and yet strange and foolish as it may appear to you, I am so fearful of this falling into other hands that I am almost tongue-tied; past events have indeed made me a sad coward, and I am sure you will not misunderstand me when I say that I am sometimes suspicious when my better judgment tells me that it is folly being so.

During the last two days I have pictured you riding through the rain (for we have had wretched weather), anxiously longing to come up with those whom you are seeking; you cannot be more anxious than I am that you should succeed, and each morning my first thought is the newspaper, to see if there is any intelligence from the Lachlan. As for Sydney news I have very little to tell you. No doubt you hear everything of any consequence officially. As for Mrs. Bentley's annoyance, that I believe for the present rests quietly, the mail robbery having for the time at least usurped all the public interest. Mr. Cowper was very gracious on Tuesday; but Captain M'Leerie not having returned, he could not decide upon anything until after having had an interview with him. The letters were, I believe, left in Mr. Cowper's hands, for his perusal. I am sorry to say the belief of Mrs. Bentley's madness is gaining ground; but enough of this subject. Why should I allude to it when you have had nothing but trouble on its account for months past? Can you see any prospect of your return? I fear not at present. How gladly will you be welcomed when you do!! You scarcely know *how gladly*. And now I must say adieu.

That success may attend you in all you undertake, and that every happiness may be yours, is the heartfelt prayer of yours ever.

\* \* \* \*

Thursday morning,  
June 19th, 1862.

P.S.—I shall look most anxiously for the post next week.

## (2.)

Dear Sir,

We have not been able to make anything of the bookseller as yet; he states that he is in the habit of receiving communications with the same initials. I don't believe it.

Will see you, if possible, this evening. Should I not do so, rest assured that nothing fresh has transpired.

Yours truly,

— Bentley, Esq.,  
Union Club.

\* This letter bears no signature: but instead thereof, bears the device of a hawk holding a snake in its beak.

## (3.)

40, Queen Anne-street, Cavendish-square,  
17 October, 1859.

My dear Sir,

I beg to introduce to you a family in which I am particularly interested. Its head, Mr. Bentley, is one of the most remarkable examples I have yet met with of galloping consumption arrested. He is, besides, a most amiable and excellent person, whom it is impossible to know without liking. His wife's devotion has *much* helped to save him.

I feel assured you will look well after him and his.

Yours very truly,  
W. H. WALSHE.

Dr. Burgon,  
Sydney.

## (4.)

Lombard-street, 8 May, 1860.

Sir,

We have much pleasure in bearing our testimony in behalf of your son, Thomas Charles. He gave us entire satisfaction when a clerk in our employment for some years, and left us, to our regret, on account of his health. When in business for himself he had an account with us, and always acted so as to maintain our respect.

We trust that he will have his health, and be successful in Australia.

We are, &c.,  
WILLIS, PERCIVAL, & CO.

William Bentley, Esq.

## (5.)

(5.)

7, Cowper's-court, Cornhill,  
9 May, 1860.

Dear Sir,

We are very glad to hear of your brother's, Thomas Chas. Bentley's, success in the Colony, and hope he will be quite restored to health by the fine climate of Sydney.

We have much pleasure in stating that we have been acquainted with him for some years, and have had many transactions with him in business, and believe him to be a man of high honor and respectability.

Arthur Bentley, Esq.

We are, &c.,  
BARBER BROTHERS.

(6.)

Bank of England,  
9 May, 1860.

Sir,

We are pleased to hear that Mr. Thomas C. Bentley has, through your kind interest in his favour, succeeded in obtaining the appointment of Secretary to the Australian Club; that gentleman is personally known to us, and we feel assured of his integrity and ability.

We are convinced that he will faithfully and zealously discharge the duties committed to him, and will do credit to the appointment you have been mainly instrumental in obtaining for him.

We are, &c.,  
JAMES STEWART, Secretary.  
E. WELSH, Assistant Secretary.  
G. E. GRAY, Chief Accountant.  
JOHN FRANCIS, Deputy Accountant.  
W. MILLER, Deputy Chief Cashier.  
(The Chief Cashier being absent, who I am sure would most willingly have given his name.)  
GEO. FORBES, Assistant to Chief Cashier.  
J. G. ELSEY, Discount Office.

Joshua Young, Esq.

(7.)

23 October, 1861.

Dear Bentley,

I have much pleasure in handing you, on the other side, a copy of the Minutes of this day's Committee Meeting, in reference to your letter resigning the Secretaryship.

Yours very sincerely,  
HAYNES GIBBES ALLEYNE.

(Copy.)

THE Committee in accepting Mr. Bentley's resignation of the Secretaryship of the Club, desire to express their high sense of the services he has rendered to the Institution, and of the zealous and conscientious manner in which the duties have been discharged.

H. G. ALLEYNE,  
Chairman.

D.

(1.)

Police Department of New South Wales,  
Detective Branch,  
Sydney, 23 August, 1862.

Dear Sir,

I am informed that a case of a singular nature occurred in Exeter about fourteen years ago. A gentleman named Monk who, I believe, held a Government appointment there, put a matter into the hands of the police for investigation. It appears that his daughter Julia, then about sixteen years of age, who was a day scholar at Miss Hawkes' school, was in the habit of receiving anonymous letters, the said letters being attached to stones and thrown into the windows of her father's house. The matter, I am informed, created great excitement at the time, which continued for several months.

On returning from school one day Miss Monk informed her father that she had been taken into an empty butcher's shop by an elderly gentlemen, a stranger, and had there been compelled to take some fearful oaths, the object of which was to turn her from the Protestant to the Catholic faith. I am likewise informed that a young clergyman, named Guerne, was mixed up in the matter.

Will you be kind enough to collect for me all the particulars of the affair, as a case of a similar nature has occurred here, and I have reason to believe that the parties are identical. By complying with this request you will confer a great favour upon

Yours, &c.,  
C. E. HARRISON.

(2.)

(2.)

*Guildhall,  
Exeter, 16 October, 1862.*

Sir,

In answer to your letter of August 23rd, respecting a matter that was investigated by the police, caused by statements made by Miss Julia Monk, and correctly stated in yours, upon hearing them I caused every inquiry to be made, and appointed a detective to watch when she went to and from school; others to watch the house,—but nothing transpired in the *slightest* degree to confirm *any part* of her statements, but rather the contrary.

The clergyman named Gurney was, at that time, curate in the parish in which her father resided. He was not supposed to be mixed up in the former affair—more a love one. He is at present in Paris—a very popular preacher there. Miss Julia was afterwards married to a Mr. Bentley, and, as I am informed, went to Australia.

C. E. Harrison, Esq.,  
Chief Inspector, Detective Police,  
Sydney, New South Wales.

Yours, &c.,  
D. STEEL,  
Chief Superintendent of Police.

---

E.

*Sydney, 18 December, 1862.*

To the Chairman of the Select Committee in the Bentley case.

Sir,

Having been informed that Monsieur Boulanger has stated that he never told me of the fact of Mrs. Bentley being armed, I beg most distinctly to affirm that he did do so, and although I cannot positively fix the date, I am positive that it was very shortly after I heard of the assault upon Mrs. Bentley, and that at the time no rupture had taken place between Mr. Bentley and M. Boulanger.

I shall be most happy to attend you to-morrow morning if any evidence on my part can tend to assist you in this investigation.

I am, &c.,  
JNO. BLACK.

1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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**BURIAL GROUNDS, SYDNEY.**  
(AND PROPOSED GENERAL CEMETERY.)

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*Ordered by the Legislative Assembly to be Printed, 3 July, 1863.*

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RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 29th January, 1861, That there be laid upon the Table of this House,—

“ A copy of all Correspondence between the Government  
“ and any person or persons, relative to the condition of the  
“ Burial Grounds within the City of Sydney: also, as to  
“ the disposal or management of the Old Burial Ground in  
“ George-street, Sydney; and as to the selection of a site  
“ for a General Cemetery; and all Minutes of the Executive  
“ Council relative thereto.”

(*Mr. Hart.*)

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## BURIAL GROUNDS, SYDNEY.

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### PART I.

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#### No. 1.

PETITION OF REV. J. M'GARVIE.

To His Excellency SIR GEORGE GIFFS, Knight, Governor-in-Chief.

The Petition of the Rev. J. M'Garvie, D.D., on behalf of his Congregation,—

HUMBLY SHEWETH:—

\* That petitioner's church was built at a time when there was open access from it to George-street, and with the understanding that a road should be made through the Old Burial Ground to join Clarence-street; but the first having been cut off by the enclosing of the cathedral grant, and the second not having been effected, petitioner's congregation experiences great inconvenience on sabbath thereby.

That petitioner, sensible of the great public benefit of opening a footpath to the north of St. Andrew's Church, most respectfully solicits that His Excellency the Governor will be pleased to authorize the erection of a door, gate, or wicket, in the wall of the Old Burial Ground, at each end of Clarence-street, and its continuation to Bathurst-street, for the use of foot-passengers only, no graves being disturbed thereby, to be used, if judged expedient, during the week, or only on sabbath, to afford facilities for attending divine service in the three churches in that neighbourhood; and, if necessary, petitioner will take charge of the key.

That petitioner has authority from the Rev. J. Saunders to state to His Excellency that he entirely concurs in this request, and in the great benefit that will arise from it to the public.

Petitioners will ever pray, &c., &c., &c.

JOHN M'GARVIE, D.D.

*Sydney, 24 April, 1846.*

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#### No. 2.

COLONIAL SECRETARY to REV. DR. M'GARVIE.

*Colonial Secretary's Office,  
Sydney, 7 May, 1846.*

REVEREND SIR,

I am directed by the Governor to acknowledge the receipt of your petition of the 22nd ultimo, requesting, on behalf of the congregation of St. Andrew's Church, that a footpath may be allowed to that church, through the Old Burial Ground in George-street, for the purpose of affording facilities for attending divine service; and, in reply, to inform you, that when His Excellency lately proposed, in a message to the Legislative Council, to open the burial place in question to the public, a feeling of disinclination to the measure was, he believes, extensively manifested; and that His Excellency regrets, therefore, very much that he can take no active steps towards complying with the present request, although he is far from considering it unreasonable.

I have, &c.,

W. ELYARD.

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#### No. 3.

REV. DR. M'GARVIE to COLONIAL SECRETARY.

*Sydney, 12 May, 1846.*

SIR,

I had the honor of your reply of 7th May, respecting a path through the Old Burial Ground, and beg to thank His Excellency for the expression of his regret that he cannot take any active steps in the matter, and that he thinks the request not unreasonable.

As

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\* Original papers on which this ground was given are not now traceable.

As I apprehend that my request is misunderstood, I would beg liberty to remark that there is already a common road through the burial ground to the English church and school (where the wall is broken down), and which terminates in the cathedral grant, within a few yards of my church, but of which my congregation have not the benefit; and my chief request is that this footway already established and used may end, with His Excellency's permission, without trespass, at a gate, door, or other opening, to be placed ten yards or thereby west of the termination of the present road, for the convenience of the public, and particularly for facilitating attendance upon divine service on sabbath, discountenancing all desecration.

My church was built fronting George-street, with the understanding on the part of the Government that we should have access to the northern and eastern parts of the town, whenever the time should expire when the burial ground might be lawfully opened. Three thousand pounds have been expended, and we are prepared to lay out other five hundred pounds; and we think we are justified in appealing most strongly to His Excellency for so small a favour as that we pray for, viz.,—that the path used with so much advantage to the English church and school, approaching to within ten yards of our church gate, may be rendered available to our congregation, by permitting the authorized removal of a part of the wall, which is the only barrier to the increased usefulness and extension of our place of worship and congregation.

I fervently pray that, on revision of the case, His Excellency will be enabled to comply with this most respectful request.

I have, &c.,

JOHN M'GARVIE, D.D.

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No. 4.

COLONIAL SECRETARY to REV. DR. M'GARVIE.

*Colonial Secretary's Office,  
Sydney, 21 May, 1846.*

REVEREND SIR,

In acknowledging the receipt of your letter of the 12th instant, in reply to mine of the 7th, on the subject of your application to be allowed to open a footpath through the Old Burial Ground, George-street, to the north of St. Andrew's Church,—I am directed by the Governor to inform you, that the common road or path to which you allude does not appear to have been in any way established by the Government, and that unless it can be shewn that it was opened by the Government, His Excellency regrets to say that he must still decline any interference in the matter.

I have, &c.,

W. ELYARD.

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No. 5.

LORD BISHOP OF SYDNEY to COLONIAL SECRETARY.

*Sydney, 22 March, 1847.*

SIR,

I have the honor to submit, for the consideration of His Excellency the Governor, an application which has been addressed to me by the Churchwardens of the parish of St. Andrew's in Sydney. The statement made by those gentlemen is clear and simple, and requires no confirmation from me. Indeed, I may observe that the most impressive confirmation it could receive would be from an inspection of the ground in its present state. Two years ago I took considerable pains, and went to no small expense, in restoring the Cemetery to a state of decency and order, as well as in endeavouring to preserve it from further violation. In this effort I have been well supported by the Churchwardens and most respectable inhabitants of the parish. But in consequence of their inability to obtain protection from the police against trespassers, the place has speedily become dilapidated, and is the continual scene of such gross enormities as renders it a scandal in the heart of the city and so near a church. I am, therefore, of opinion that no effectual remedy can be provided except by His Excellency's assenting to the prayer of the applicants, authorizing them, by a grant of the ground, to enclose it securely; and I have recommended them to limit their application to the extent of one acre, in consideration of its being the same with that which the Roman Catholic community were authorized, by Sir George Gipps, to take from Hyde Park, in addition to their previous allotment.

I beg to enclose a plan, which has been laid down from actual measurement and approved by the Churchwardens.

I have, &c.,

W. G. AUSTRALIA.

Appendix A

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[Enclosure

[Enclosure in No. 5.]

Sydney, 1 March, 1847.

My Lord,

It is in your Lordship's remembrance that, about three years ago, we put into circulation a petition relative to the Old Burial Ground, which petition, signed by upwards of four thousand persons, your Lordship kindly presented, at our request, to His Excellency the late Governor. Not traceable.

Since that time this ground has been wholly neglected; and we are continually reminded of the indecency, as well as the bad effect upon the public mind, of suffering a spot once devoted to so sacred a purpose to continue in its present state.

We respectfully and earnestly request your Lordship will draw the attention of His Excellency the present Governor to the subject, and use the influence of your Lordship's high station in obtaining a fit appropriation of a piece of ground in the heart of the city, associated with the recollections of the past, and in the immediate vicinity of our present place of worship and the rising walls of the cathedral church.

We have, &amp;c.,

RT. CAMPBELL,  
JAMES NEWELL,  
HENCAGE FINCH,

Churchwardens of the temporary Cathedral  
Church of St. Andrew.

The Right Revd.  
the Lord Bishop of Australia.

## No. 6.

## REPORT OF DEPUTY SURVEYOR GENERAL.

9 April, 1847.

NOTWITHSTANDING the high and influential quarter from which this application is made, I cannot feel myself justified in recommending a measure which I consider repugnant to feelings of humanity. The precedent referred to in the case of the Roman Catholic community appears to me to be quite foreign from the point. True, indeed, in both cases the land was considered to have been *appropriated*, but in the one case the appropriation was for the ordinary purposes of recreation; and in the other dedicated to the *Almighty*, for the sacred purpose of burial. The motives of the Lord Bishop to preserve from violation a portion, at least, of the remains of the departed of former days in the history of the Colony, must ensure a proportionate degree of respect for His Lordship's high sense of propriety; but I beg leave to maintain, that it is neither right nor expedient on the part of the Government, to entertain a question which has reference to wounding the feelings of thousands of individuals now living in this small community.

As the first settlement of Colonies is generally made by traders, there is naturally a propensity to acquire property of a pecuniary value, but there may be cases in which it may be the duty of the Government to check or direct such propensity; and this, I affirm, is one of the cases. Men of wealth, in all ages and countries, have built mausoleums in order that the remains of their departed relatives might rest undisturbed; and even the savages of this country respect the memory and the places of interment of their dead. Shall we then be the only people, for the sake of lucre, to violate such feelings? Heaven forbid! 'Tis not right—neither is it expedient on the score of profit.

Already the city of Sydney occupies more ground than many European cities of five times the amount of population, and surely the portion originally appropriated, and doubtless consecrated as a burial place, may be left undisturbed, and which will have the effect of increasing the value of the surrounding ground.

I would, therefore, beg leave to suggest that the whole area be placed in the hands of as large a number of Trustees as possible; that designs for handsome iron gates and the laying out of the ground should be invited—the area being surrounded by a foot wall surmounted by substantial iron railing—the grave-stones replaced or arranged, and other improvements effected to render this much abused spot a principal feature in the embellishment of the city of Sydney. I beg leave further to apologize for the warmth of expression into which this interesting subject has involuntarily led me.

T. A. PERRY,  
D. S. G.

## No. 7.

## COLONIAL SECRETARY to COMMISSIONER OF POLICE.

Colonial Secretary's Office,  
Sydney, 7 May, 1847.

SIR,

I am directed by His Excellency the Governor to inform you that a complaint has been made, by the Lord Bishop of Australia, to His Excellency, that the service in the temporary Church of St. Andrew's, in the Old Burial Ground, George-street, is interrupted by persons intruding upon the ground and making a noise, and to request that you will give instructions to some of the constables under your orders, to prevent a recurrence of such unseemly proceedings.

I have, &c.,  
W. ELYARD, JUNR.

## No. 8.

COLONIAL SECRETARY to LORD BISHOP OF AUSTRALIA.

*Colonial Secretary's Office,  
Sydney, 8 May, 1847.*

MY LORD,

I do myself the honor to inform your Lordship, that in consequence of your personal representation that the service in the temporary Church of St. Andrew, in the Old Burial Ground, George-street, is interrupted by persons intruding upon the ground and making a noise, I have made a communication on the subject to the Commissioner of Police, and requested him to give instructions to some of the constables under his orders, to prevent a recurrence of such unseemly proceedings.

I have, &c.,  
W. ELYARD, JR.

## No. 9.

COLONIAL SECRETARY to LORD BISHOP OF SYDNEY.

*Colonial Secretary's Office,  
Sydney, 22 May, 1847.*

MY LORD,

I duly received and submitted to the Governor, together with the report of the Surveyor General's thereon, your letter of the 22nd March last, enclosing a communication from the Churchwardens of the parishes of St. Andrew, soliciting, under the circumstances set forth, a grant of the Old Burial Ground in George-street; and in reply, am directed to inform your Lordship that, having before him the Report of the Committee of the Legislative Council, made in the year 1844, upon the General Cemetery Bill, and which Report His Excellency finds was adopted by the House, he regrets that under the recommendation contained in that report, it will be impossible for him to comply with your Lordship's request, as His Excellency considers that the plan proposed by the Council, and which it appears to him would accomplish the main object that your Lordship has in view—that of preventing the desecration of the ground—should be carried out. To effect this, His Excellency proposes to place a sum upon the Estimates, as well as one for an addition to the police force, to watch over the ground to prevent the improprieties complained of. This will not, of course, interfere with the use of the temporary church which has been erected within the precincts of the Burial Ground.

I have, &c.,  
E. DEAS THOMSON.

## No. 10.

AUDITOR GENERAL to COLONIAL SECRETARY.

*Audit Office, Sydney,  
26 May, 1847.*

SIR,

With reference to the letter addressed by you to the Right Reverend the Lord Bishop of Australia, dated the 22nd instant, a copy of which was transmitted under blank cover, for my information, I have the honor of suggesting that the Colonial Architect may be instructed to furnish, with the least possible delay, an estimate of the probable expense of enclosing with a light iron railing the Old Burial Ground in George-street, as recommended in the Report from the Select Committee of the Legislative Council on the General Cemetery Bill, dated the 22nd October, 1845, in order that the amount may be included in the Supplementary Estimate for the present year.

I have, &c.,  
WM. LITHGOW,  
Auditor General.

## No. 11.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 29 May, 1847.*

SIR,

I am directed by His Excellency the Governor to request that you will prepare and transmit to me, at your earliest convenience, an estimate of the probable expense of enclosing the Old Burial Ground in George-street with a light iron railing, as recommended in the Report of the Select Committee of the Legislative Council on the General Cemetery Bill, dated 22nd October, 1845, in order that the amount may be included in the Supplementary Estimate for the present year.

I have, &c.,  
W. ELYARD.

## No. 12.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 18 June, 1847.*

SIR,

Not having received a reply to my letter of the 29th ultimo, calling for an estimate of the probable expense of enclosing with a light iron railing the Old Burial Ground in George-street, I am directed by His Excellency the Governor to draw your attention to the subject, and to request your immediate report.

I have, &c.,  
W. ELYARD.

## No. 13.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 17 June, 1847.*

SIR,

In attention to your letter of the 29th ultimo, I do myself the honor to state the probable expense of enclosing the Old Burial Ground in George-street with a light iron railing, as recommended by the Committee of the Legislative Council on the General Cemetery Bill, including taking down the present wall, fixing coping, gates, &c., may be estimated at £750. This sum will provide for railing-in the ground in George-street, Drutt-street, and a portion of the line adjoining the site of the cathedral. The back will not require to have railing, as it adjoins the rear of the private houses in Kent-street.

I have, &c.,  
MORTIMER WM. LEWIS.

## No. 14.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 22 June, 1847.*

SIR,

Referring to your letter of the 17th instant, stating that the expense of enclosing the Old Burial Ground in George-street with a light iron railing would be about £750, I am directed by His Excellency the Governor to remark that this appears to be an enormous sum for such an object; and that it is therefore proposed to put the present wall in a proper state of repair, and to require the police to prevent its being again injured.

You will therefore be pleased to furnish me, with as little delay as possible, with an estimate of the probable expense of repairing the wall.

I have, &c.,  
W. ELYARD, JUNR.

## No. 15.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 26 June, 1847.*

SIR,

With reference to enclosing the Old Burial Ground in George-street, and in reply to your letter of the 22nd instant, informing me that the sum of £750, as per estimate submitted in my letter of the 17th instant, appears to His Excellency the Governor to be an enormous sum for such an object, and requesting me to furnish an estimate of the expense of repairing the present boundary line,—I do myself the honor herewith to transmit the estimate called for, amounting to the sum of £228 4s., and to explain, for the information of His Excellency the Governor, that although the sum of £750 may appear heavy, the extent of railing required is considerable, the boundary of the inclosure measuring in extent (1,393) one thousand three hundred and ninety-three feet; and fixing the iron railing it would have been requisite to take down the upper part of the old wall, repair and point the lower portion, and prepare and fix a new stone coping, properly cramped, on the whole line, the cost of which would have been £260 independent of the railing, which, taken at 10s. per running foot, including standards and entrance gates, would amount to £490, making a total of £750, exclusive of any per centage of contingencies.

I have, &c.,  
MORTIMER WM. LEWIS.

[Enclosure



[Enclosure in No. 15.]

ESTIMATE of the expense of repairing the present wall of the Old Burial Ground, George-street, Sydney:—

Taking down and rebuilding part of the wall in Druitt-street, taking out old decayed bricks and replacing same with new, and pointing the walls with mortar .. .. .	£175 0 0
Refixing and pointing stone coping, and preparing and fixing new coping where necessary .. .. .	53 4 0
TOTAL .. .. .	£228 4 0

No. 16.

COLONIAL SECRETARY to REV. DR. M'GARVIE. \*

*Colonial Secretary's Office,  
Sydney, 1 September, 1847.*

REVEREND SIR,

Cannot be found.

In acknowledging the receipt of your letter of the 27th ultimo, respecting the closing up of the footpath to St. Andrew's Scots Church by the Churchwardens of the Cathedral, I have the honor to inform you that, in compliance with your desire, a reply to your previous letter on the subject will be deferred until after the receipt of the petition to which you refer as about to be presented to His Excellency the Governor General.

I have, &c.,  
W. ELYARD.

No. 17.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 23 October, 1847.*

SIR,

Referring to your letter of the 26th June last, I do myself the honor to inform you that the sum of £200 has been voted on the Supplementary Estimate for 1847, for repairing the enclosing wall of the Old Burial Ground, George-street, Sydney; and I am directed by His Excellency the Governor to request, that you will therefore take the necessary steps for effecting what may be required to that wall.

I have, &c.,  
W. ELYARD, JUNR.

No. 18.

REV. DR. M'GARVIE to COLONIAL SECRETARY.

*Sydney, 29 November, 1847.*

SIR,

Having been informed that the Government are about to repair the old wall around the Old Burial Ground, George-street, I beg to bring under the notice of His Excellency the Governor, that the extreme height of the wall immediately adjoining my church obstructs the view of that building and access to it; and that it might be lowered about two feet, for the space of three or four rods, with great advantage, leaving still a sufficient height for the purposes of an enclosure. I would therefore most respectfully request that, in the event of my information respecting the repair of the wall being correct, His Excellency the Governor would be pleased to direct the Colonial Architect, or other person in charge of the work, to meet with myself and Trustees, that we may point out to him our wishes on this matter, when he will be enabled to report for His Excellency's approval.

I have, &c.,  
JOHN M'GARVIE, D.D.,  
Minister.

No. 19.

## No. 19.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 13 December, 1847.*

SIR,

I am directed by His Excellency to refer to you the accompanying letter from the Reverend Dr. M'Garvie, requesting that the part of the wall of the Old Burial Ground which adjoins St. Andrew's Presbyterian Church may be lowered about two feet; and to request that you will communicate with that gentleman on the subject, and report whether his suggestion can be attended to, without lowering the wall too much for the purpose of securing the burial ground from intrusion.

I have, &c.,  
W. ELYARD.

## No. 20.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 21 January, 1848.*

SIR,

Drawing your attention to my letter of the 23rd October last, respecting repairs to the enclosing wall of the Old Burial Ground, George-street, Sydney, I do myself the honor to request that you will have the goodness to report what steps you have taken for effecting what was necessary.

I have, &c.,  
W. ELYARD, JUNR.

## No. 21.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 24 January, 1848.*

SIR,

In attention to your letter of the 21st instant, requesting me to report what steps have been taken for effecting the repairs to the enclosing wall of the Old Burial Ground, George-street, Sydney,—I do myself the honor to state that workmen are employed in taking out and making good the defective brickwork of the wall, pointing the same, and performing such other repairs as are required.

I have, &c.,  
MORTIMER WM. LEWIS,  
Colonial Architect.

## No. 22.

REV. DR. M'GARVIE to COLONIAL ARCHITECT.

*Sydney, 27 January, 1848.*

DEAR SIR,

As there will be a meeting of Trustees held at St. Andrew's Church, to-day at 4 o'clock, it would be esteemed a great favour were you to find it convenient to be there for a few minutes, at any time between 4 and 5 o'clock that might suit you, to speak with them regarding the projected improvement in the wall of the Burial Ground.

I am, &c.,  
JOHN M'GARVIE.

P.S.—The workmen will leave the spot in a few days.

## No. 23.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 17 February, 1848.*

SIR,

With reference to my letter of the 13th December last, drawing your attention to one from the Rev. Dr. M'Garvie, requesting that that part of the Old Burial Ground wall which adjoins the Scots Church may be lowered, I am directed to draw your attention thereto, and to request the favour of your early report in the matter.

I have, &c.,  
W. ELYARD.

## No. 24.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 19 February, 1848.*

SIR,

In attention to your letter of the 17th instant, with reference to the enclosed communication from the Rev. Dr. M'Garvie, requesting a part of the Old Burial Ground which adjoins St. Andrew's Presbyterian Church may be lowered, I do myself the honor to state that I have met the Trustees of the church, and with them examined the part of the wall proposed to be lowered, and find the same can be done as required without rendering the ground more liable to intrusion. I have therefore caused the workmen employed in repairing the wall to proceed in such a manner as will carry Dr. M'Garvie's suggestion into effect.

I have, &c.,  
MORTIMER WM. LEWIS,  
Colonial Architect.

## No. 25.

COLONIAL SECRETARY to MODERATOR OF SYNOD OF AUSTRALIA.

*Colonial Secretary's Office,  
Sydney, 25 February, 1848.*

VERY REVEREND SIR,

With reference to your letter of the 29th November last, in which you requested that the portion of the Old Burial Ground wall which adjoins St. Andrew's Presbyterian Church might be lowered,—I do myself the honor to inform you, that the Colonial Architect has reported that he has caused the workmen employed in repairing the wall in question, to proceed in such a manner as to ensure a compliance with your request.

I have, &c.,  
W. ELYARD.

## No. 26.

REV. DR. M'GARVIE to COLONIAL SECRETARY.

*Sydney, 3 March, 1848.*

SIR,

I had the honor to receive your letter dated 25th February, informing me that the Colonial Architect had reported upon an application made by me in a letter of date 29th November, 1847, requesting that the wall of the Old Burial Ground near my church might be lowered about two feet, and that instructions had been given to him to comply with my request; and, in reply, I beg you will have the goodness to convey to His Excellency the sincere thanks of myself and congregation for this mark of His Excellency's kindness; and to express my confidence that this alteration will both be ornamental to the town and beneficial to the church, particularly if accompanied by the opening of a small door in the wall, on sabbath only, opposite the end of Clarence-street, in Drutt-street.

I have, &c.,  
JOHN M'GARVIE,  
Minister.

## No. 27.

## COLONIAL ARCHITECT'S REPORT.

THE Colonial Architect is requested to state whether there will be any objection to the opening of the door as proposed.

Blank Cover. 16 *March*, 1848.  
To be returned.

(For the Colonial Secretary),  
W. ELYARD, JUNR.

THE opening of a door in the situation requested will be a great accommodation to the public generally, and there cannot be any objection if opened on Sunday only, as proposed.

MORTIMER WM. LEWIS,  
Colonial Architect.

## No. 28.

## COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,*  
*Sydney, 31 March, 1848.*

SIR,

With reference to your report on the letter dated 3rd instant, from the Moderator of the Synod of Australia, I do myself the honor to request that, in compliance with the application therein contained, you will cause a small door to be opened in the Old Burying Ground wall, in the neighbourhood of St. Andrew's Presbyterian Church, opposite the end of Clarence-street, in Druiitt-street.

I have, &c.,  
W. ELYARD.

## No. 29.

## COLONIAL SECRETARY to MODERATOR OF SYNOD OF AUSTRALIA.

*Colonial Secretary's Office,*  
*Sydney, 31 March, 1848.*

VERY REVEREND SIR,

In acknowledging the receipt of your letter of the 3rd instant, I am directed to inform you that, in compliance with the request therein contained, the Colonial Architect has been instructed to open a door in the Old Burying Ground wall, in the neighbourhood of St. Andrew's Presbyterian Church, opposite the end of Clarence-street, in Druiitt-street.

I have, &c.,  
W. ELYARD.

## No. 30.

## REV. DR. M'GARVIE to COLONIAL SECRETARY.

*Sydney, 5 April, 1848.*

SIR,

I had the honor to receive your letter, dated 31st March, 1848, informing me that His Excellency had approved of my suggestion that a door should be placed in the wall of the Old Burial Ground opposite to the end of Clarence-street; and in reply I beg to express my very sincere thanks for this most useful concession, which, I am persuaded, will be attended with the best consequences to the congregations meeting in the street forming the prolongation of Clarence-street.

The facility of easy and ready access afforded to the children attending the schools, and to the members of our churches on sabbath, at present greatly impeded by this extensive Burial Ground, will be duly appreciated; and the inhabitants of the neighbourhood, who have long been desirous of such a path and doorway, will feel this concession to be the result of a most considerate and generous attention, on the part of His Excellency, to the convenience of the public residing in one of the most densely peopled districts of Sydney.

I have, &c.,  
JOHN M'GARVIE.

## No. 31.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 20 April, 1848.*

SIR,

In attention to your letter of the 31st ultimo, directing me to cause a small door to be opened in the Old Burial Ground wall, opposite the end of Clarence-street, I do myself the honor to state that the same is in hand and will be completed in a few days.

I have, &c.,  
MORTIMER WM. LEWIS,  
Colonial Architect.

## No. 32.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 1 August, 1848.*

SIR,

With reference to your letter of the 24th January last, reporting that workmen were employed in effecting the repairs to the enclosing wall of the Old Burial Ground, George-street, Sydney, as directed by my communication of the 21st October, 1847, I now do myself the honor to request the favour of your report in reference to the present state of the work.

I have, &c.,  
W. ELYARD.

## No. 33.

LORD BISHOP OF SYDNEY to COLONIAL SECRETARY.

*Sydney, 24 February, 1849.*

SIR,

I have the honor to forward, for consideration of His Excellency the Governor, a report prepared by E. T. Blacket, land surveyor, under instructions from John Campbell, Esq., J.P., upon the present condition of the Burial Ground appertaining to the Church of England, in Sydney. My personal observation of the crowded and offensive state of the ground occasioned me to recommend to Mr. Campbell, as acting Trustee, the employment of a competent person to inspect and report upon its actual condition; and the representation which has been received, I submit to His Excellency's observation, is such as leaves no alternative but to close the spot as a place of burial, not only to prevent the disturbance, which now unavoidably occurs, of the remains of the dead, but to guard against the danger which may be apprehended of communicating infection to the living.

I cannot close this communication without observing that the absence, during so many years, of all power of control on the part of any person, for the maintenance of decency and regularity in the order of the graves and tombs, has been the cause of that disorderly and highly unbecoming appearance which the place of burial presents; and the occasion likewise leads me to direct the consideration of His Excellency to the still continued neglect of the Old Burial Ground in George-street, adjoining St. Andrew's Church. In the hope of rescuing it from the profane encroachments which had been made upon it, and restoring some portion of the decent solemnity which ought to be attached to the place, I went to considerable private expense in collecting and arranging the dilapidated tombs, and planting trees in the vacant spaces, and the Churchwardens of St. Andrew's were at the cost of new gates to exclude disorderly characters; but, owing to the want of all legal or municipal protection, these well-meant endeavours have proved ineffectual. The gates are broken; the walls are scaled; the place is the resort of the most loose and disorderly characters at all hours of day and night; the tombs are broken, and the stones carried away; and I do not at all exaggerate the case in stating that, while the encouragement thus given to a feeling of irreverence for the dead contributes greatly to injure the moral and religious character of the people, the place itself is becoming a disgrace to the city, as it has long been the source of much painful feeling to the very respectable congregation attending St. Andrew's Church.

I have, &c.,  
W. C. SYDNEY.

## No. 34.

E. BLACKET, Esq., to JOHN CAMPBELL, Esq.

*Sydney,*  
9 February, 1849.

DEAR SIR,

According to your instructions, I have carefully examined into the present state of the Burial Ground, and have gone over every part to discover what portion of it is fit for future interment.

I find that there is really no unoccupied ground whatever. The principal part of the graves that have been made of late are in the lower part, near the entrance. This portion of the Burial Ground was covered about three years ago with new soil, to the depth of nearly three feet, which has enabled the sexton to dig the ground over again till he came upon the coffins originally interred.

A large part of even this artificial spot is quite full, the coffins being very much nearer the surface than usually thought to be advisable.

The sexton has very great difficulty in finding room for a new grave, especially if there be any desire for any particular spot, the place at present in use being very low, and is in bad repute, on account of its proximity to the graves of those persons who were executed.

Several newly made graves in this part were extremely deficient in depth, in some instances being under six feet, owing to the appearance of rock which runs over the whole of this part of the ground, and rises to within four feet of the surface in some places—on this account it is impossible to inter more than one coffin with propriety.

There are many other places in various parts of the ground where there is space for a grave, but it is of no practicable use; for being between two walls, it is impossible to remove the soil without letting down the arches of the vaults, an accident which has actually occurred in some cases.

There is also a small quantity of space in the bank of sand thrown up against the end wall that was erected a short time ago, but this does not appear to be well accounted of, as the only graves are those of inmates of the Asylum. Upon the whole, I may say that there is no place to make a new grave without seeking a spot for it, and when found it is almost impossible, from the multitude of coffins and the shallowness of the soil, to dig to a fit and proper depth.

The external wall is in good preservation in all parts, except at the higher end, where, from the continual shifting of the sand, the foundations are undermined and are falling out.

The buildings are in very fair order, needing only some trifling repairs.

The vaults are all occupied.

I have, &amp;c.,

E. BLACKET.

## No. 35.

COLONIAL SECRETARY to SUPERINTENDENT OF POLICE.

*Colonial Secretary's Office,*  
*Sydney, 6 March, 1849.*

SIR,

In transmitting to you the accompanying letter from the Lord Bishop of Sydney, I am instructed by His Excellency the Governor General, to request the favour of your report and explanation on that portion of it which relates to the continual desecration of the Old Burial Ground in George-street.

I have, &amp;c.,

W. BLYARD.

## No. 36.

SUPERINTENDENT OF POLICE to COLONIAL SECRETARY.

*Police Office,*  
*Sydney, 9 March, 1849.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 6th ultimo, transmitting me a letter from the Lord Bishop of Sydney, and requesting my report and explanation on that portion of the Bishop's letter which relates to the continued desecration of the Old Burial Ground in George-street.

In reply, I beg to report, for the information of His Excellency the Governor, that the strictest orders have been issued by me to the police, to keep a watch that no disorderly characters resort to the Old Burial Ground or scale the walls. This watch is kept by the police constantly both day and night, when the nature of their other duties

will

will admit; and I very much regret to say that it is not in my power, from the insufficient number of men placed at my disposal for the preservation of the peace and good order of the city, to spare a man for the exclusive purpose of watching over this burial ground. Many of the injuries to the tombstones complained of, I have no doubt have been occasioned by the cattle of individuals which gained admission through a breach left in the wall for a considerable time, and doubtless some from a number of children belonging to the numerous schools in the neighbourhood. As it is, however, several convictions have already taken place, for offences against the Police Act committed in this locality.

I may further remark that, with respect to the present burial ground, a strict watch is kept upon it, both by day and night, and that my two orderlies are very frequently told off for that duty.

I have, &c.,

J. LONG INNES,  
Superintendent of Police.

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No. 37.

COLONIAL SECRETARY to LORD BISHOP OF SYDNEY.

*Colonial Secretary's Office,  
Sydney, 14 March, 1849.*

MY LORD,

I have had the honor duly to receive and to lay before the Governor your letter of the 24th ultimo, forwarding a report from Mr. E. T. Blacket, upon the subject of the present condition of the burial ground appertaining to the Church of England in Sydney, and observing that the want of all power of control on the part of any person, for the maintenance of decency and regularity in the order of the graves and tombs, has been the cause of that disorderly and highly unbecoming appearance which the place of burial presents.

2. In reply, I am instructed by His Excellency to inform your Lordship that the regulations to be observed in the new General Cemetery, when it is completed, will it is hoped obviate many of the evils now complained of, with respect to the present burial ground.

3. With respect to the continued desecration of the Old Burying Ground in George-street, brought under notice by your Lordship, I beg to transmit herewith, for your information, a copy of a communication which I have received from the Superintendent of Police, in answer to a reference which I made to him on the subject.

I have, &c.,

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No. 38.

COLONIAL SECRETARY to LORD BISHOP OF SYDNEY.

*Colonial Secretary's Office,  
24 March, 1849.*

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's letter, of the 24th ultimo, submitting the great necessity which exists for the closing of the present Church of England burial ground as a place of interment, and complaining of the continued desecration of the Old Burial Ground in George-street.

2. In reply, I beg to acquaint your Lordship, that the Superintendent of the Sydney Police has reported that strict watch is kept by the police over the present burial ground, to prevent the inconvenience complained of by your Lordship, and it is hoped that the regulations to be observed in the new General Cemetery will obviate many of the evils now experienced in respect to that burial ground.

3. A report has been called for from the Colonial Architect of the probable time when the Cemetery will be fit to be used; and the result thereof will be duly communicated to your Lordship.

4. With respect to your Lordship's remark, that the want of all control, on the part of any person, for the maintenance of decency and regularity in the order of the graves, &c., has been the cause of that disorderly and unseemly appearance which the place of burial presents, I have the honor to observe that this is a matter over which the Government could exercise no control, the land having been conveyed to Trustees under the provisions of the Acts 7th William IV., No. 3, and 8th William IV., No. 5.

5. In reference to the desecration, &c., of the Old Burial Ground, complained of by your Lordship, I have to point out that the wall has been placed in a state of thorough repair, and instructions have already been issued to the Superintendent of Police, to prevent the ground being made a place of resort by disorderly characters.

6. I have also received a communication on the subject from that officer, by which it appears that the strictest orders have been issued to the police under his control to prevent the burial ground in question being desecrated, and that watch is constantly kept by the police when their other duties will admit. It is, however, further stated that a constable cannot be spared for the exclusive purpose of protecting the ground.

I enclose, for your Lordship's further information, a copy of the Superintendent's letters on the subject.

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No. 39.

## No. 39.

LORD BISHOP OF SYDNEY to COLONIAL SECRETARY.

*Sydney, 16 April, 1849.*

SIR,

In further reference to my letter addressed to you on the 24th February, respecting the unsatisfactory state of the Church of England burial ground in this city, I have the honor to forward, for the consideration of His Excellency the Governor, a communication upon the same subject which has been made to me by the Rev. W. H. Walsh. As the incumbent of the parish in which the burial ground is situated, he has frequent occasion to visit it in discharge of his duties, and may be considered as more directly connected with, if not responsible for the due observance of regularity and decency in the interment of the dead.

The survey by Mr. Blacket, which was undertaken by direction of the Trustees, in consequence of the many revolting statements continually made, and which was enclosed in my previous letter upon the subject, appears to be thoroughly confirmed by the present representation of Mr. Walsh. I have not felt it necessary to obtain additional evidence from the other officiating clergymen; but all those to whom the statement has been shewn have expressed their readiness to certify to the existence of such violations of natural feeling continually and unavoidably occurring, as require that the use of this ground as a place of interment (excepting tombs or vaults already constructed, and for persons dying in the Benevolent Asylum or Infirmary, not having relations or friends to provide a funeral elsewhere) should be forthwith discontinued. I beg leave also to draw the attention of His Excellency to the circumstance of an Act of Parliament having received the Royal Assent and come into operation on the 1st January last, for regulating the interment of the dead in cities and towns, and imposing a penalty of £20 in every instance in which there shall not be a depth of at least five feet from the surface of the soil to the top of the coffin. In the burial ground at Sydney, it is impossible to ensure in ordinary cases that even one-fourth of that depth shall exist. Although therefore that Act may not be actually in force in this Colony, so as to subject officiating ministers and other parties to the penalties imposed by it, still the spirit of the law is so just and prudent, and the risk which may accompany a neglect of its provisions is so great, that I conceive it must be morally operative here. I have, therefore, out of consideration for the public security, determined to withdraw, from the 15th proximo, the licenses under which the several clergymen are authorized to perform the funeral service in the Sydney Burial Ground, with the exception only of the cases which are particularly referred to herein.

I have not received the intimation referred to in your letter, as to the time when the Cemetery will be fit to be used, but shall be prepared at any time to enter into a communication with you upon the subject; and trust that, in accordance with the terms suggested by Earl Grey, in his despatch to Sir Charles Fitz Roy on the subject, it may be found practicable to remove those objections to some of the provisions contained in the Act of Council for the establishment of this Cemetery, which were conscientiously entertained by a numerous portion of the members of the Church of England. I beg to assure His Excellency that my own endeavours will not be wanting to accelerate this desirable agreement, and—

I have, &amp;c.,

W. C. SYDNEY.

## No. 40.

REV. W. H. WALSH to LORD BISHOP OF SYDNEY.

*Christ Church Parsonage,**10 April, 1849.*

MY LORD,

I admit myself of the circumstance of the burial ground being in my parish, to represent to your Lordship its present condition of unfitness as a place of interment for the Christian dead. I am told, and from my own observation I believe, that, except in one small portion at the lower end, it is now scarcely possible to dig a grave without disturbing or disinterring remains of dead bodies; and I have myself on several occasions seen the side or portions of coffins projecting at various depths into graves which had been dug, to the great distress of all right-minded persons, and with grievous offence to decency. To save ground, and also to escape the alternative I have just described, it has been the practice of the gravedigger, when there have been many burials, to place two and three coffins one upon the other, the upper one sometimes lying within eighteen inches of the surface soil, and the lowest remaining covered with only a light layer of earth for perhaps two or three days, the interval before the interment of a second or third body. I am sure I need not say more to excuse me to your Lordship for expressing a hope that steps may be taken for the speedy closing of the present burial ground. However, I believe it would still be possible to find a space in which to avoid the inconvenience of their removal at present to a greater distance. The bodies of persons dying at the Benevolent Asylum might, for a time at any rate, be interred. Whatever may have been the experience of the other clergymen of Sydney, most of them I am sure would concur with me as to the truth of the general statement I have made—that the present ground is too full for use.

I have, &amp;c.,

W. H. WALSH.

No. 41.



## No. 41.

ROBT. CAMPBELL, Esq., to HON. E. DEAS THOMSON.

*Fort-street, 5 September, 1849.*

MY DEAR SIR,

I am afraid it is not the first time parties have brought under the notice of Government the unfortunate state of the Old Burial Ground in George-street. A gentleman in the neighbourhood—he is Assistant Secretary to the New South Wales Bank—has written to me the enclosed letter, and to advance his motives I cannot do better than enclose it for your perusal. I may state that we have had the occupant of the cottage in the cathedral close sworn in as a constable, and who has, in a small degree, by getting parties punished at the Police Office, abated some of the nuisances; but you will see from the gentleman's letter, he has not strength to abate the whole. We pay him a small sum towards the object. Now it strikes me it would save the Government a great deal of trouble and expense, were the land given entirely over to the custody of the Church of England, who would then be bound by many ties to see these nuisances were not committed; and really such a step would not be opposed, I am sure, by any party, more especially when the beautiful building adjoining, in course of erection, is taken into consideration. And I really do hope, if you have an opportunity of bringing this subject under the consideration of the Executive, you will not lose sight of my suggestion. Perhaps you will smile when I have the hardihood to say I think the land should not be alienated from the owners of that beautiful building, because not only should such a magnificent structure (to be the pride hereafter, I hope, of generations of colonists) have such an area of ground, but it deserves it from the Crown for these reasons, even if it were not enjoined upon us by many others.

Hoping you will excuse the freedom I have taken in a matter very, very interesting to my feelings,—

I remain, &amp;c.,

ROBT. CAMPBELL.

P.S.—I should have called upon you personally, but that I am confined to my house with a sore leg, and have been so for the last ten days.

## No. 42.

JOHN H. BAILLIE, Esq., to ROBT. CAMPBELL, Esq.

*Sydney, 1 September, 1849.*

DEAR SIR,

Do you think the Trustees of St. Andrew's Temporary Church would join in an application to the Government, to have the wall of the Old Burial Ground removed, and a rail substituted, as in the Racecourse? As a resident in that neighbourhood, I am anxious to have this agitated, both as a measure of sanitary reform and from moral considerations. As the place is at present, it not only interferes with the free circulation of the healthy sea-breeze, but it is also a moral nuisance of the most offensive description. By removing the wall in Druitt and George Streets and substituting a rail, laying the tombstones flat, and levelling the ground, the sanitary condition of the whole neighbourhood would be improved. The immoralities perpetrated there would be restrained, while the respect paid to the memory of the dead would not be violated. As an instance of the immoralities I refer to, I may mention that I have myself seen the escape of a scoundrel there after an attempted violation of a female child in broad daylight; the man was scared by some parties entering the ground, and notwithstanding a chase succeeded in escaping from justice. A practice has also been made by a parcel of thieves, recently, of haunting the ground for the purpose of stripping children of sundry articles of clothing, which could not be carried on if the place were properly open to observation. I say nothing about the indecencies which the most casual visitor may witness. As to expense, the material of the wall would go some way towards it. The Government might be got to contribute, and if they should refuse, I dare say the whole sum required would be raised by subscription among the residents or landed proprietors in the neighbourhood. Would you turn the matter over in your mind, and let me know your opinion?

I remain, &amp;c.,

JOHN. H. BAILLIE.

## No. 43.

MESSRS. BARKER AND POWELL to COLONIAL SECRETARY.

*Sydney, 11 June, 1851.*

SIR,

We, the Churchwardens of St. Andrew's Temporary Cathedral Church, have the honor to call your attention to a thoroughfare from George-street through the Old Burial Ground to the front of the Scots Church, St. Andrew's. The entrance from George-

George-street is by a gate, the same as is used as an entrance to our church ; and as this gate is left open during the week, numbers of persons passing enter for urinary relief and other purposes, rendering this entrance most unseemly and revolting to the feelings of those who attend the church and necessarily enter at this gate. In order to avoid in future this disgraceful nuisance, we have the honor to request that, as the existence of this thoroughfare does not appear of any importance to the public, we may be allowed to shut the gate in George-street, and erect another opposite the said Scots Church, both which can be kept shut, and when required be opened for the use of our church. Should the Government be unable to allow us to shut up this thoroughfare, we would beg to suggest the propriety of allowing us to open another gateway in George-street for the public, and to enclose our entrance to the church by a fence, as shewn by a plan marked in red ink, so as to prevent a continuance of what we now have to complain of. Appendix C.

We have, &c.,

THOS. BARKER.  
JAMES POWELL.

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No. 44.

COLONIAL SECRETARY to MESSRS. BARKER AND POWELL.

*Colonial Secretary's Office,  
Sydney, 24 June, 1851.*

GENTLEMEN,

I beg to inform you that it has been found necessary to refer to the Law Officer of the Crown your letter of the 11th instant, requesting authority to alter the present thoroughfare through the Old Burial Ground at St. Andrew's Cathedral. When the required report has been received, and the Governor General's decision obtained upon the case, a further communication will be made without delay.

I have, &c.,

W. ELYARD, JUN.

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No. 45.

CROWN LAW OFFICERS' REPORT to COLONIAL SECRETARY.

*27 June, 1851.*

We think that the Government has the power of complying with the request of the Churchwardens, but we cannot say that it necessarily follows that the public will be bound to submit to the proposed change and substitution of footpaths, because we are not in a position to advise with certainty that the public have not acquired a right of way by use of the present path. We are, however, disposed to think that no absolute right of way can have been acquired ; and if it has, we may anticipate that the substitution will not be resisted.

Before any change be made, we would recommend that a report be obtained from the Surveyor General, as to the original intentions of the Government respecting the *locus in quo* and the way now used as a thoroughfare.

J. H. PLUNKETT,  
Attorney General.  
W. M. MANNING,  
Solicitor General.

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No. 46.

REPORT OF ACTING SURVEYOR GENERAL.

*3 July, 1851.*

THE original intentions of the Government, as expressed in the Colonial Secretary's letter, No. 41/577, dated 20th December, 1841, were that the Trustees of St. Andrew's Cathedral were to have a permission to occupy, for the purpose of erecting thereon a temporary church, a portion of the Old Burial Ground in George-street, at the south-east corner, to the extent of about eighty feet each way, with right of access from the gate then walled up, they having, by their written engagement, dated 13th December, 1841, undertaken that the land in question should be given up whenever the Cathedral Church of St. Andrew's is opened, or any part of it opened, for the celebration of divine worship. Cannot be traced.

The Trustees have been informed further, that it will be necessary that they should put up a fence to separate the land so occupied from the rest of the burial ground ; thence it appears that no public thoroughfare was ever contemplated, a right of access to the church being all that was accorded. It will perhaps be proper that any further suggestion respecting the appropriation of the Old Burial Ground should form the subject of a separate communication, and which I propose to make. Cannot be traced.

S. A. TERRY,  
Acting Surveyor General.

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No. 47.

## No. 47.

COLONIAL SECRETARY to MESSRS. BARKER AND POWELL.

*Colonial Secretary's Office,  
Sydney, 16 July, 1851.*

GENTLEMEN,

With reference to my letter of the 24th ultimo, I now do myself the honor, by the direction of the Governor General, to inform you that, under the opinion of the Crown Law Officers and the report of the Surveyor General, His Excellency has been pleased to authorize a compliance with your request, namely, to be allowed to shut up the gate leading to the cathedral church from George-street, and to erect another opposite the Scots Church, St. Andrew's, for the purpose mentioned in your communication of date the 11th ultimo.

I have, &c.,  
E. DEAS THOMSON.

## No. 48.

MESSRS. BARKER AND POWELL to COLONIAL SECRETARY.

*Sydney, 28 July, 1851.*

SIR,

We, the Churchwardens of St. Andrew's Temporary Cathedral Church, have the honor again to address you on the subject of the Old Burial Ground. A dwarf wall was erected by the late Colonial Architect opposite York-street, which appears to have been intended for an iron railing, but has not been completed, the consequence is that persons go over the wall at this place into the Burial Ground and commit nuisances; therefore, notwithstanding the arrangements for enclosing it as granted by His Excellency the Governor General, by putting up gates, we are still unable to keep out trespassers, and we are informed it is and has been for some time past a rendezvous at night for very bad characters.

We have to apologize for giving so much trouble in the matter, but we trust His Excellency the Governor General will give instructions to have this portion of the wall so raised as to put an end to the nuisance of which we complain.

We have, &c.,  
J. S. BARKER,  
JAMES POWELL.

## No. 49.

COLONIAL SECRETARY to CHURCHWARDENS OF ST. ANDREW'S.

*1<sup>st</sup> August, 1851.*

PRINTED letter, informing that it has been found necessary to refer to the Colonial Architect your letter of 28th ultimo, respecting the intrusion of the public into the Old Burial Ground.

W. ELYARD, JUNR.

## No. 50.

MINUTE OF PRINCIPAL UNDER SECRETARY to COLONIAL ARCHITECT.

REFERRED to the Colonial Architect to propose any practicable means of preventing the access of the public to the Burial Ground.

Blank Cover, 19 August, 1851.

(For the Colonial Secretary),

W. ELYARD, JUNR.

## No. 51.

REV. DR. M'GARVIE to COLONIAL SECRETARY.

*Sydney, 14 August, 1851.*

SIR,

Having been informed that the opening into the Old Burial Ground in the prolongation of Clarence-street to Bathurst-street, allowed by Sir George Gipps, on the petition of the Rev. Mr. Saunders, myself, our congregations, and the public generally, and with the approval of the Colonial Architect, after a meeting with the Committee of my church, is about to be closed up,—I do myself the honor, humbly, to apprise His Excellency that the opening has been of the greatest benefit and convenience to the inhabitants

Not traceable.

inhabitants residing in the lower parts of the town, and that if it is closed again, it will prevent all access to our churches, except by a circuitous route, amounting nearly to a prohibition to members of our congregations on the northern parts of the city. Having enjoyed this privilege of access to George-street so long, with so much advantage, and without a single complaint being made known to me, I trust His Excellency the Governor General will withhold his sanction from any proposal to close up the wall entirely, but that he will, from his great consideration for the interests of the public, allow access, on sabbath at least, to George-street, by a gate or opening for persons proceeding to the house of God, through a burial ground in which the remains of the parents and relatives of many of them repose. I have in addition to state that there are five schools in the neighbourhood, and that with the exception of the boys playing on the ground, which if requisite may be easily prevented, I have never seen nor heard of any nuisance or impropriety to justify the closing in of the ground, although I reside close to it, and use the path many times a day. Since the wall was removed the healthiness of the locality has been greatly promoted, to the benefit of the neighbours and children attending the schools, which will be lessened by closing of the wall as before.

I beg therefore most urgently to solicit that, in any improvements to be made in this locality, the passage for foot-passengers, through the Old Burial Ground, from George-street to the prolongation of Clarence-street to Bathurst-street, may be preserved, if not for every day of the week, at least on sabbath day.

I have, &c.,  
JOHN M'GARVIE.

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No. 52.

REV. DR. M'GARVIE to COLONIAL SECRETARY.

*Sydney, 27 August, 1851.*

SIR,

Referring my letter, dated 14th instant, respecting the closing of two footpaths by the Churchwardens of the cathedral, the removal of the neat fence, such as at Hyde Park, near my church, and the erection of a formidable wooden barricade in the line of the prolongation of Clarence-street,—I do myself the honor to state that a very respectful petition or memorial is in course of signature, praying for the continuance of the favour so long enjoyed with advantage by the public, during the week and on sabbath, and to request that any reply to my letter that may be contemplated may be deferred until His Excellency shall have received the petition or memorial referred to.

I have, &c.,  
JOHN M'GARVIE.

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No. 53.

COLONIAL SECRETARY to REV. DR. M'GARVIE.

*Colonial Secretary's Office,  
Sydney, 1 September, 1851.*

REV. SIR,

In acknowledging the receipt of your letter of the 27th ultimo, respecting the closing up of the footpaths to St. Andrew's Scots Church by the Churchwardens of the cathedral, I have the honor to inform you that, in compliance with your desire, a reply to your previous letter on the subject will be deferred until after the receipt of the petition to which you refer, as about to be presented to His Excellency the Governor General.

I have, &c.,  
W. ELYARD, JUNR.

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No. 54.

REPORT OF COLONIAL ARCHITECT.

*1 October, 1851.*

It is quite clear to me that the Churchwardens of St. Andrew's having applied for one thing have effected another—they have closed up the original entrance in George-street, but have not opened that proposed by them and shewn in their sketch. They have also closed up the wall in Drutt-street. The railing near the Scots Church has been closely barricaded, and a gate erected there, which is, I presume, that complained of by Dr. M'Garvie. I cannot, however, see but that all parties might be accommodated even with the present arrangements, if the gates are opened on the sabbath, as Dr. M'Garvie wishes.

EDMUND T. BLACKET,  
Colonial Architect.

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No. 55.

## No. 55.

MINUTE OF COLONIAL ARCHITECT.

1 October, 1851.

THE only practicable plan to prevent the public getting into the Burial Ground at the place mentioned, will be to put a fence of either wood or iron—but I do not see how even that method will effect the object desired, as there are several places in other parts of the ground equally unprotected.

EDMUND T. BLACKET,  
Colonial Architect.

## No. 56.

REV. DR. M'GARVIE to COLONIAL SECRETARY.

3 October, 1851.

SIR,

I have been requested to forward to you, for presentation to His Excellency the Governor General, two petitions, complaining of a grievance to which the public have been subjected, as they believe, without authority from His Excellency, as notified by me in a letter addressed to you on the 14th August last.

The larger petition is signed by members of my congregation, and of the Baptist Church—persons deeply injured by this proceeding; and the second\* was got up in a hurried manner, chiefly by working men and persons residing in the district, who had long enjoyed the right, through His Excellency, of passing and repassing from and to their places of work by a short path through the Old Burial Ground.

I strongly recommend attention to this case, as putting our churches in jeopardy, by placing almost a prohibition against attendance upon our places of worship on sabbath; and as exciting a strong feeling of disaffection against so sudden and causeless a withdrawal of a privilege which the public have never abused, but have enjoyed with great advantage for several years.

I have, &c.,  
JOHN M'GARVIE.

[Enclosure in No. 56.]

To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, K.C.B., Governor General of the Australian Colonies.

The Petition of the undersigned respectfully sheweth:—

That memorialists residing in Bathurst, Kent, Sussex, Druitt, Clarence, and George Streets South, and in the southern parts of the city generally, beg most respectfully to submit to your Excellency a grievance, which we believe your Excellency has it in your power to remove when informed of the same.

That through your Excellency's kindness, the right of a footpath through the Old Burial Ground has long been enjoyed by the public, affording ready and easy access to the southern parts of the city to members of the congregations, and to children attending the various schools in the vicinity, as well as to workmen proceeding to and from their work; and that no inconvenience known to us has existed during the period it has been allowed.

That memorialists have to complain that the door in Clarence-street has been closed up with brick, the gate in George-street locked, the neat open fence put up by Government taken down, and a formidable wooden barricade erected, with a placard notifying that the thoroughfare has been stopped.

That the fence, the footpath, and the door in Clarence-street, were recommended by the late Colonial Architect, and have been of the greatest benefit; and believing that the grievance has arisen from some misunderstanding, and without your Excellency's permission, we humbly solicit that the footway may be kept open and the fence and door-way replaced.

[Here follow 119 Signatures.]

## No. 57.

COLONIAL SECRETARY to CHURCHWARDENS OF ST. ANDREW'S.

Colonial Secretary's Office,  
Sydney, 31 October, 1851.

GENTLEMEN,

Referring to my letter of the 16th July last, I have the honor, by the direction of the Governor General, to annex for your information, a copy of a report from the Colonial Architect on a communication from the Revd. Dr. M'Garvie, relative to the stoppage of the thoroughfare through the Old Burial Ground in George-street, and to state, although it does not appear to His Excellency to be necessary to insist upon restricting you to the terms of your original application, by calling upon you to alter your present arrangement, it will be necessary that the gates should be open on the sabbath, for the accommodation of persons proceeding to their places of worship.

I have, &c.,  
E. DEAS THOMSON.

Dated 1st October, 1851.

No. 58.

\* A second petition cannot be found.

## BURIAL GROUNDS, SYDNEY.

25

No. 58.

COLONIAL SECRETARY to REV. DR. M'GARVIE.

*Colonial Secretary's Office,  
Sydney, 31 October, 1851.*

REVEREND SIR,

Having laid before the Governor General your letter of the 3rd instant, with its enclosures, respecting the stoppage of the thoroughfare through the Old Burial Ground in George-street, I have now the honor, by the direction of His Excellency, to annex for your information, a copy of a communication which has been addressed to the Churchwardens of St. Andrew's Cathedral on this subject, by which you will perceive that the gates are to be left open on the sabbath, for the accommodation of persons proceeding to their places of worship.

I have, &c.,  
W. ELYARD.

No. 59.

MESSRS. BARKER AND POWELL to COLONIAL SECRETARY.

*Sydney, 19 November, 1851.*

SIR,

We have the honor to acknowledge your letter dated 31st ultimo, with a copy of a report from the Colonial Architect on a communication from the Revd. Dr. M'Garvie, relative to the stoppage of the thoroughfare through the Old Burial Ground, and that His Excellency the Governor General did not think it necessary to insist upon restricting us to the terms of our original application, by calling upon us to alter the present arrangements, but it would be necessary that the gates should be open on the sabbath. We beg to state that the gates have always been opened during the hours of divine service, and we have given directions they shall remain open on Sundays from 10 a.m. to 5 p.m., which we trust will meet Dr. M'Garvie's wishes.

We have to remark that the Colonial Architect was wrong in stating that the Churchwardens had applied for one thing and effected another, for the alteration was made strictly in accordance with our application, namely, to enclose the ground by the two gates, to which His Excellency assented; the only variation made, if it may be so called, was our having a small door-way bricked up which led into Druitt-street and was necessary to complete the enclosure; the close barricade which Mr. Blackett mentions is merely a batten fence with a small gate.

We have, &amp;c.,

J. L. BARKER,  
JAMES POWELL,

Churchwardens of St. Andrew's Cathedral Church.

No. 60.

COLONIAL SECRETARY to REV. DR. M'GARVIE.

*Colonial Secretary's Office,  
Sydney, 27 November, 1851.*

SIR,

Referring to my letter of the 31st ultimo, on the subject of the stoppage of the thoroughfare through the Old Burial Ground in George-street, I have the honor, by the direction of the Governor General, to inform you that a communication has now been received from the Churchwardens of St. Andrew's Cathedral, to the effect "that they have given directions that the gates shall remain open on Sundays to 5 p.m.," and to add that His Excellency trusts that the proposed arrangements will meet your wishes, and be satisfactory to the parties whose petition you forwarded on the 3rd of last month.

I have, &c.,  
W. ELYARD.

No. 61.

MR. THOMAS AITKEN to COLONIAL SECRETARY.

*No. 173, Elizabeth-street,  
27 August, 1853.*

SIR,

I have the honor of mentioning, by direction of the Committee of St. Andrew's Scots Church, Kent-street, that their attention having been drawn to certain proceedings of the Church of England, as published in the *Sydney Morning Herald* of the 10th instant, in reference to a proposed petition by the members of that Church, to His Excellency the Governor, for a "grant" of the Old Burial Ground adjoining St. Andrew's Cathedral,—they beg leave to state, through you, for His Excellency's information in dealing with the

the petition, that this Burial Ground was the subject of a considerable correspondence in 1846, between the late Reverend John M'Garvie, D.D., and His Excellency the late Sir George Gipps. That from this correspondence, it appears that the understanding at the time of St. Andrew's Scots Church being built was, that when the proper time should arrive, Clarence-street should be enclosed through this ground, and meantime that access through it by footpath was solicited as now enjoyed by the Scots Church.

I beg leave to observe, that the extension of Clarence-street (which could be made under precautions against desecration, similar to those proposed in the petition referred to) would give, as all along anticipated, the advantage of frontage to St. Andrew's Scots Church, and good access to it for the congregation. Having stated these facts and views, I have only, on behalf of the Committee, to say, that they have no wish whatever factiously to object to any grant in favour of the English Episcopal Church, but consider it their unavoidable duty in this instance to pray His Excellency, merely, that in any grant or privilege to be conferred on the English Church, the rights and privileges of the Presbyterian Church be kept entire.

I have, &c.,  
**THOMAS AITKEN,**  
 Chairman of the Committee.

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No. 62.

PETITION TO SIR CHARLES FITZ ROY.

*Sydney, 1 September, 1853.*

To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Commander and Governor General of the Australian Colonies.

The humble Petition of the undersigned Ministers and Churchwardens of St. Andrew's, Sydney:—

That your petitioners desire to erect a dwelling-house for the officiating clergymen; and feeling persuaded that the immediate neighbourhood of the cathedral church offers the most convenient and central situation for the purpose, with reference to the daily attendance of the ministers upon the church, and the parish, your petitioners humbly beg that your Excellency will be pleased to grant a suitable portion of said land for a parsonage, and your petitioners will ever pray.

G. KING, Minister.  
 JAMES POWELL.  
 ALEX. C. MAXWELL.  
 J. S. BARKER.

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No. 63.

COLONIAL SECRETARY to REV. THOMAS AITKEN.

*Colonial Secretary's Office,  
 Sydney, 2 September, 1853.*

PRINTED letter, referring to the Acting Deputy Surveyor General yours of the 27th ultimo, on the subject of the Old Burial Ground adjoining St. Andrew's Cathedral.

W. ELYARD.

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No. 64.

MINUTE OF EXECUTIVE COUNCIL.

Minute No. 153-59.—Confirmed, 19th December, 1853.

His Excellency the Governor General lays before the Council an application proceeding from the Bishops, clergy, and certain of the laity of the Church of England, for a grant of the site of the Old Burial Ground in George-street, Sydney, which it is proposed to use as a cathedral close, to contain dwellings for the clergy of the Church of England in residence at St. Andrew's Cathedral, a clerical library, and a theological college for candidates in immediate preparation for holy orders.

2. The Council regret that they do not feel at liberty to advise a compliance with this application, in the face of the objections taken by a Select Committee of the Legislative Council to the disposal of the site of the Old Burial Ground in the manner formerly contemplated. In the Report of the Select Committee on the General Cemetery Bill, in the year 1845, the following remarks occur, in reference to a proposition then entertained to grant the Burial Ground as a site of a Town Hall:—"Your Committee regret that they are unable to concur in the proposition contained in the Bill sanctioned " for their Report, to remove the remains from this Burial Ground to a new Cemetery— " First, because the feelings and prejudices of many persons are strongly opposed to any " such

“such measure; and although your Committee readily admit that, were any object of sufficient public importance to arise, such scruples ought not to be regarded as insuperable, yet they see no reason in the present instance to recommend that this land should be employed as building ground—Secondly, because it appears desirable to preserve it as an open space in the central part of the city. They would further suggest that it should be enclosed with a light iron railing, and that after a lapse of a few years, when the remains may be entirely decomposed, it should be laid out in an ornamental plantation, to be placed under the control of Trustees in whom it is understood the Government intend to vest places of public resort for the city.”

MICHL. FITZPATRICK,  
Clerk of the Council.

*Executive Council Office,  
Sydney, 23 December, 1853.*

No. 65.

COLONIAL SECRETARY to ARCHDEACON OF CUMBERLAND.

*Colonial Secretary's Office,  
Sydney, 25 January, 1854.*

VERY REV. SIR,

His Excellency the Governor General has laid before the Executive Council, the application proceeding from the Bishops, clergy, and certain of the laity of the Church of England, for a grant of the site of the Old Burial Ground in George-street, Sydney, which it is proposed to use as a cathedral close, to contain dwellings for the clergy of the Church of England in residence at St. Andrew's Cathedral, a clerical library, and a theological college for candidates in immediate preparation for holy orders.

2. I have it in command to inform you in reply, in order that you may communicate the same to those signing the memorial, that His Excellency, acting under the advice of this Council, regrets that he does not feel at liberty to direct a compliance with the application, in the face of the objections taken by a Select Committee of the Legislative Council to the disposal of the site of the Old Burial Ground in the manner formerly contemplated. In the Report of the Select Committee on the General Cemetery Bill, in the year 1845, the following remarks occur, in reference to a proposition then entertained to grant the Burial Ground as the site of a Town Hall:—

“Your Committee regret that they are unable to concur in the proposition contained in the Bill submitted for their report, to remove the remains from this Burial Ground to a new Cemetery.”

I have, &c.,  
W. ELYARD.

No. 66.

COLONIAL SECRETARY to REV. THOMAS AITKEN.

*Colonial Secretary's Office,  
Sydney, 6 February, 1854.*

REV. SIR,

Adverting to my letter to you of 2nd September last, I now do myself the honor to inform you that His Excellency the Governor General did not feel himself at liberty to direct a compliance with the application alluded to in your communication dated 27 August, 1853, for a grant of the site of the Old Burial Ground in George-street, Sydney, for purposes in connection with the Church of England, in the face of the objections, by a Select Committee of the Legislative Council, to the disposal of the site of the Old Burial Ground in the manner formerly contemplated.

I have, &c.,  
C. D. RIDDELL.

No. 67.

COLONIAL SECRETARY to CHURCHWARDENS OF ST. ANDREW'S.

*Colonial Secretary's Office,  
Sydney, 6 February, 1854.*

GENTLEMEN,

I am directed to inform you, in reply to your communication of the 1st September last, in which you request that a portion of the Old Burial Ground in George-street, Sydney, may be granted as a site for a parsonage in connection with St. Andrew's Cathedral, that His Excellency the Governor General, acting under the advice of the Executive Council, regrets that he does not feel at liberty (&c., &c., as in letter to the Venerable the Archdeacon of Cumberland.)

I have, &c.,  
C. D. RIDDELL.



## No. 68.

COLONIAL SECRETARY to H. K. JAMES, Esq.

*Colonial Secretary's Office,  
Sydney, 15 February, 1854.*

SIR,

Not with papers.

His Excellency the Governor General has laid before the Executive Council your letter of the 29th December last, transmitting a memorial, signed by the Venerable the Archdeacon of Cumberland and a number of the clergy and laity of the Church of England, applying for a grant, to the Bishop of Sydney and his successors, of the Old Burial Ground in George-street, Sydney, for the purpose of being properly enclosed and laid out as an ornamental plantation, as suggested in the Report of a Select Committee of the Legislative Council, in the year 1845, but with permission to build a school and other appendages to St. Andrew's Cathedral, on that portion of the land which will be to the eastward of Clarence-street when carried through the Burial Ground.

2. I am now directed to state, for the information of the Venerable the Archdeacon of Cumberland and the other gentlemen signing the application, that His Excellency in Council regrets that he cannot at present concur in any arrangement which implies that any part of the Old Burial Ground shall be built upon.

I have, &c.,  
W. ELYARD.

## No. 69.

COLONIAL SECRETARY to H. K. JAMES, Esq.

*Colonial Secretary's Office,  
Sydney, 20 August, 1854.*

SIR,

Not traceable.

His Excellency the Governor General has laid before the Executive Council your letter of the 26th ultimo, in which, in reference to the application from a number of the clergy and laity of the Church of England for a grant of the Old Burial Ground in George-street, Sydney, to be used as a cathedral close, you renew (on behalf of the requisitionists) that application, but modified by the omission of that part of it which implied an intention of erecting certain buildings in connection with the cathedral, on part of the land.

2. On further consideration of this matter, His Excellency in Council has directed the Old Burial Ground should be granted to Trustees, in the way contemplated by the Act of Council 18 Vic., No. 33, as a place of public recreation, reserving to the Government the right of continuing the line of Clarence-street through the same. This, it is conceived, will be in accordance with the views expressed in the Report of the Select Committee of the Legislative Council on the subject, in 1845. In order, however, to prevent the use of the enclosure in any manner incompatible with the character of the adjoining edifice, a majority of the Trustees will be chosen from amongst members of the Church of England.

I have, &c.,  
W. ELYARD.

## No. 70.

H. K. JAMES, Esq., to G. FITZ ROY, Esq.

*Sydney, 29 December, 1854.*

SIR,

I have the honor to transmit herewith the memorials addressed to His Excellency the Governor General, which Sir Charles Fitz Roy was pleased to invite the presentation of, on the occasion of the deputation of the members of the Church of England waiting upon His Excellency last week, and which the subscribers trust may be favourably entertained by the Executive Council.

I have, &c.,  
H. KERRISON JAMES.

## [Enclosure 1 in No. 70.]

To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Commander of the Most Honorable Order of the Bath, Knight Commander of the Royal Hanoverian Guelphic Order, Governor General of all Her Majesty's Australian Possessions, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same.

The Memorial of the undersigned Members of the Church of England, residents in Sydney,—

RESPECTFULLY SHEWETH:—

That the portion of ground adjacent to Saint Andrew's Cathedral, and known as the Old Burial Ground, has for a period of upwards of thirty years ceased to be employed as a place for interment. That the wall enclosing it is dilapidated, and the ground desecrated and become a place for the resort of idle and disorderly persons, and thus rendered a nuisance to that neighbourhood.

2. That the area surrounding the cathedral is very limited, and altogether insufficient for a building of its character and pretensions. That it is most desirable that an open space should be preserved in this particular locality, being one of the most densely populated parts of the city.

3. Your memorialists, therefore, request that your Excellency will be pleased to grant the allotment of land above referred to to the Bishop of Sydney and his successors, as a cathedral close, upon trust, for the purpose of being properly enclosed and laid out as an ornamental plantation, as suggested in the Report of a Select Committee of the Legislative Council, in the year 1845.

4. Your memorialists further respectfully suggest that, in any deed of grant your Excellency may be pleased to issue, a restriction should be imposed against the erection of buildings in the area marked A in the plan annexed hereto; but that such prohibitions should not apply to the portion of land in the same plan marked B, in which last-mentioned side (being the narrow strip of land on the western side of the proposed prolongation of Clarence-street) it is desired that a school and other appendages to the cathedral may hereafter be erected.

And your memorialists, as in duty bound, will ever pray.

[Here follow 23 Signatures.]

[Enclosure 2 in No. 70.]

To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Governor General of the Australian Colonies, Vice-Admiral of the same, and Governor-in-Chief of New South Wales and its Dependencies.

We, the undersigned Bishops, Clergy, and Laity of the Church of England,—

Most respectfully present the following Memorial to His Excellency the Governor General:—

Your petitioners most respectfully represent to your Excellency, that the Old Burial Ground adjoining St. Andrew's Cathedral has long continued in a state of desecration, alike painful to their feelings and discreditable to the city of Sydney.

Your petitioners, therefore, humbly request that your Excellency will be pleased to grant the above ground to the Church of England, upon the conditions and for the trusts hereinafter mentioned.

Namely, that the aforesaid ground should be used as a cathedral close, to contain dwellings for the clergy of the Church of England in residence at the cathedral; a clerical library; and a theological college for candidates in immediate preparation for holy orders, under the eye of the Bishop and residentiary clergy of the cathedral. Your petitioners are persuaded that an institution of this kind will be required, in order to give full effect to the collegiate system proposed to be established in connection with the University of Sydney.

Your petitioners will be prepared to take every possible precaution to preserve the graves of the dead from desecration, by enclosing with a cloister the area not occupied by the proposed buildings, and by arching over with vaults the basement story of the houses, wherever this should be rendered necessary by the position of the graves. Your petitioners pledge themselves to use their utmost efforts to give effect to this recommendation, by erecting as speedily as possible buildings which may be a lasting ornament to the city of Sydney, and by founding a theological college, in which graduates of the University or other eligible persons may complete their education for holy orders.

[Here follow 56 Signatures.]

## No. 71.

### MINUTE OF EXECUTIVE COUNCIL.

Minute No. 55-5.—Confirmed, 6th February, 1855.

REFERRING to the proceedings on the 12th December, 1853, when the Council had before them an application from the Bishop, clergy, and certain of the laity of the Church of England, for a grant of the Old Burial Ground in George-street, Sydney, to be used as a cathedral close, the Governor General now lays before the Council a modified application from the Venerable the Archdeacon of Cumberland and a number of the clergy and laity of the Church of England, for a grant of the same land, for the purpose of being properly enclosed and laid out as an ornamental plantation, as suggested in the Report of a Select Committee of the Legislative Council in the year 1845, but with permission to build a school and other appendages to St. Andrew's Cathedral, on that portion of the land which will be to the westward of Clarence-street when carried through the Burial Ground.

2. The Council express their regret that they are not at present prepared to concur in any arrangement which implies that any part of the Old Burial Ground shall be built on.

MICHL. FITZPATRICK.

*Executive Council Office,  
Sydney, 8 February.*

## No. 72.

COLONIAL SECRETARY to H. K. JAMES, Esq.

*Colonial Secretary's Office,  
Sydney, 15 February, 1855.*

SIR,

His Excellency the Governor General has laid before the Executive Council your letter of the 29th December last, transmitting a memorial signed by the Venerable the Archdeacon of Cumberland and a number of the clergy and laity of the Church of England, applying for a grant to the Bishop of Sydney and his successors, of the Old Burial Ground in George-street, Sydney, for the purpose of being properly closed and laid out as an ornamental plantation, as suggested in a Report of the Select Committee of the Legislative Council in the year 1845, but with permission to build a school and other appendages to St. Andrew's Cathedral, in that portion of the land which will lie to the westward of Clarence-street when carried through the Burial Ground.

2. I am now directed to state, for the information of the Venerable the Archdeacon and the other gentlemen signing the application, that His Excellency in Council regrets that he cannot at present concur in any arrangement which implies that any part of the Old Burial Ground shall be built upon.

I have, &c.,  
W. ELYARD, JR.

No. 73.

## No. 73.

H. K. JAMES, Esq., to COLONIAL SECRETARY.

*Sydney, 26 July, 1855.*

SIR,

Referring to the letter I had the honor to receive from you, dated 15th February, 1855, replying to my communication of the 29th December last, transmitting a memorial from the Venerable the Archdeacon and a number of the clergy and laity of the Church of England, applying for a grant of the Old Burial Ground in George-street, as a cathedral close in connection with the Cathedral Church of St. Andrew, in which reply it is stated that "His Excellency in Council regrets that he cannot at present concur in any arrangement which implies that any part of the Old Burial Ground shall be built upon"—I have now the honor, on the behalf and at the request of the requisitionists, respectfully to solicit His Excellency's reconsideration of that memorial, and to state, in deference to the opinion above expressed, their entire readiness to withdraw that portion of their application which implied a desire to erect certain buildings on a part of the area described on the plan, and which they suppose to have been the sole cause of their memorial not having been fully successful in the first instance.

I have, &amp;c.,

H. K. JAMES.

## No. 74.

MINUTE OF EXECUTIVE COUNCIL.

Minute No. 55-26.—Confirmed, 6th August, 1855.

REFERRING to the proceedings, on the 30th January last and previous dates, with respect to the application, from a number of the clergy and laity of the Church of England, for a grant of the Old Burial Ground in George-street, Sydney, to be used as a cathedral close, His Excellency the Governor General now lays before the Council a letter from Mr. H. K. James, renewing, on behalf of the requisitionists, that application, but modified by the omission of that part of it which implied an intention of erecting certain buildings in connection with the cathedral or part of the land.

2. On further consideration of this matter, the Council advise that the Old Burial Ground should be granted to Trustees, in the way contemplated by the Act of Council 18 Victoria, No. 33, as a place of public recreation, reserving, however, to the Government the right of continuing the line of Clarence-street through the same. This, it is conceived, will be in accordance with the views expressed in the Report of the Select Committee of the Legislative Council on this subject, in 1845. In order, however, to prevent the use of the enclosure in any manner incompatible with the character of the adjoining edifice, a majority of the Trustees should be chosen from amongst members of the Church of England.

MICHL. FITZPATRICK,

Clerk of the Executive Council.

*Executive Council Office,  
Sydney, 10 August, 1855.*

## No. 75.

COLONIAL SECRETARY to LORD BISHOP OF SYDNEY.

*Colonial Secretary's Office,  
Sydney, 20 August, 1855.*

MY LORD,

His Excellency the Governor General has laid before the Executive Council a letter from Mr. H. K. James, in which, in reference to an application from a number of the clergy and laity of the Church of England for a grant of the Old Burial Ground in George-street, Sydney, to be used as a cathedral close, he renewed (on behalf of the requisitionists) that application, but modified by the omission of that part of it which implied an intention of erecting certain buildings in connection with the cathedral, on part of the land.

2. On further consideration in this matter, His Excellency in Council has directed that the Old Burial Ground shall be granted to Trustees, in the way contemplated by the Act of Council 18 Vic., No. 33, as a place of public recreation, reserving, however, to the Government the right of continuing the line of Clarence-street through the same. This, it is conceived, will be in accordance with the views expressed in the Report of the Select Committee of the Legislative Council on this subject in 1845. In order to prevent, however, the use of the enclosure in any manner incompatible with the character of the adjoining edifice, a majority of the Trustees will be chosen from amongst members of the Church of England.

3. I beg to request that you will furnish me with a list of the persons whom you may wish to have appointed in that capacity, having first ascertained their willingness to act, in order that the same may be submitted for His Excellency's approval.

I have, &amp;c.,

W. ELYARD, JR.

No. 76.

## No. 76.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 22 August, 1855.*

SIR,

I have the honor to transmit to you, for your information and guidance, a copy of a letter which, by the direction of His Excellency the Governor General in Council, has been addressed to the Bishop of Sydney, in reference to an application from a number of the clergy and laity of the Church of England for a grant of the Old Burial Ground in George-street, Sydney, to be used as a cathedral close.

I have, &c.,  
W. ELYARD.

## No. 77.

COLONIAL SECRETARY to LORD BISHOP OF SYDNEY.

*Colonial Secretary's Office,  
Sydney, 17 September, 1855.*

MY LORD,

In reference to your letter of the 24th ultimo, I do myself the honor, by <sup>Not traceable.</sup> the direction of the Governor General, to inform you that His Excellency approves of the appointment of the undermentioned gentlemen as Trustees, as recommended by you, for the site of the Old Burial Ground in Sydney, which it is intended to set apart as a place of public recreation, namely—

John Campbell, Esq., J.P.,  
Charles Cowper, Esq., M.L.C.,  
Edmund Blakett, Esq.,  
Charles Kemp, Esq., J.P., and  
Mr. James Powell.

I have, &c.,  
W. ELYARD.

## No. 78.

COLONIAL SECRETARY to CIVIL CROWN SOLICITOR.

*Colonial Secretary's Office,  
Sydney, 25 September, 1855.*

SIR,

In transmitting to you the accompanying papers, by which you will perceive that the Governor General has been pleased to approve of the site of the Old Burial Ground in George-street, Sydney, which it has been decided to set apart as a place of public recreation, being conveyed to Trustees in the manner contemplated by the Act 18 Victoria, No. 33, I do myself the honor, by the direction of His Excellency, to request that you will have the goodness to prepare and forward to this office a suitable form of deed to meet the case.

See Executive  
Council Minute,  
6 August, 1855.

I have, &c.,  
W. ELYARD.

P.S.—The Surveyor General has been requested to furnish descriptions of the land to be conveyed to Trustees, as well as of that to be reserved for the continuation of Clarence-street, which will be forwarded to you when received.

## No. 79.

SURVEYOR GENERAL to CIVIL CROWN SOLICITOR.

*Surveyor General's Office,  
Sydney, 30 October, 1855.*

SIR,

His Excellency the Governor having been pleased to approve of the reservation of the site of the Old Burial Ground in George-street, Sydney, as a place of public recreation, I beg to forward herewith, for your guidance in the preparation of the form of deed, a description of the site in question.

I have, &c.,  
GEORGE BARNEY,  
S.G.

[Enclosure

[*Enclosure in No. 79.*]

Description of 2 acres and 7 perches, in the county of Cumberland, city of Sydney, parish of St. Andrew's, section No. 19, to be reserved as a place for public recreation and cathedral close:—

County of Cumberland, city of Sydney, parish of St. Andrew's, section No. 19, 2 acres and 7 perches; commencing at the north-east corner of the St. Andrew's Cathedral grant, and bounded thence on the south by a line bearing westerly about 530 links; on the west by a line bearing northerly about 213 links, forming the eastern boundaries of allotments 8, 7, 6, and part of 5; on the north-west by a line bearing north-easterly about 280 links, forming the remainder of the eastern boundary of allotment 5, and the eastern boundaries of allotments 4 and 3; on the north by Druitt-street bearing easterly about 520 links; and on the east by the new building line of George-street, southerly, to the point of commencement. Exclusively of about 1 rood 20 perches for the continuation of Clarence-street, southerly from Druitt-street, the area of which has been deducted from the total area.

No. 80.

COLONIAL SECRETARY to CIVIL CROWN SOLICITOR.

*Colonial Secretary's Office,  
Sydney, 28 December, 1855.*

SIR,

With reference to the correspondence sent to you on the 25th September last, relative to the Old Burial Ground in George-street, I am directed to draw your attention thereto, and to request the favour of your early report.

I have, &c.,  
W. ELYARD,  
(For the Colonial Secretary.)

No. 81.

COLONIAL SECRETARY to CIVIL CROWN SOLICITOR.

*Colonial Secretary's Office,  
Sydney, 12 March, 1856.*

SIR,

With reference to my letter of the 28th December last, respecting the preparation of the deed of grant in favour of Trustees for the Old Burial Ground in George-street, Sydney, I am directed by His Excellency the Governor General to draw your attention thereto, and to request the favour of your early reply.

I have, &c.,  
W. ELYARD,  
(For the Colonial Secretary.)

No. 82.

CIVIL CROWN SOLICITOR to COLONIAL SECRETARY.

*Sydney, 17 April, 1856.*

SIR,

Referring to your letter of the 12th March, and previous correspondence, respecting the preparation of the deed of grant in favour of Trustees for the Old Burial Ground, George-street, Sydney, and requesting my reply thereto,—I have the honor to state that I prepared the necessary grant in question, and, at the request of the Solicitor General, I submitted the draft to the intended Trustees for their approval, and in reply received the accompanying letter, bearing date the 11th instant, from Mr. H. K. James.

Not traceable.

I have, &c.,  
W. W. BILLYARD,  
C.C.S.

No. 83.

COLONIAL SECRETARY to CIVIL CROWN SOLICITOR.

*Colonial Secretary's Office,  
Sydney, 20 April, 1857.*

SIR,

Referring to your letter of the 17th April, 1856, respecting the deed of grant for the Old Burial Ground in George-street, I am directed to inquire whether anything has been done in this matter since the above-mentioned date.

I have, &c.,  
W. ELYARD.

No. 84.

## No. 84.

COLONIAL SECRETARY to CIVIL CROWN SOLICITOR.

*Colonial Secretary's Office,  
Sydney, 20 July, 1857.*

SIR,

I am directed to request the favour of your answer to my letter of the 20th April last, making inquiry relative to the issue of a deed of grant of the Old Burial Ground in George-street, Sydney, in favour of Trustees.

I have, &c.,  
W. ELYARD.

## No. 85.

COLONIAL SECRETARY to CIVIL CROWN SOLICITOR.

*Colonial Secretary's Office,  
Sydney, 5 September, 1857.*

SIR,

Drawing your attention to my letters of the 20th April and 20th July last, I am directed to request the favour of an answer to the inquiry therein contained, as to the state of the deed of grant in favour of Trustees of the Old Burial Ground in George-street, Sydney.

I have, &c.,  
W. ELYARD.

## No. 86.

CIVIL CROWN SOLICITOR to COLONIAL SECRETARY.

*Sydney, 11 September, 1857.*

SIR,

In reply to your letter of the 5th instant, No. 265, referring to previous correspondence, and requesting my report as to the present state of the deed of grant in favour of Trustees of the Old Burial Ground in George-street, Sydney,—I have the honor to state that I have had several interviews with Mr. James upon the subject, and he has addressed a communication to me, bearing date the 19th ultimo, a copy of which Not traceable. I beg to transmit for your perusal.

I have, &c.,  
W. W. BILLYARD,  
C. C. S.

## No. 87.

TOWN CLERK to COLONIAL SECRETARY.

*Town Clerk's Office,  
Sydney, 7 February, 1860.*

SIR,

I have the honor, by direction of the Right Worshipful the Mayor of Sydney, to transmit herewith a copy of a resolution passed by the Municipal Council, on the 6th instant, with respect to the overcrowded state of the cemeteries inside the city.

I have, &c.,  
(For the Town Clerk),  
H. W. D. KENNY.

[Enclosure in No. 87.]

*COPY of Resolution passed by the Municipal Council of Sydney, on the 6th February, 1860.*

THAT it is the opinion of this Council that the Government should make no delay in the selection of a site for a general cemetery, as the overcrowded state of those in use inside the city greatly endangers the public health; and also recommend that they be closed as soon as practicable, and that this resolution be forwarded to the Government.

## No. 88.

TOWN CLERK to COLONIAL SECRETARY.

*Town Clerk's Office,  
Sydney, 8 February, 1860.*

SIR,

Referring to my letter of the 7th instant, respecting the state of the cemeteries within the city, I have the honor, by direction of the Right Worshipful the Mayor, to enclose extracts from Reports of the Officer of Health on the same subject.

I have, &c.,  
(For the Town Clerk),  
S. W. D. KENNY.

[Enclosures

[Enclosures in No. 88.]

EXTRACT from Report of Officer of Health, of date 9 December, 1859.

*Inhumation and the Burial Grounds within the City.*

This is a subject of great importance, and has long been neglected by the authorities.

Veneration and respect for the remains of relations and friends is implanted in the breasts of all; and every nation, whether civilized or barbarous, has accordingly adopted some ceremony of a religious nature for the disposal of the human corpse; but it is the duty of the State, in all countries, to guard the living against any ill-applied respect for the dead by which the former are liable to become injured.

It has always been considered that the burial of the dead in crowded places is detrimental to public health.

In warm climates such as this, procrastination of interment is attended with bad consequences. The effluvia of a dead body diffusing itself in a house where the minds and vital energies of the occupants are depressed by sorrow, and where, as it frequently occurs here, the friends are in bad circumstances and incapable of providing means of interment without soliciting assistance, may produce the worst effects.

The graveyards within the city consist of the Old Burial Ground in George-street and the Cemeteries in Devonshire-street.

The first has long been closed as a place of interment, and it is much to be regretted that it should remain as it is, when it would be so desirable a place for healthful recreation if planted with trees, &c.

The Cemetery in Devonshire-street is divided between the several religious communities. That belonging to the Church of England has long been closed as a place of general interment, but family vaults are still used. The Presbyterian and Roman Catholic grounds are as full as they can well be; fresh interments cannot take place without exposing and disturbing previous ones. To the two latter my attention has been directed by various rumours. I have frequently visited them, to ascertain the depth of graves, space, &c., and I regret to state that the results of my inquiries are very unfavourable.

A similar question was brought forward in 1855 before the legislative body, by the late Mr. Robert Nichols, and a Select Committee of the House was appointed to inquire into and report on the management of burial grounds in the city and districts of Sydney. The inquiries of the Committee extended only to the Cemetery at Camperdown; a Progress Report was made, and the further consideration of the subject was left for the new Legislature—here the matter ended.

A short time back I received a letter from a person living near the burial grounds, who stated that, as I had made no allusion to the subjects in quarterly reports, he begged to point out to me "the filthy and overcrowded state, where some twenty or thirty bodies were interred weekly, many not exceeding two feet below the surface of the land—that the effluvia was at times unbearable." Shortly after the receipt of this I visited the grounds, found the soil of a light porous sand. The Presbyterian and Roman Catholic graves appeared quite full—in fact, overcrowded. While walking round (on Sunday afternoon—many people were there) I heard a person in conversation with another say: "It is a pity some one does not put a paragraph in the paper about these places; it is a shame the way in which the burials are made." I introduced myself to him, saying I was the Health Officer, and asked him to explain to me what he alluded to. He said to the depth of the graves; that some were only a foot deep of sand, and that in the upper ground a coffin was exposed. He took me to the spot, and there I saw a coffin was exposed; at one end, recently interred, it was not more than a foot underground, and appeared as if some animal had been scratching around it.

I examined with a stick several other new graves, and could distinctly feel the coffins not two feet deep.

On several occasions I again visited these places. Once I followed a funeral in (a few days back), and observed the depth of the grave was about four feet; but I also observed that another coffin was below, which, from its appearance, must have been there many years.

I made inquiry of the sexton as to the number of interments, and it appears on an average about twenty per week. The depth of the graves never exceeds six feet, and on these are piled extra coffins, according to circumstances. The gravedigger told me they could not help this, as a person who purchased a piece of ground could inter as many as he liked in it.

In the pauper ground they are also interred one above the other, to within two feet of the surface. I made inquiry of persons living in the vicinity, and was informed that at times the effluvia was most offensive. One respectable woman said, "It comes in puffs for a second." This is easily accounted for. On one of my visits to the grounds I distinctly perceived the effluvia.

The soil being sandy and dry, decomposition takes place slowly. The greater depth of the grave the "putrefaction" will be retarded, because the earth is colder the deeper we go, so decomposition of those so near the surface must be very rapid, the soil being so porous, and the heat readily penetrating.

In the Presbyterian ground I observed a most offensive nuisance. A large cesspool from the yard of the Benevolent Asylum empties into the burial ground, spreading among the adjacent graves. To this I directed the attention of the Inspector of Nuisances, and presume it will soon be altered.

I would with due deference express an opinion that the public Cemetery should be far from the city, and that, for economy sake, it should be approachable by railway.

EXTRACT from Report of Officer of Health, of date 5 January, 1860.

The history of medicine shews that overcrowded graveyards within towns and cities have given rise to most fatal consequences. The gases which are evolved from the dead human body are capable of producing contagious and most pestilential diseases, even plague and cholera.

It is sufficient to mention that putrefaction in the earth is gradually accomplished; that dry sandy soil, as that of the burial grounds here, is most favourable to rapid decomposition, particularly when aided by heat and humidity of the atmosphere; and when we consider the number of interments which are weekly taking place (now thirty per week) from the city and surrounding districts, we may form some idea of the noxious gases which are constantly evolving and rendering the surrounding atmosphere dangerously impure.

The cholera is again raging at the Mauritius. The history of this disease shews that no climate or season, no temperature on sea or land, claim exemption from its virulence; no meteorological power or atmospheric influence seems to prevent its spread; but it passes from one country to another in the immediate track of human intercourse. When once established in a place, all sanitary works for arresting its progress and mitigating its severity have been found to be relatively inefficacious when compared with the very same means systematically carried out previously to the advent of the disease.

## No. 89.

COLONIAL SECRETARY to TOWN CLERK.

*Colonial Secretary's Office,  
Sydney, 29 February, 1860.*

SIR,

In acknowledging the receipt of your letter of the 7th instant, forwarding a resolution passed by the Municipal Council of Sydney, respecting the state of the cemeteries within the city, I am directed by the Colonial Secretary to state, for the information of the Right Worshipful the Mayor, that the Government will take the subject into consideration as soon as more urgent matters that are in hand shall have been disposed of.

I have, &c.,  
W. ELYARD.

## PART II.

## No. 1.

LORD BISHOP OF SYDNEY to COLONIAL SECRETARY.

*Sydney, 13 September, 1843.*

SIR,

I beg to represent to His Excellency the Governor that the burial ground in Sydney, belonging to the Church of England, is so completely occupied that not only are decency and propriety much outraged by its crowded state, but it is actually impossible to find room for more bodies. My request, therefore, is that a suitable portion of Government land, in a convenient situation, may be set apart as a place of interment, or rather I should suggest there be two such places—the one on the South Head Road, the other in the direction of Grose Farm.

I have, &c.,  
W. G. AUSTRALIA.

## No. 2.

COLONIAL SECRETARY to SURVEYOR GENERAL.

SURVEYOR General to report on the application of the Lord Bishop for two suitable sites for cemeteries, for the Episcopalian community of Sydney, the present being full.

Blank Cover. 18 September, 1843.

E. D. T.

## No. 3.

REPORT OF SURVEYOR GENERAL.

It appears to me that two spots, each containing an area of two, three, or four acres, should be set apart for this purpose, and this may be done in the situations herein indicated, viz., at Grose Farm and on the road to Bank's Meadow. If His Excellency the Governor will authorize this, I might have surveys of the neighbourhood made, and spots marked out and planned, so that the further sanction of His Excellency and the approval of the Bishop may be obtained before they are finally surveyed and described.

I should have replied immediately on this matter, had I not hoped to have submitted plans with it, in pursuance of instructions issued to Mr. Rawnsley, but he has been hitherto otherwise engaged.

T. L. M.

28 October, 1843.

No. 4.



## No. 4.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 6 November, 1843.*

SIR,

In acknowledging the receipt of your report of the 28th ultimo, on a letter from the Bishop of Australia, requesting the appropriation of two burial grounds for the use of the Church of England—one at Grose Farm and the other on the South Head Road—I am directed by the Governor to request that you will lay out the ground in these situations, in the manner proposed in your report, and His Excellency will inspect the spots with His Lordship.

I have, &c.,  
E. D. THOMSON.

## No. 5.

SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
6 December, 1843.*

SIR,

In attention to your letter of 6th November, by which you acknowledge the receipt of my blank cover report of 28th October on a letter from the Bishop of Australia, requesting the appropriation of two burial grounds for the use of the Church of England in Sydney, viz., one near Grose Farm and the other on the South Head Road, and requesting me to cause the ground in those situations to be laid out in the manner proposed in my report, so that His Excellency the Governor and His Lordship the Bishop may inspect the spots,—I have the honor to state, for the information of His Excellency the Governor, that pending the correspondence and inquiries that have been instituted on this subject, the direct bearing of His Excellency's memorandum, requiring the burial grounds to be a mile from the boundary of the city, was overlooked; if this be insisted on, the only eligible spots would be the Sydney Racecourse, or at the back of Hough's Mill, for the whole of Grose Farm is within the mile. But the Sydney Racecourse and the land on the South Head Road also drain to the Water Works Swamp, and all that intervening between the Botany Road and the Surry Hills is within the mile.

Not traceable.

I would submit to His Excellency that to have a burial ground beyond the paper mill or Hough's Mill would be a great inconvenience to the public, and that as the boundaries of the city have been determined prospectively, the interpretation of the Act of Council directing burying grounds to be a mile from a town, might have reference rather to the mass of the town than to prospective boundaries embracing an area which may not perhaps be covered with buildings for a century to come. It is evident that the necessity for the appropriation of burial grounds is urgent, and I am really at a loss what to propose under the restriction; for even admitting that the drainage would permit of sites on the Botany Road by the paper mill, or on the South Head Road by Hough's Mill, the distance is so great that burials would be attended with inconvenience and expense both to rich and poor; at the same time I fully admit the propriety of making burial grounds outside rather than inside of towns.

I have, &c.,  
T. L. MITCHELL.

## No. 6.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
2 September, 1844.*

SIR,

I am directed by His Excellency the Governor to request that you will have the goodness to furnish me with a sketch of Grose Farm, shewing the portion recommended by you to be appropriated to a general cemetery.

I have, &c.,  
W. ELYARD, JUNR.

## No. 7.

SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 9 September, 1844.*

SIR,

In attention to your letter of the 2nd instant, informing me that you are directed by His Excellency the Governor to request me to furnish a sketch of Grose Farm, shewing the portion recommended by me to be appropriated for a general cemetery,—

I have the honor to forward a sketch from the survey of Grose Farm accordingly, shewing the allotment, No. 8, which appears to me to be well suited for a burial ground; as being overlooked so well from the elevated road, and likewise because of its oblong form, and having a road on one side, now not used, but which would thus answer well for the approach of any funeral proceedings, while spectators would naturally occupy the elevated road, so that no idle crowds would be likely to impede the ceremony of interment.

I have, &c.,

T. L. MITCHELL,  
S. G.

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No. 8.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL AND COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 17 February, 1846.*

GENTLEMEN,

I do myself the honor, by direction of His Excellency the Governor, to request that you will have the goodness to select and mark out for approval a piece of ground for a burial place on the old Sydney Common, not less than twenty acres, in the situation which was in a general way approved by His Excellency on the 9th instant, when he visited the spot, accompanied by yourselves.

I have, &c.,

W. ELYARD, JUNR.

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No. 9.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 19 February, 1846.*

SIR,

I am directed by His Excellency the Governor to request, with reference to my letter of the 17th instant, that you will prepare an estimate for enclosing the proposed burial ground on the old Sydney Common with a stone wall eight feet high, and for subdividing it into six different portions by walls six feet high.

The portions thus subdivided it is proposed to allot to the following religious denominations, viz. :—

1. Church of England.
2. Presbyterian.
3. Wesleyan.
4. Roman Catholic.
5. All other Christian denominations.
6. Jews.

The areas of the four first subdivisions are to be as nearly as possible proportionate to the members of each denomination supposed now to exist in the city of Sydney.

The fifth and sixth divisions to be, together, equal to the smallest of the first four.

His Excellency requests that the plans and estimates may be ready by the 1st of May next, or sooner if possible.

I have, &c.,

W. ELYARD.

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No. 10.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 4 March, 1846.*

SIR,

With reference to your letter of the 17th ultimo, conveying the Governor's directions to select and mark out, on the old Sydney Common, in the situation generally approved by His Excellency on the spot, a piece of ground, not less than twenty acres, for the purpose of a burial ground, I have the honor to acquaint you, for His Excellency's information, that having revisited the ground, in company with Mr. Darke, and carefully examined its details, I have caused to be marked in an irregular figure twenty acres of ground, which comprises nearly the whole of the basin lying between the old Botany Road and the road eastward of the boundary of Sydney.

The irregular figure is adopted, as being the only one that accommodates itself to the peculiar contour of the ground, the lines defining the boundaries of the twenty acres running immediately under the crests of the surrounding hills, and excluding the small lagoon to the westward. Adverting generally to the conversation which passed in the conference with His Excellency on the spot, I do myself the honor to offer, for consideration, some suggestions as to the mode which appears to me suitable for carrying out the contemplated arrangements for the purpose in view. On a very close examination of the ground, I am led to the opinion that the whole of the sand is a drifted accumulation,

accumulation, caused by the action of the prevailing winds upon the loose and dry sands in the neighbourhood; and that consequently the enclosing it by a wall of brick or stone would lead to inconvenience similar to that which has been experienced at Newcastle, and the work itself would be one of difficulty, owing to the want of a firm foundation. To obviate these inconveniences I would propose a mode far less expensive, and which promises to be efficacious, viz., that of surrounding the area either by a military ditch, breastwork, or internal glacis, and with an inclined palisading outwards to prevent the ingress of cattle, or by a broad belt of plantation between simple palisading. I would further propose, in the event of the first plan being adopted, that the external slope of the ditch should be planted, to a considerable distance, back as far even as the crests of the range, with trees and shrubs best suited to a sandy soil, and that the internal slope and the crest of the glacis should be finished by a turf revetment, within which should be a belt of plantation of deciduous trees of a nutritious nature, so that the fall of the leaves might contribute in some measure to the tenacity of the ground. To effect these objects, it will be necessary to reserve all the ground between the area of the burial ground and the exterior slope of the hills, which should be secured by a three-rail fence. I would also beg leave to suggest that a plantation of willows and other ornamental trees be made around the small lagoon, towards which broad and deep canals should be cut through the lowest part of the valley, and their banks revetted and planted with ornamental trees.

Should His Excellency approve of these suggestions, which may be carried into complete effect during the approaching season, it will be requisite to employ a working party accustomed to the use of the spade, and under the constant superintendence of some competent person from the Botanical Garden. But, upon the whole question, it appears to me that the most important point for consideration is whether the surface around the enclosure should be disturbed at all until first secured by broad bands of turfing, between which the plantations might be made; and in the event of this plan being adopted, I would suggest that the turf should be conveyed to the spot where it is required to be laid, upon dish-formed sledges instead of wheel carriages; and I apprehend that by such mode the enclosure might be made with much less labour and expense than would be incurred by the erection of an ordinary stone wall; as in the one case it would be a mere question of prison or military labour, the latter of which may be estimated at 3d. per day per man, whereas in the case of a wall of masonry there would be an immense amount of mechanics' labour, which cannot be estimated at less than 4s. per day per man, besides the labour of digging for foundations and assisting the mechanics, and which after all may not answer the purpose contemplated.

I have, &c.,  
S. A. PERRY,  
D. S. G.

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No. 11.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 1 April, 1846.*

SIR,

Adverting to your letter of the 4th ultimo, in which you report having caused to be marked out twenty acres, for the purpose of a burial ground, on the old Sydney Common, in the situation generally approved by the Governor, and suggest various methods of enclosing the same,—I do myself the honor to inform you that His Excellency has been pleased to appoint the following gentlemen, namely, the Colonial Secretary, the Deputy Surveyor General, and the Colonial Architect, to constitute a Board, to take into consideration and to report upon the best means of enclosing and subdividing the proposed burial ground.

I have, &c.,  
E. DEAS THOMSON.

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No. 12.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 1 April, 1846.*

SIR,

I do myself the honor to inform you that His Excellency the Governor has been pleased to appoint the following gentlemen, viz., the Colonial Secretary, the Deputy Surveyor General, and the Colonial Architect, to constitute a Board, to take into consideration and report on the best means of enclosing and subdividing the burial ground proposed to be established on the old Sydney Common, in the situation, of which you are aware, His Excellency has already approved.

I have, &c.,  
E. DEAS THOMSON.

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No. 13.

## No. 13.

*REPORT of a Board appointed by His Excellency the Governor, to take into consideration and report on the best means of enclosing and subdividing the Burial Ground on the Old Sydney Common.*

THE Board, having had under their consideration the various documents relating to the appropriation of certain lands in the neighbourhood of Sydney, for the purpose of forming a general cemetery, together with His Excellency's minute thereon, dated 15th February, 1846, proceeded to the ground referred to in the notification of their appointment; and after a very careful examination of its various features, procured a survey of a rectangular portion of that which had been inspected, and in a general way approved by His Excellency on the 9th February, 1846. This portion is, in its natural character, secluded from the streets, roads, and avenues in its immediate neighbourhood, being a basin formed by an abrupt range of hills, presenting by their connection the figure of a horseshoe, narrow at the opening which is to the westward, and about a quarter of a mile south of the boundary stone at the corner of Cleveland-street. The whole of the basin comprises an area of twenty-three acres, and the parallelogram being traced near the crest on three of its sides, the fourth opening towards the continuation of street, admits of every part of the exterior being accessible for entrances by convenient roads. The Board therefore recommend that the whole area, with the exception of the subdivisions to be allotted to the respective denominations, should be enclosed by a stone wall eight feet high.

With respect to the subdivision of this area, so as to be as nearly as possible proportionate to the numbers of each denomination supposed now to exist in the city of Sydney, it appears that, according to the last published census of the population of the city of Sydney (1846), the numbers were as follows, viz. :—

Of the Church of England .....	24,316
Roman Catholics .....	14,700
Presbyterians .....	5,009
Wesleyans .....	2,289
All other Christian denominations...	2,505
Jews .....	631
Pagans, &c. ....	{ 21
	{ 157

All other Christian denominations and Jews are to be apportioned together, as to the extent of ground appropriated for their several and respective uses, equal to the smallest of the four above mentioned, and which gives the following proportion, nearly, viz. :—

Church of England .....	10½ acres.
Roman Catholics .....	6 "
Presbyterians .....	3 "
Wesleyans .....	1¼ "
Others Christians .....	1½ "
Jews .....	¾ "
	23 acres

And the Board recommend that the subdivisions should be distinctly marked out on the ground by boundary stones, so as plainly to indicate the portion allotted to each denomination.

Between the western boundary of the twenty-three acres proposed to be immediately appropriated as burial ground and the continuation of street there are about seven acres of ground, for the most part low, and containing a small lagoon formed by the drainage of the adjacent hills. These seven acres the Board recommend should be reserved and enclosed with a substantial three-rail fence, and that the whole area so appropriated and reserved should be surrounded by a road half a chain wide, which should be formed, coated with hard and tenacious material, such as argillaceous ironstone, and protected by a three-rail fence.

The expense of erecting the wall eight feet high, surrounding the twenty-three acres, and marking the subdivisions by boundary stones will be, according to the Colonial Architect's estimate, about £2,000; the expense of fencing the additional reserve and the road around the whole areas will be about £57.

The expense of forming the road may be estimated at £500, making a total of £2,557.

The Board suggest that, so soon as the proposed arrangement shall have been sanctioned by final approval, the Surveyor General should be moved to cause to be prepared a survey and description of each of the portions of ground enumerated in the subdivision, and with a view to the preparation of the consolidated deed of grant to be made in favour of Trustees, for the uses of the several and respective religious denominations referred to in this report.

## No. 14.

COLONIAL SECRETARY to CROWN LAW OFFICERS.

*Colonial Secretary's Office,  
Sydney, 27 February, 1847.*

GENTLEMEN,

\*See proceedings  
of Committee  
appointed 13  
August, 1846.  
†See preceding  
paper, No. 13.

I do myself the honor to transmit to you the accompanying copy of a \*Report of a Select Committee of the Legislative Council, respecting the establishment of a general cemetery in the neighbourhood of Sydney, together with the †Report of the Board appointed for selecting a site for that purpose; and with reference thereto, I am directed by His Excellency the Governor to request that you will be pleased to prepare a Bill to be laid before the Council during its next session, to enable Trustees to hold the land, consisting of twenty-three acres, which has accordingly been selected for this purpose about a quarter of a mile to the southward of the boundary stone at the corner of Cleveland-street, and in the proportions proposed by the Board and approved by the Governor, for the use of the several religious denominations specified. So soon as the measured description of the land has been received from the Surveyor General, it will be transmitted to you.

The Trustees should be authorized to do all lawful acts for the care, maintenance, and preservation of the land, or any enclosure or monument erected thereon, and for enclosing the ground, and in laying it out in ornamental shrubberies, or otherwise as may be appropriated to the purpose for which it is set apart; provided that they shall not be at liberty to interfere, directly or indirectly, with the performance of any religious ceremony in the burial of the dead, according to the usage of the communion to which the deceased may have belonged.

The Trustees should also be authorized to charge and recover, under certain specified limits, fees for the use of the ground, and for the erection of vaults or tombs, in the same manner as is provided in the Church of England Temporalities Act, 8th Gul. IV., No. 5.

The Trustees should likewise be authorized to spend the fees so received in carrying into effect the objects of their appointments.

It is proposed that the Trustees should be not less than \_\_\_\_\_ in number, and be nominated by the Governor.

I have, &c.,  
E. DEAS THOMSON.

## No. 15.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 8 March, 1847.*

SIR,

See No. 13.

In transmitting to you the accompanying copy of the report of the Board appointed for taking into consideration the best means of enclosing and subdividing the land intended as a general cemetery on the old Sydney Common, I am directed by the Governor to communicate to you His Excellency's approval of the recommendations of the Board, and to inform you that the Crown Law Officers have accordingly been instructed to prepare the necessary Bill, to be laid before the Legislative Council during its next session, for giving effect to the same.

I am now to request that you will have the goodness to cause to be prepared, as early as possible, a survey and description of the whole twenty-three acres proposed to be appropriated to the above purpose; and also of each of the portions enumerated in the subdivisions proposed by the Board, with a view to the preparation of a consolidated grant to be made to Trustees for the uses of the several and respective denominations.

I have also to request that the said subdivisions may be laid out on the ground, in order that measures may be taken for marking them out by boundary stones or otherwise, so as plainly to indicate the portion allotted to each denomination.

I am further to request that you will be so good as to cause a survey and description to be prepared of the seven acres adjoining the land proposed as the general cemetery, in order that the same may be reserved and enclosed as recommended by the Board.

I am also directed by the Governor to request that you will take the proper measures for marking out and forming the roads referred to in the report of the Board, for which purpose the Legislative Council have voted the sum of £500.

It may not be superfluous to inform you, that the Colonial Architect has been instructed to adopt the necessary measures for enclosing the cemetery with a wall of eight feet high, and for subdividing the ground in the manner proposed by the Board, as well as for enclosing with a three-rail fence the road by which it is recommended the whole area so appropriated and reserved should be surrounded; and I have to request that you will afford him any information necessary from your department to enable him to comply with these instructions.

I have, &c.,  
W. ELYARD, JUNR.

## No. 16.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 8 March, 1847.*

SIR,

I am directed by His Excellency the Governor to transmit to you the report of a Board, of which you were yourself a member, appointed for taking into consideration the best means of enclosing and subdividing the land intended as a General Cemetery on the Old Sydney Common; and to inform you that His Excellency has been pleased to approve of the recommendation of the Board. See No 13.

I am accordingly to request that you will take immediate steps for causing the whole area, consisting of twenty-three acres, set apart for this purpose, to be enclosed with a substantial stone wall eight feet high, having the entrances to the portions allotted for the several denominations in the positions indicated by the plan which accompanied the report of the Board. I have also to request that you will cause the subdivisions to be marked out on the ground by boundary-stones or otherwise, so as plainly to shew the portion allotted to each denomination.

You will perceive that the Board has proposed that the portion of land lying between the proposed General Cemetery, and a line in continuation of Dowling-street, should be reserved and enclosed with a three-rail fence; and that the whole area so appropriated and reserved should be surrounded by a road half a chain wide, and protected by a three-rail fence. The Surveyor General has been instructed to take the proper steps for the formation of the road, and I am to instruct you to do what is necessary for the erection of the fencing.

For these several purposes the Legislative Council have voted the sum of £2,500, of which £500 is intended for the formation of the road, leaving £2,000 for the works now entrusted to your execution.

For any further information which you may require in carrying into effect the instructions now conveyed to you, I have to refer you to the Surveyor General.

I have, &c.,  
W. ELYARD.

## No. 17.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
11 March, 1847.*

SIR,

In attention to your letter dated 8th instant, transmitting a copy of the report of a Board appointed for taking into consideration the best means of enclosing the land intended for a General Cemetery, and directing me to take immediate measures with reference to the same, I do myself the honor to recommend tenders to be called for the performance of the works required, and herewith enclose a form of advertisement for approval and insertion in the *Government Gazette*.

I have, &c.,  
M. W. LEWIS,  
Colonial Architect.

## No. 18.

NOTICE IN "GOVERNMENT GAZETTE."

*Colonial Secretary's Office,  
Sydney, 15 March, 1847.**To Masons and others.*

TENDERS will be received at this office until noon of Monday, the 12th April next, from persons willing to contract for the erection of a stone wall and other works required for enclosing twenty-three acres of land in the vicinity of Sydney, for a General Cemetery.

Every such tender must be sealed and endorsed, "Tender for wall, &c., General Cemetery," and must contain the names of two solvent persons, to be approved of by the Government, as sureties for the due fulfilment of the contract within six months from the date of its acceptance; and no tender will be entertained unless accompanied by a letter signed by the said parties, expressing their willingness to enter into a bond, jointly and severally with the contractor, in double the amount of the sum tendered for the performance of the contract.

A plan and specification of the work may be seen, and further particulars obtained, at the Colonial Architect's Office, Hyde Park.

Parties tendering, or their agents, are requested to attend at this office at the time appointed for opening the tenders, for the purpose of affording any information or explanation that may be required.

By His Excellency's Command,  
E. DEAS THOMSON.

No. 19.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 26 May, 1847.*

SIR,

In attention to your letter of the 8th March, by which you forwarded to me a copy of the Report of the Cemetery Board, and requested me to cause the whole of the land which is to be appropriated for Burial Grounds, as well as the proposed subdivision to be marked out, and descriptions thereof furnished, together with a description of the seven acres adjoining which is to be reserved,—I have the honor to state, for the information of His Excellency the Governor, that I have caused the land to be surveyed and properly marked, and description prepared (seven in number,) copies of which are enclosed, viz. :—

1. Of the whole twenty-three acres, then of the portions comprising that area.	a.	r.	p.
2. Episcopalians ... ..	10	0	0
3. Roman Catholics ... ..	6	2	0
4. Presbyterians ... ..	2	3	0
5. Wesleyans... ..	1	2	0
6. Other denominations ... ..	2	1	0
	23	0	0

And then

7. Of Reserve containing ... ..	6	2	0
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I have not been unmindful of the necessity for draining the ground, and I propose to effect this by cutting ditches in the lines of some of the divisions. The subject of the roads, for the forming and marking of which £500 has been voted, has also engaged my attention, and I am about to propose that tenders be invited for clearing and stumping in the first instance ; it is however evident that the roads next the walls cannot be formed until the walls are erected and all the rubbish removed.

I have, &c.,  
S. A. PERRY,  
D.S.G.

No. 20.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 4 August, 1847.*

SIR,

Adverting to my letter of the 8th March last, instructing you to take the proper measures for marking out and forming the roads referred to in the Report of the Board appointed for taking into consideration the best means of enclosing and subdividing the land intended as a General Cemetery on the Old Sydney Common, I am directed by His Excellency the Governor to request that you will be so good as to state what has been done with regard to these roads?

I have, &c.,  
W. ELYARD, JUNR.

No. 21.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 10 August, 1847.*

SIR,

In attention to your letter of the 4th instant, inquiring, by the Governor's direction, what has been done with respect to the roads directed by your letter of the 8th March last to be marked and formed around the General Cemetery, I have the honor to acquaint you, for His Excellency's information, that, on the 20th March last, Assistant Surveyor Darke was instructed, by letter from Sir Thomas Mitchell, to mark out the boundaries of the proposed Cemetery and its subdivisions, for the guidance of the Colonial Architect ;

Architect; but with respect to the forming of the roads, it was observed that nothing need nor could be done until the surrounding walls were completed. As this observation had reference evidently to the levels upon which the Colonial Architect might find it expedient to lay the foundation of the walls, I beg to be informed whether the operations of that officer are in a sufficient state of forwardness to admit of the roads being proceeded with?

I have, &c.,  
S. A. PERRY,  
D.S.G.

[Enclosure in No. 21.]

*Surveyor General's Office,  
Sydney, 20 March, 1847.*

Sir,

Referring to what has been already done in the survey and appropriation of the land intended for a General Cemetery, I have now to enclose you a copy of the Colonial Secretary's letter,\* <sup>See No. 15.</sup> No. 47/925, of 8th March, together with a copy of the Report† of the Cemetery Board, and to request that you will lose no time in performing all that is thereby required. In the sketch-book you will find a copy of the plan which accompanied the report of the Board, and you will gather from the Colonial Secretary's letter that the marking out and preparation of a description of the whole twenty-three acres is necessary, together with descriptions of the subdivisions and a description of the proposed reserve of seven acres, which are also to be marked out; a plan on a larger scale than the sketch should accompany these descriptions. As the object of marking is to enable the Colonial Architect to proceed with the erection of the walls and gates, and the definite marking of the subdivisions, it will be well for you to communicate with that officer, and to place in the ground such posts or marks as may be most convenient to and most easily recognized by Mr. Lewis and the work people.

Mention is made in the Colonial Secretary's letter of the marking and forming of the roads around the Cemetery and the approaches thereto, but nothing need be or can be done in this until the walls are completed.

As it will be necessary to have a large open drain through the whole of the land, communicating with the lagoon in the seven-acre reserve, it is desirable that you should transmit to me a sketch, shewing how such drain would be best made without interfering with the subdivisions or impeding the access to any part of them.

I have, &c.,  
T. L. MITCHELL,  
Surveyor General.

Mr. Assistant Surveyor Darke.

No. 22.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 19 August, 1847.*

SIR,

I do myself the honor to inform you that, in accordance with the request contained in your letter of the 10th instant, the Colonial Architect has been instructed to report to you, whether his operations in regard to the building of the walls of the General Cemetery are in a sufficient state of forwardness to admit of the formation of the roads around the Cemetery being proceeded with, but that this information should have been obtained by you, by direct communication with that officer.

I have, &c.,  
W. ELYARD, JUNR.

No. 23.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 19 August, 1847.*

SIR,

The Deputy Surveyor General having applied for information as to whether your operations in regard to the building of the wall of the General Cemetery are in a general state of forwardness to admit of the roads around the Cemetery being proceeded with, I do myself the honor to request that the necessary particulars may be afforded by you to that officer.

I have, &c.,  
W. ELYARD, JUNR.



## No. 24.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 23 August, 1847.*

SIR,

I do myself the honor to state, in accordance with the instructions conveyed to me by your letter of the 19th instant, relative to the General Cemetery, that I have furnished the Deputy Surveyor General with the particulars of the progress made towards the erection thereof, a copy of which is herewith annexed.

Not traceable.

I have, &c.,  
M. W. LEWIS.

## No. 25.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 1 November, 1847.*

SIR,

In referring to your letter of the 23rd August, I now do myself the honor to request, as the Act for regulating the General Cemetery, Sydney, has passed, that you will have the goodness to report as to the probable time the work now in your hands will be completed.

I have, &c.,  
W. ELYARD, JUNR.

## No. 26.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 1 November, 1847.*

SIR,

Referring to my letter of the 19th August, I now do myself the honor to request, as the Act of Council for regulating the General Cemetery, Sydney, has been passed, that you will have the goodness to report to me the probable time the work to be executed by your department will be completed.

I have, &c.,  
W. ELYARD, JUNR.

## No. 27.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 3 November, 1847.*

SIR,

In acknowledging the receipt of your letter of the 1st instant, referring to that of the 19th August, and calling for my report as to the probable time when the work at the General Cemetery, required to be executed by this department, will be completed, I have the honor to state, that as the exterior wall of the Cemetery is to have several openings for gates, it is requisite, before commencing the work to be performed by this department, that I should be made acquainted with the levels of the sills of those gates; and indeed it would be desirable that the whole of the foundations should be excavated previously to commencing with the road surrounding the Cemetery, as otherwise the level of the road, in cases of considerable excavation, might be formed above the level of the top of the wall, whereas if the levels of the whole foundation were first ascertained, those of the road could be adapted to them by reducing in some parts and raising in others, wherever requisite; and indeed it appears that until some progress has been made in the wall all round, the road is wholly unnecessary, as the ground is open and the area accessible from every point.

I have, &c.,  
S. A. PERRY.

## No. 28.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 19 January, 1848.*

SIR,

With reference to your letter of the 13th instant, No. 48/36, notifying to me the Governor's disapproval of my proposal to employ the camp equipage and tools recently used on the Hawkesbury Road in laying out roads around the  
Water

No connection  
with the subjects  
of the Return.

Water Reserve, I do myself the honor to enquire what may be His Excellency's wishes upon the subject, my proposal being only "to employ them upon such roads as may be determined on;" and with a view to saving of expense (as it was impossible to effect any work upon the Hawkesbury Road during the Christmas season) I brought the party in, and they have already made considerable impression on the road round the General Cemetery—a work authorized by your letter of the 8th March last.

I have, &c.,  
S. A. PERRY,  
D.S.G.

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No. 29.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 21 January, 1848.*

SIR,

With reference to your letter of the 8th March, 1847, I have now the honor to request that I may be favoured with the authority of His Excellency the Governor to employ, in the marking and formation of the road around the General Cemetery, Sydney, one Clerk of Works, at 6s. per diem, one overseer, at 3s. per diem, and twenty labourers, at 2s. 6d. each per diem, from the 17th instant, and that the Auditor General may be authorized to prepare weekly advances for the payment of the same, as in the case of the Cumberland turnpike roads.

I have, &c.,  
S. A. PERRY.

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Transmitted for the report of the Auditor General as to the funds available for this purpose.—B.C.,  
22 January, 1848.—W. ELYARD.

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No. 30.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 24 January, 1848.*

SIR,

I have the honor to represent to you, for the information of His Excellency the Governor, that, on the 11th March, 1847, a copy of the report of a Board appointed to take into consideration the best means of enclosing and subdividing a portion of ground on the Sydney Common, set apart as a General Cemetery, was received at this office, together with instructions, dated 8th March, to the Surveyor General, to take the proper measures for marking out and forming the roads referred to in the report of the Board, for which purpose the Legislative Council have voted the sum of £500.

On the 4th August another letter was addressed to me, adverting to the letter of the 8th March, and inquiring what had been done with respect to these roads.

On the 1st November a further communication was made to me, stating that the Act of Council for regulating the General Cemetery had passed, and requesting that I would report the probable time in which the work to be executed by this department would be completed. At the end of December, availing myself of an unavoidable suspension on the Hawkesbury Road, I commenced operations on the Cemetery road, reporting that I had done so; but it appears, notwithstanding the length of time that occurred since the first instructions were issued to the Surveyor General to take the proper measures for forming the roads in question, the Auditor General is still without sufficient authority to pass the accounts for the payment of the workmen; and I have accordingly to inquire whether the work is to be proceeded with or stopped, as while questions of form are under discussion the men employed on the work are wanting bread?

I have, &c.,  
S. A. PERRY,  
D.S.G.

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REPORT OF AUDITOR GENERAL.

No sum has been specifically voted for this purpose. The amount of £2,500 was appropriated for enclosing the Cemetery: a balance of £270 remains unexpended.

*Audit Office, 25 January, 1848.*

WM. LITHGOW.

## No. 31.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 27 January, 1848.*

SIR,

No connection  
with the subject  
of this Return.

I have the honor to acknowledge the receipt of your letter of the 19th instant, stating that your proposal of the 7th of this month was only to employ the party recently working on the Hawkesbury Road upon such roads as may be determined upon, and that they have already made considerable impression on the road around the General Cemetery. In reply, I am directed to inform you that there is a specific provision for the road surrounding the General Cemetery, respecting which you have already received instructions; but this is a very different question from that proposed in your letter of the 7th instant, namely, to employ the men alluded to upon such roads as may be determined on around the Water Reserve, and between it and the coast.

I have, &c.,  
W. ELYARD, JUNR.

## No. 32.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 27 January, 1848.*

SIR,

No connection  
with the subject  
of this Return.

In acknowledging the receipt of your letter of the 24th instant, stating that at the end of December, availing yourself of the unavoidable suspension of work on the Hawkesbury Road, you commenced operations on the Cemetery road—reporting, by your letter of the 7th instant, that you had done so—I do myself the honor to refer you on this subject to my former letter of this date, in reply to your communication of the 19th instant.

I have further the honor to point out, with reference to your remark, that notwithstanding the length of time that occurred since the first instructions were issued to you to take the proper measures for forming the roads around the General Cemetery, the Auditor General is still without sufficient authority to pass the accounts for the payment of the men, that it is presumed that this is owing to your not having furnished him with the proper vouchers.

On the 8th March, 1847, you were desired to take measures for forming the road round the Cemetery, and informed that the Council had voted £500 for the purpose. A copy or extract of this letter, and of its enclosure, being the copy of the report of a Board of which you were a member, should have been sent by you, according to the practice of the service, with the accounts of the first expenditure, to the Auditor General, who would, it is believed, have considered it sufficient to enable him to pass them, and if he had any doubt on the subject he would, as usual in other cases, have applied to the Governor for instructions.

I have, &c.,  
W. ELYARD, JUNR.

## No. 33.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 2 February, 1848.*

SIR,

Referring to my letter of the 8th March, 1847, in which I informed you that the sum (£2,500) voted for enclosing the Cemetery and making roads round it, £500, was to be appropriated to the roads, and £2,000 for the work entrusted to you, I am now desired to state, that it appears by the report of the Auditor General, that of the amount in question (£2,500) a balance of £270 only remains unexpended, and to request that you will have the goodness to report why you have exceeded the sum of £2,000 in question in the erection of the wall?

I have, &c.,  
W. ELYARD, JUNR.

## No. 34.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 2 February, 1848.*

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 21st ultimo, requesting authority to employ, in the marking and formation of the roads around the General Cemetery, Sydney, one Clerk of Works, at 6s. per day, an overseer, 3s. per day, and twenty labourers, at 2s. 6d., per day, from the 17th ultimo, and having laid your communication before the Governor, I have been instructed to state that His Excellency is of opinion that a Clerk of Works is not necessary for the work in question, in addition to an overseer.

I am to add, that an inquiry has been made of the Colonial Architect respecting the expenditure of money voted for the work.

I have, &c.,  
W. ELYARD, JUNR.

## No. 35.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 4 February, 1848.*

SIR,

With reference to your letter of the 2nd instant, stating—in reply to my letter of the 21st ultimo, requesting authority to employ, in the marking and formation of the roads around the General Cemetery, Sydney, one Clerk of Works, at 6s. per day, an overseer, at 3s. per day, and twenty labourers, at 2s. 6d. each per day, from the 17th ultimo—that His Excellency the Governor is of opinion that a Clerk of Works is not necessary for the work in question, I have the honor to beg your attention to my letter of the 24th ultimo, in which I stated that the Auditor General appeared to be without sufficient authority to pass my accounts for the work in question, and for which (as I am reminded by your letter of the 27th ultimo) there is a specific provision, and I have to request that the requisite authority may be issued to him.

I have, &c.,  
S. A. PERRY,  
D.S.G.

## No. 36.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 25 February, 1848.*

SIR,

Referring to your letter of the 4th instant, respecting the payment of your accounts of expenses incurred in making and forming the roads around the General Cemetery, Sydney, I do myself the honor to inform you that His Excellency the Governor has approved of advances being made to you weekly for the above purpose, on your application to the Auditor General, so far as the unexpended balance of the amount voted for the work will allow.

I have, &c.,  
W. ELYARD, JUNR.

## No. 37.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 10 July, 1848.*

SIR,

Referring to the further sum (viz., £1,500) voted in the Supplementary Estimates of the present year towards completing the enclosing wall of the General Cemetery, Sydney, I am directed by His Excellency the Governor to request that you will have the goodness to report what further expense will be necessary to make the Cemetery roads by your department?

I have, &c.,  
W. ELYARD, JUNR.

No. 38.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 10 July, 1848.*

SIR,

I am directed by His Excellency the Governor to inform you that the following sum has been voted on the Supplementary Estimates for 1848, viz.:—Towards completing the enclosing wall of the General Cemetery, Sydney, the further sum of £1,500.

I have, &c.,  
W. ELYARD.

No. 39.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 12 July, 1848.*

SIR,

In attention to your letter of the 10th instant, inquiring, with reference to the vote of Council (on the Supplementary Estimates) of the sum of £1,500 towards completing the enclosing wall of the General Cemetery, what further expense will be necessary to make the Cemetery roads by this department,—I have the honor to report to you, for the information of His Excellency the Governor, that £500, the sum originally estimated by me for the formation of the roads referred to, will be sufficient, in my opinion, to complete the work required. It may be observed, however, that a small portion of this sum, namely, £64 15s. 11d., has been already expended, but in consequence of my being obliged to discontinue the work, a considerable portion of the sand has drifted over the part that had been reduced, this occasioning the additional expense of removing, and I should therefore still require the full sum I have mentioned to complete the work.

I have, &c.,  
S. A. PERRY,  
D.S.G.

No. 40.

COLONIAL SECRETARY to DEPUTY SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 31 July, 1848.*

SIR,

In acknowledging the receipt of your letter of the 12th instant, No. 305, stating, in answer to the inquiry made in mine of the 10th of this month, that the sum of £500 will be required to complete the road around the General Cemetery, Sydney, a small portion, viz., £64 15s. 11d., of the sum of £500 originally estimated by you for the formation of the roads having been already expended on a portion of the road, which in consequence of your having been obliged to discontinue the work has been covered over by the drift sand,—I am directed by His Excellency the Governor to inform you that the making of the road in question had better be deferred until the wall is completed, as otherwise the same inconvenience may arise as is pointed out in your communication.

I have, &c.,  
W. ELYARD, JUNR.

No. 41.

COLONIAL SECRETARY to LORD BISHOP OF SYDNEY.

*Colonial Secretary's Office,  
Sydney, 2 November, 1848.*

MY LORD,

I do myself the honor, by direction of His Excellency the Governor, to transmit herewith, for your Lordship's information, a copy of the Right Honorable the Principal Secretary of State's despatch of the 30th June last, No. 101, signifying the allowance and confirmation by Her Majesty of the Act of Council 11 Victoria, No. 11, intituled "*An Act for the establishment and regulation by Trustees of a General Cemetery near to the City of Sydney to be called the 'Necropolis.'*"

I have, &c.,  
E. DEAS THOMSON.

[Enclosure

## BURIAL GROUNDS, SYDNEY.

49

[Enclosure in No. 41.]

Downing-street,  
30 June, 1848.

Sir,

I have received your despatch of the 16th December last, No. 242, enclosing an Act Not necessary. (No. 11—11 Victoria) passed by the Legislature of New South Wales, entitled, "An Act for the establishment and regulation by Trustees of the General Cemetery near to the City of Sydney to be called 'the 'Necropolis.'"

Having laid this Act before the Queen, I have now to acquaint you that Her Majesty has been pleased to confirm and allow the same.

You will communicate Her Majesty's decision to the inhabitants of the Colony under your government, by a proclamation to be published in the usual and most authentic manner.

In signifying to you, however, Her Majesty's decision upon this Act, it is necessary that I should state that I have recommended the allowance of it in the full confidence that the Legislature of New South Wales will not fail to amend it, if, in its practical operation, the members of the Church of England should find anything of which they could justly complain as offensive to their religious feelings.

You will assure the Bishop of Sydney, in reply to his remonstrance upon the subject, that it is this confidence alone which has induced me to advise Her Majesty to confirm the Act, relating as it does, to a subject upon which I should be very reluctant to interfere with—the discretion of the local Legislature.

I have, &c.,  
GREY.

Governor Sir C. Fitz Roy.

No. 42.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

Colonial Secretary's Office,  
Sydney, 1<sup>st</sup> March, 1849.

SIR,

I do myself the honor to request that you will report to me, for the information of His Excellency the Governor General, what progress has been made towards the completion of the work at the General Cemetery? Your report should not only shew what has been done, but what remains to be performed, the sum necessary for the purpose, and the amount of the vote for the present year now unexpended?

I have, &c.,  
W. ELYARD, JUNR.

No. 43.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

Colonial Architect's Office,  
24 April, 1849.

SIR,

In attention to the instructions contained in your letter of 16th ultimo, requesting me to report the progress made towards completion of the work at the General Cemetery,—

2. I do myself the honor herewith to transmit a plan and elevation shewing the quantity, dimensions, and present state of the work actually performed; by which it will be seen that the whole of the southern boundary wall has been erected, the eastern wall nearly completed, and a portion of the western wall erected. Not traceable.

3. The quantity of masonry actually built in this manner is 2,856 perches, or about three-fifths of the whole work required for enclosing the ground.

4. On referring to the elevation in the accompanying drawing, it will be perceived that the depth to which it was found necessary to sink the foundation is greater than was anticipated. Had this not been the case, the quantity of masonry already executed would have been sufficient to complete the whole of the walls; but this extra depth of foundation will be found very advantageous hereafter, as it will admit of graves or vaults being dug close to the walls without causing any injury to them, and will consequently render available for its intended purpose a much greater portion of the area than could otherwise have been safely used. Not with papers.

5. The work remaining to be done is, as before stated, about two-fifths of the masonry of the walls, or about 2,000 perches, with the requisite gates to the entrances and fences or other means of subdividing the enclosure.

6. The balance remaining unexpended of the vote for this work is £276 6s. 5d., and a further sum of £2,000 will be required for this purpose. I have included £1,000 in my supplementary estimate for the present year, and a similar sum in my estimate for 1850.

7. I beg also to state that, should it, in order to meet the want of the community, be considered desirable to render available for early use any of the respective portions

portions of the area appropriated to the different religious denominations, any one or more of them can be got ready without waiting for the completion of the entire enclosure, at about the following proportions of the estimated further cost:—

Church of England	... ..	£400	0	0
Roman Catholic	... ..	500	0	0
Presbyterian	... ..	300	0	0
Wesleyan	... ..	160	0	0
All other denominations	... ..	640	0	0
		<u>£2,000</u>	<u>0</u>	<u>0</u>

I am, &c.,  
M. W. LEWIS,  
Col. Archt.

#### No. 44.

##### MINUTE OF THE EXECUTIVE COUNCIL.

*Proceedings of the Executive Council, on the 22nd May, 1849, with reference to the sums for which it will be necessary to apply to the Legislative Council, for the completion of the Cemetery Wall and the Museum.*

Minute No. 49-21.—Confirmed, 28th May, 1849.

His Excellency the Governor lays before the Council statements which have recently been submitted by the Colonial Architect, respecting the further sums for which it will be necessary to apply to the Legislative Council, for the completion of the Cemetery wall and the Museum.

The cost of these buildings will so extravagantly exceed the estimate furnished by the Colonial Architect, when their commencement was decided upon, that His Excellency considers it necessary to bring the matter before this Council for inquiry; and he directed the Colonial Architect to be in attendance, in order that he may be questioned by the Council.

Having considered the papers before them, the Council call in the Colonial Architect, and examine him on such points as they consider necessary.

On the withdrawal of the Colonial Architect, the Council record their opinion as follows:—

It appears to the Council, from the statements made by the Colonial Architect in the course of his examination before them, that his estimates for the buildings in question, and especially for the Cemetery wall, were prepared loosely, and without taking into consideration the nature of the ground on which they were to be erected. It is also clear that the Colonial Architect was fully aware that the cost of the buildings, at the rate at which the first contracts were taken, would vastly exceed that stated in his estimate, but that he did not in any way bring this fact under the notice of the Government when the acceptance of the tenders was under consideration, so as to afford an opportunity of deferring the commencement of the work until the increased expenditure should have been sanctioned by the Legislative Council.

In these particulars, at least, the Council are of opinion that the conduct of the Colonial Architect was highly reprehensible, and that it should be visited with a severe censure.

F. L. S. MEREWETHER,  
Clerk of the Council.

#### No. 45.

##### MEMORANDUM OF CHIEF CLERK.

###### *General Cemetery.*

THE sum of £500 has been voted on the Estimates for 1850 "for the erection of a paling to enclose the new General Cemetery, and the formation of a road thereto." Are any instructions to be given respecting this at present, or anything to be done with respect to the work performed or materials on the ground under the contract?

W.E.

###### *Minute of Colonial Secretary.*

On the appointment of the new Colonial Architect.—25 Oct.—E.D.T.

###### *Memo. of Chief Clerk.*

Mr. Blacket has now been appointed.—3 Dec., /49.

No. 46.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 14 December, 1849.*

SIR,

I do myself the honor to inform you that a sum of £500 has been voted on £500. the Estimates for 1850 " for the erection of a paling to enclose the new General Cemetery, and the formation of the road thereto."

2. In drawing your attention to this vote, I take the opportunity to request that you will have the goodness to suggest, for the consideration of His Excellency the Governor, the best way of completing the General Cemetery consistent with the limited sum appropriated for the purpose, which is to include also the expense of forming the approaches thereto from the nearest available road.

I have, &c.,  
W. ELYARD, JUNR.

No. 47.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 18 January, 1850.*

SIR,

In attention to your letter of the 14th ultimo, requesting me to suggest, for the consideration of His Excellency the Governor, the best way of completing the enclosure of the new General Cemetery, consistent with the limited sum (£500) appropriated for the purpose, which is to include the expense of forming the approaches thereto from the nearest available road,—

2. I do myself the honor to state that I have caused the Cemetery to be examined by the Clerk of Works; and from his report, and after duly considering the subject—having regard to the smallness of the sum appropriated for the work—I find it will be impossible to form the road, as originally proposed, around the outer fence, and it will therefore be unnecessary to make separate entrances to the different sections of the ground. I would therefore recommend that the enclosure be completed with a six-foot paled fence, the length of which will be 2,100 feet, and having but one entrance from the west with a single pair of gates; and that access should be had to the respective sections of the enclosure by branch roads through the several allotments to those at the furthest extremity, which arrangement might be dispensed with when the outer road is formed.

3. The road to the Cemetery should as I believe, be made from Bourke-street, and will be in length about one-third of a mile. As the ground is sandy it will require to be laid on fagots, and if forty feet be assumed as its width, it may be expected to cost about £400. There will also be required a timber bridge over the watercourse leading to the lagoon in the reserve; this will cost about £30 additional.

4. The whole cost of these works may be estimated as follows:—

	£
External paled fence and entrance gates .....	100
Division fences, three-railed .....	40
Road .....	400
Bridge .....	30
	£570

amounting to £570. There is, I am informed, a balance of £200 of the former votes for the Cemetery yet unexpended.

5. I must also remark that the unfinished wall, from its having no coping, is suffering from the effects of the weather; and that the sand is accumulating in several places to such an extent as to render the wall itself but a very slight protection from intrusion.

I have, &c.,  
EDMUND T. BLACKET,  
Colonial Architect.

No. 48.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 6 February, 1850.*

SIR,

In acknowledging the receipt of your letter of the 18th ultimo, No. 19, respecting the erecting of fencing at the new General Cemetery, I have the honor to convey to you the Governor's authority for carrying out the suggestions you therein offer relative to the fencing and completing the enclosure. His Excellency directs me to add, that the balance of the funds available should be applied to protecting the unfinished part of the wall from the weather, and removing the drift sand.

I have, &c.,  
W. ELYARD, JUNR.



## No. 49.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 13 February, 1850.*

SIR,

With reference to your letter of the 6th instant, No. 53, respecting the erection of fencing, &c., at the new General Cemetery,—

Appendix F.

2. I do myself the honor to state that, upon proceeding with the preparation of a plan and specification for the work, I find a part of the ground over which the new road must run (from A to B, marked in red on the accompanying plan) is private property, and that it is moreover in dispute, having been already the subject of an action at law. I am therefore obliged to inquire whether I have authority to cut through the part in question?

3. I also find that a straight line along the fence in continuation of the street near Baptist's Gardens will meet the Cemetery fence at B, leaving a large space between it and the Cemetery Reserve. As it will be very inconvenient to make a bend in the road, I would recommend that the reserve be enlarged, and that its boundary be brought up to the line of the new road.

I have, &amp;c.,

EDMUND T. BLACKET,  
Colonial Architect.

Refer to Surveyor General.  
Surveyor General.—B.C., 13 Feb., '50.

## No. 50.

SURVEYOR GENERAL'S REPORT.

No. 50-49.—It is found on enquiry that no street has been dedicated to the public between Bourke and Dowling Streets, in the direction required. A street might be proposed under the Act 4 William IV., No. 11, but no doubt it would be opposed, and compensation demanded. If eventually the street were allowed, there would be no objection to extend the reserve, as suggested herein.

T.L.M.

B.C., 27 February, 1850.

## No. 51.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 1<sup>st</sup> March, 1850.*

SIR,

With reference to your report of 27th ultimo, on the Colonial Architect's letter of 13th February, I have the honor, by direction of the Governor, to request that you will prepare a tracing and description of the street which you suggest might be proposed as an approach from the westward, intersecting Bourke and Dowling Streets, to the General Cemetery, in order to its notification.

I have, &amp;c.,

W. ELYARD, JUNR.

## No. 52.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 11 May, 1850.*

SIR,

With reference to my letter, No. 50-165, of the 9th March last, respecting a proposed street to the new General Cemetery, I am directed to draw your attention thereto, and to request the favour of your early report on the present state of the matter.

I have, &amp;c.,

E. DEAS THOMSON.

## No. 53.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 24 September, 1850.*

SIR,

Referring to my letter of the 11th May last, and former correspondence relative to the opening of a street between Bourke and Dowling Streets, I now do myself the honor, by the direction of His Excellency the Governor, to draw your attention thereto, and to request the favour of an early reply.

I have, &amp;c.,

W. ELYARD, JUNR.

No. 54.

## BURIAL GROUNDS, SYDNEY.

53

No. 54.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 25 December, 1850.*

SIR,

I do myself the honor, by the direction of His Excellency the Governor, to draw your attention to my letter of the 24th September last, respecting the formation of the new street in the line of road to the General Cemetery, and to request that you will have the goodness to expedite your report in the matter.

I have, &c.,  
E. DEAS THOMSON.

No. 55.

SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 24 February, 1851.*

SIR,

In reference to your letter of the 9th March last, No. 50-165, an earlier compliance with which various circumstances have tended to prevent, I have now the honor to state that a survey has been made of the street proposed as an approach from the westward, intersecting Bourke and Dowling Streets, to the General Cemetery, in order to its notification, and to forward herewith a plan and copy of schedule or book of reference thereto, in order that they may be submitted to His Excellency the Governor in Council. Appendix G.

I have, &c.,  
T. L. MITCHELL.

[Enclosure in No. 55.]

BOOK OF REFERENCE.

*Street leading from Bourke-street to the General Cemetery.*

No.		Owner or Occupier.	Description of Land.	Bearing of Street.	Nature and Quality of Land.	State of Cultivation.	Enclosure.	Area.
1	From Bourke-street to Dowling-street, through part of Campbell's grant, which now forms a portion of the Waterloo Estate.	Messrs. Cooper and Levy.	Open land clear of trees.	S. 15° W., and then E. 45° N.	Sandy	Waste	None	a. r. p. 1 0 21½
2	Crossing Dowling-street	Government	Do.	E. 45° N.	Do.	Do.	Do.	0 0 16
3	From Dowling-street to the Cemetery.	Do.	Do.	Do.	Do.	Do.	Do.	0 3 24½

No. 56.

MINUTE OF EXECUTIVE COUNCIL.

*Proceedings of the Executive Council, on the 25th March, 1851, relative to a letter from the Surveyor General, submitting a plan for a street intersecting Bourke and Dowling Streets from the westward, to the General Cemetery, for proclamation.*

Minute No. 51-12.—Confirmed, 31 March, 1851.

HIS Excellency the Governor lays before the Council a letter from the Surveyor General, submitting a plan of the street proposed as an approach from the westward, intersecting Bourke and Dowling Streets, to the General Cemetery.

2. Having inspected the plan, the Council advise that the intended opening of this street should be notified, under the provisions of the Act of Council, 4 Will. 4, No. 11.

FRANCIS L. S. MEREWETHER,

Clerk of the Council.

*Executive Council Office,  
Sydney, 2 April, 1851.*

No. 57.

## No. 57.

NOTICE IN "GOVERNMENT GAZETTE."

*Colonial Secretary's Office,  
Sydney, 25 April, 1851.*

SYDNEY STREETS.

HIS Excellency the Governor, with the advice of the Executive Council, having deemed it expedient to open a street as an approach from the westward, intersecting Bourke and Dowling Streets, to the General Cemetery, notice is hereby given that, in conformity with the provisions of the Act of the Governor and Council, 4 William IV., No. 11, intituled, "*An Act for making altering and improving the Roads throughout the Colony of New South Wales and for opening and improving the Streets in the Towns thereof*," a survey and tracing of the intended line of the said street are now deposited in the office of the Surveyor General; and all persons interested therein are requested to transmit in writing, addressed to the Clerk of the Executive Council within one month from this date, any well grounded objection which may exist to the formation of the said street.

By His Excellency's command,  
E. DEAS THOMSON.

## No. 58.

COLONIAL SECRETARY to CLERK OF EXECUTIVE COUNCIL.

*Colonial Secretary's Office,  
Sydney, 30 April, 1851.*

SIR,

In drawing your attention to the notice in the *Government Gazette* of the 25th instant, respecting the intended formation of a street as an approach from the westward, intersecting Bourke and Dowling Streets, to the General Cemetery, I am directed to request that you will have the goodness, at the end of one month from the date thereof, to inform me whether any objections have been received by you in respect of the said street, in pursuance of the notice alluded to.

I have, &c.,  
W. ELYARD.

## No. 59.

MINUTE OF EXECUTIVE COUNCIL.

*Proceedings of the Executive Council, on the 6th May, 1851, relative to a letter from Mr. James Cooper, objecting, on behalf of Mr. Daniel Cooper, to the proposed street leading to the General Cemetery.*

Minute No. 51-17.—Confirmed, 13 May, 1851.

Not traceable.

HIS Excellency the Governor lays before the Council a letter from Mr. James Cooper, objecting, on behalf of Mr. Daniel Cooper, to the opening of the recently notified street leading to the General Cemetery, in which Mr. Cooper represents that "he had been refused by the Surveyor General a sight of the map delineating the street in question."

2. As it is required by law that a survey and tracing of streets, notified by the Government as intended to be formed, should be open to the inspection of the public at the office of the Surveyor General, in Sydney, the Council think it necessary to recommend that the above statement of Mr. Cooper should be referred to the Surveyor General for report.

*Executive Council Office,  
Sydney, 17 May, 1851.*

FRANCIS L. S. MEREWETHER,  
Clerk of the Council.

(N.B.—The papers respecting Mr. James Cooper's complaint are not traceable.)

## No. 60.

CLERK OF EXECUTIVE COUNCIL to COLONIAL SECRETARY.

*Executive Council Office,  
Sydney, 14 June, 1851.*

SIR,

The time having expired within which objections under the Act of Council 4 William IV, No. 11, can be received to the proposed line of street, as an approach from the westward, intersecting Bourke and Dowling Streets, to the General Cemetery, which was notified in the *Government Gazette* of the 25th April last, I do myself the honor to inform you that no objection has been received to the proposed line, with the exception

exception of one made by Mr. James Cooper, as attorney for Mr. Daniel Cooper, which has been laid before the Council.

2. I enclose a further letter from Mr. James Cooper, to which I made reply in the terms of the minute in margin.\*

I have, &c.,  
FRANCIS L. S. MEREWETHER.

\*Acknowledge receipt, and inform Mr. Cooper that his letter has been laid before His Excellency the Governor and the Executive Council. It is, of course, understood from Mr. Cooper's letter that he has made objection to the carrying of a street through Mr. Daniel Cooper's property, unless full and ample compensation be made for the same.—F.L.S.M.

[Enclosure in No. 60.]

Engehurst, 14 May, 1851.

Sir,

I beg permission to refer you to my letter of the 29th ultimo, and shall feel obliged if you will let me know whether the Executive Government intend to take any measures for the purpose of supplying me with the necessary information respecting the road in question; and if not, whether the notice therein contained is considered to be a sufficient caveat? Not traceable

The Clerk of the  
Executive Council, Sydney.

I have, &c.,  
JAMES COOPER,  
Attorney for Daniel Cooper.

I conclude this should be referred to the Executive Council. The deed of grant reserves a highway through the land.—B.C., 27 June, 1851.—E.D.T.

No. 61.

MINUTE OF THE EXECUTIVE COUNCIL.

*Proceedings of the Executive Council, on the 3rd July, 1851, relative to an objection made by Mr. James Cooper, as attorney for Mr. Daniel Cooper, to the proposed street through Bourke and Dowling Streets, to the General Cemetery.*

Minute No. 51-32.—Confirmed, 8th July, 1851.

REFERRING to the previous proceedings of the Council, with respect to the proposed formation of a street as an approach from the westward to the General Cemetery, and intersecting Bourke and Dowling Streets, His Excellency the Governor General lays on the table a letter from the Clerk of the Executive Council, reporting that no objection had been received to the proposed line, which was notified in the *Government Gazette* of the 25th April last, with the exception of one made by Mr. James Cooper, as attorney for Mr. Daniel Cooper.

2. As it appears that the deed of grant of Mr. Cooper's land reserves the right of making a highway through the same, he has of course no valid claim to compensation. The Council therefore advise that the line of street in question be now confirmed.

MICHL. FITZPATRICK,  
Clerk of the Council.

*Executive Council Office,  
Sydney, 14 July, 1851.*

No. 62.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 1<sup>st</sup> June, 1852.*

SIR,

With reference to your letter of the 13th February, 1850, respecting the approaches to the new General Cemetery, I am directed by His Excellency the Governor General to request, that as the road has now been confirmed, you will be good enough to report respecting the performance of the work required.

I have, &c.,  
WM. ELYARD, JUNR.

No. 63.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 27 July, 1851.*

SIR,

Adverting to your letter of the 24th of February last, No. 92, I now do myself the honor to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to confirm the line of street as an approach from the westward, intersecting Bourke and Dowling Streets, to the General Cemetery, and to request therefore that you will have the goodness to forward to the Bench a copy of the plan and book of reference of the line of street in question, as directed by the Act, informing me when this has been done, in order that the same may be duly notified.

I have, &c.,  
WM. ELYARD.

No. 64 A.

DEPUTY SURVEYOR GENERAL to COLONIAL SECRETARY.

*Surveyor General's Office,  
Sydney, 7 August, 1851.*

SIR,

In attention to your letter of the 22nd ultimo, No. 51-385, wherein, in reference to my letter of the 24th February last, No. 51-92, you inform me that His Excellency the Governor General, with the advice of the Executive Council, had been pleased to confirm the line of street, as an approach from the westward, intersecting Bourke and Dowling Streets, to the General Cemetery,—I have the honor to inform you that a copy of the plan and book of reference has been this day forwarded to the Police Magistrate of Sydney, for public inspection and deposit in his office.

I have, &c.,  
S. A. PERRY,  
D.S.G.

No. 64 B.

COLONIAL SECRETARY to SURVEYOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 12 September, 1851.*

SIR,

Referring to your letter of the 7th ultimo, No. 409, I have now the honor to draw your attention to the notice in the *Government Gazette* of the 9th instant, relative to the confirmation of the line of street as an approach from the westward, intersecting Bourke and Dowling Streets, to the General Cemetery.

I have, &c.,  
WM. ELYARD, JUNR.

No. 65.

NOTICE IN "GOVERNMENT GAZETTE."

*Colonial Secretary's Office,  
Sydney, 9 September, 1851.*

SYDNEY STREETS.

WITH reference to the Government Notice, dated the 25th April last, relative to the opening and making of a street as an approach from the westward, intersecting Bourke and Dowling Streets, to the General Cemetery, notice is hereby given, in conformity with the Act of Council, 4th William IV., No. 11, intituled, "*An Act for making altering and improving the Roads throughout the Colony of New South Wales and for opening and improving the Streets in the Towns thereof*," that, after due consideration of an objection to the proposed street, as above notified, which has been transmitted in pursuance of the said notice, His Excellency the Governor General, with the advice of the Executive Council, has been pleased to confirm the said line of street, according to the map or plan and book of reference thereof, to be seen at the Office of the Surveyor General, and at the Police Office, Sydney; and all persons intending to claim compensation in respect of the said line are hereby reminded that notice must be served upon the Colonial Secretary within forty days from the date hereof, in such manner and forms as are prescribed by the sixth and thirty-second sections of the Act above referred to, or they will be for ever foreclosed from such claim.

By His Excellency's command,  
E. DEAS THOMSON.

No. 66.

## BURIAL GROUNDS, SYDNEY.

57

## No. 66.

COLONIAL SECRETARY to COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 16 August, 1852.*

SIR,

With reference to my letter of the 14th June last, respecting the fence round the General Cemetery, I am directed to draw your attention thereto, and to request the favour of your early reply.

I have, &c.,  
W. ELYARD, JUNR.

## No. 67.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 18 August, 1852.*

SIR,

In attention to your letters of the 16th instant and the 14th June last, relative to the approaches to the new General Cemetery,—

2. I do myself the honor to state, that the arrangement originally proposed was, to fence in the Cemetery by contract and employ men at day labour to make the road; but, under the present extraordinary circumstances, the amount available—£500—will be quite insufficient for the work, and I am not aware of any other course than to let the matter rest until prices become more reasonable or additional funds are provided.

I have, &c.,  
EDMUND T. BLACKET.

## No. 68.

Colonial Secretary to Colonial Architect. 17 January, 1853.

(Requesting a report as to whether the completion of the approaches to the new General Cemetery cannot now be proceeded with. Not traceable.)

## No. 69.

COLONIAL ARCHITECT to COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 29 January, 1853.*

SIR,

In attention to your letter of the 17th instant, requesting me to report whether the completion of the approaches to the new General Cemetery cannot now be proceeded with,—

2. I do myself the honor to state, that the obstacle to the execution of this work, occasioned by the insufficiency of the funds for the purpose, still exists in force, as the prices of labour and materials have, if anything, increased since my former report on the subject.

I have, &c.,  
EDMUND T. BLACKET,  
Colonial Architect.

## No. 70.

*EXTRACT from Memorandum of Chief Clerk of Colonial Secretary's Office, respecting General Cemetery Land.*

Enquiry has recently been made by the Rev. Alfred Stephen, and others interested in the Institution for Destitute Children, whether the land appropriated as a General Cemetery beyond the Surry Hills is still reserved for that purpose, or may be considered open to selection, in cases in which land has been promised as sites for public institutions.

29 July, 1854.

C.A.F.

For the Executive Council.—Blank Cover, 31 July, 1854.—W.C.

## No. 71.

*EXTRACT from Minute of Executive Council, No. 54/31.—Confirmed, 14 August, 1854.*

2. The Council advise that the land in question be still reserved for the purpose to which it was formerly devoted.

MICHL. FITZPATRICK,  
Clerk of the Council.  
Sydney, 15 August, 1854.

Approved.—17 August, 1854.

This has been personally communicated, in reply to the enquiry referred to in the enclosed minute of 29 July. It does not appear necessary to require any further report respecting the work from the Colonial Architect at present.—22 August, 1854.

## No. 72.

REV. J. EGGLESTON to COLONIAL SECRETARY.

163, Castlereagh-street,  
8 July, 1856.

SIR,

I do myself the honor to request that you will inform me whether it is the intention of His Excellency the Governor General to appropriate land near this city for a public cemetery, or whether the various denominations should apply for separate sites to be used as burial grounds?

I am induced to seek this information by the fact that the Wesleyan Burial Ground is now nearly filled, and a new site will soon be urgently needed.

I have, &c.,  
JOHN EGGLESTON.

## No. 73.

COLONIAL SECRETARY to REV. J. EGGLESTON.

Colonial Secretary's Office,  
Sydney, 31 July, 1856.

REV. SIR,

In acknowledging the receipt of your letter of the 8th instant, respecting the appropriation of land near Sydney as a site for a public cemetery, I am directed to inform you that your communication above referred to has been brought under the consideration of the Government, and that a further communication on the subject will be made to you as early as possible.

I have, &c.,  
W. ELYARD.

Referred to Surveyor General for report as to the advisability of retaining the present site, or to propose some other more favourable locality for a public cemetery.—8 August, 1856.

## No. 74.

REPORT OF SURVEYOR GENERAL.

In reference to the minute of the Secretary for Lands and Public Works, dated 8th August, 1856, as to the advisability of retaining the present site, or to propose some other more favourable locality for a public cemetery, I beg to state that the present site appears to embrace the only available land within a distance of eight miles of the city; at the same time I do not entertain a doubt as to its unsuitableness for the purpose. The ground seems to be in some parts subject to inundation, and in the driest season water is found within two or three feet of the surface, which renders the locality unfit for the desired purpose. I consider also that it would be highly improper to remove the brush-wood or break up any part of the surface, which would lead to mischief by causing the sand to drift—the ill effect of which has already been experienced in the southern portion of the city. The question becomes more serious from there being no available public lands nearer than Longbottom, a distance of eight miles, which I apprehend must be considered too remote for the purpose required. It thus becomes a question as to whether the Government would purchase or exchange land to meet the necessity, or whether the question should be taken up by a company. These points I beg to submit for consideration, an early decision being desirable.

GEO. BARNEY,  
S.G.

25 September, 1856.

Appendix H.

[Enclosure

[Enclosure in No. 74.]

## REPORT OF DEPUTY SURVEYOR GENERAL.

THE question submitted to the Surveyor General, is as to the advisability of retaining the Necropolis, or propose some other site for burial grounds or for a public cemetery. Independently of the facilities which might result from the use of railways or water carriage, it was definitely settled, when the Necropolis site was determined on, that was the only suitable vacant land which the Crown possessed within a proper and convenient distance from Sydney for burial grounds; consequently there is no alternative but to make use of it as far as possible.

With the assistance of Mr. Commissioner Pearce and the bailiffs I examined the ground at the Necropolis, and found that the flats were all subject to inundations during rains, and that in the driest seasons the water on digging rises to within two or three feet of the surface, and consequently the flats are not available for interments. On the sides of some of the hills, however, there are spots suitable for small burial grounds; but the sides that face the south should not be touched at present, because the slightest disturbance of the shrubs would let loose the sand and cause it to drift towards Sydney; the sides facing the north-east, the quarter from which the sea breeze blows, would also require attention. It becomes evident, therefore, that no general design for continuous occupation could be made, and as the Necropolis Act, 11th Vict., No. 2, has never been acted on, it also seems evident that no arrangement for corporate management, as provided for by the Necropolis Act, could now be satisfactorily carried out.

What I would propose is, that the whole of the vacant land at the Necropolis and around it, be reserved for burial grounds; that the Surveyor General should determine the ways of access, and make such disposition of the lands as may be expedient; that, subject to such arrangement and to the survey and marking out by the Surveyor General, the different communities should be authorized to select specific areas, according to their wants; that it should be incumbent upon the communities so selecting to do all that is needful at their own cost and charges, or as regards roads, draining, and fencing, in conjunction with other communities. In every part of the Colony, although the Crown gives the land and right of access, it does no more—it incurs no expense whatever; and so it must be in Sydney, unless the Government were prepared to take charge of every burial ground in the Colony. In fact, all that the Government should do is to authorize the appropriation of portions of land, leaving the responsibility of its fitness and the incurrence of all expenses upon the communities, who may prefer obtaining from the Government such land as it has to give, rather than by private purchase.

The following points may require consideration, viz. :—

Is the Necropolis Act, if not fully carried out, sufficient to warrant the appropriation of the land for interment, it being within a mile of Sydney? If the Government were to consider it expedient to clear, to make roads, to cut drains, or incur any other expense, there must be a special money vote for that purpose. The land around the Necropolis being the only available Crown land, and that land not being altogether suitable, it might be agreed that the Government should obtain land for burial grounds by purchase or exchange; but clearly this is not contemplated by the provisions in the Waste Lands Act.

The wall at the Necropolis might be sold in portions, at a valuation, to any community that might select adjoining it, if it were not made a boundary; for it does not seem probable that any Trustee in custody of a cemetery for all denominations would work, and, consequently, the wall is not likely to be required, or even to be completed, were it only on account of the great expense.

I have now to remark, that as there are not a great many spots available for burial grounds at and around the Necropolis, and that in a few years more burial grounds will be required, it is expedient to consider the propriety of reserving the land at Longbottom, which may eventually be approached by railway or by steam-boat. It is not improbable, however, that private cemetery companies—such as those around London and other large cities—may ere long relieve the Government from all difficulties on this subject; and in the contemplated Act for the regulation of burial grounds and burials, it will be important to consider under what arrangement such general cemeteries should be allowed to be established; at the same time that part of the 2nd clause of the Act 6 Geo. 4, No. 21, which provides that all burial grounds shall be distant one mile at least from any town or township, should be repealed, and the power of determining sites for burial grounds vested in the Surveyor General or in the Minister who may have the control of the Surveyor General's Department; it being provided, that in the case of any town extending more rapidly than was contemplated, so as to bring a burial ground in too close proximity to population, that it should be competent to the Legislative, on the report of a board of medical or other scientific men, to shut it up.

JOHN THOMPSON.

20 Sept., 1856.

I ought to have stated that the Randwick and Coogee Road being now completed, and in good repair, the vacant land here and the Necropolis can be easily approached; and it will not, therefore, be necessary to make the proclaimed street from Bourke to the Necropolis, which would be a very expensive work.

J.T.

## No. 75.

From the Reverend J. Eggleston, Chairman of Wesleyans. 15 October, 1856.

(Applying for a burial ground for the Wesleyans, either in connection with the carrying out of the project of a General Necropolis or otherwise. Not traceable.)

## No. 76.

## MEMORANDUM OF UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

SOME nine or ten years ago an Act was passed for establishing a General Cemetery near Sydney, for the burial of the dead of all religious denominations. The site was chosen by a Board of Officers, consisting, I think, of the then Colonial Secretary (Mr. E. Deas Thomson), the Deputy Surveyor General (the late Capt. Perry), and the Colonial Architect (Mr. Lewis). Considerable sums of money were voted and expended in erecting a wall of enclosure. The work, however, was embarrassed by the character of the soil, which rendered the sinking for foundation unusually deep. The walls were thus rendered unexpectedly costly, and were, moreover, in part overrun by the sand.

The subject was repeatedly before the late Legislative Council, when money votes were asked, and altogether created great dissatisfaction.

The



The work has, from these causes, and also from the sudden rise in the cost of labour, been practically abandoned for the last five or six years.—(This is given chiefly from memory.)

On a recent occasion a proposition was made to appropriate the land to other purposes, but the Executive Council resolved that it should still be reserved for the purpose to which it was originally devoted. The question is now again substantially raised by the Reverend Mr. Eggleston as to the ultimate application of the land.

The matter having been referred to the Surveyor General, that officer reports—(see report enclosed):—1st. That the Necropolis contains the only available land within eight miles of Sydney, and,—2nd. That the land comprised therein is wholly unsuited to the purpose—(See also the report of the Deputy Surveyor General, who recently inspected the Necropolis.) This latter officer suggests that the available spots at the General Cemetery should be marked out as separate burial grounds (this would be at variance with the spirit of the Necropolis Act), and that the land at Longbottom, on the Parramatta Road, eight miles from Sydney, should be reserved, which may hereafter be approached by railway.

The whole question is one of much importance and considerable difficulty. The foregoing memo. is perhaps sufficient to place it before the Secretary for Lands and Works.

29 October, 1856.

M.F.

### No. 77.

#### MEMORANDUM OF SECRETARY FOR LANDS AND PUBLIC WORKS.

THE Rev. J. Eggleston having applied, about twelve months ago, for a burial ground for the Wesleyans, either in connection with the carrying out of the project of a General Necropolis or otherwise, and it having been intimated to him that the Government would communicate with him on the subject after having taken it into consideration, it becomes necessary now to decide what answer shall be given. The question is one of a very important character, being, I think, nothing less in its present aspect than whether the Government shall continue to hold itself out as providing cemeteries for all classes of inhabitants of Sydney?

It appears from the report of the Surveyor General that the site set apart for the General Necropolis is totally unsuitable for the purpose, and I am sorry to say that there can now be but little doubt that such is the case. A large portion of it is now and has been for several years so saturated with water as to be perfectly unsuitable, while the greater part of the remainder is a deep sand, now covered with bushes except where cart tracks cross it, and wherever denuded of these bushes, exhibiting a great tendency to drift. The destruction of the native scrub, unless followed by the establishment of a turf, will certainly produce an extensive movement of sand, and in a burial ground it is hardly possible to prevent this. It appears, further, from the Surveyor General's report, that the nearest land available, with the exception of that thus condemned as unsuitable, is at Longbottom, eight miles from Sydney.

The use of this, however, would necessarily be very inconvenient. It is a considerable distance from the railway, and by a cross-road which would have to be formed and metalled.

It becomes very doubtful under these circumstances whether, so far as Sydney is concerned, we ought not to limit any further provision for cemetery to those whom, from the poverty in which they have died or the neglect of their friends, it is left to the State to inter. There is no doubt but that the present arrangement is a wasteful one where land has become valuable, and that no care is taken to economize space where as much space as is required can be got for the asking. The arrangement of cemeteries for those who are beyond the class of paupers is, where the population has become dense, perhaps best in the hands of companies or of the different religious bodies.

11 July, 1857.

JOHN HAY.

### No. 78.

#### MINUTE OF VICE-PRESIDENT OF THE EXECUTIVE COUNCIL.

##### *General Cemetery for Sydney.*

I SEE nothing whatever in these papers to shake my deliberate opinion that the site of the Necropolis was judiciously chosen, having reference to the portions of land available for the purpose at the time it was selected. The lower portion of the site was known to be unsuited, but it was necessary to include it in the area set apart for the purpose, for the sake of convenient boundaries. The soil is exactly similar to that of the Old Burial Ground in Sydney, which was always considered peculiarly well adapted for a purpose of this kind. The failure to carry out the Necropolis arises from two causes—first, the very defective estimates of the then Colonial Architect, of the expense of enclosing it with a stone wall, and the indisposition, consequently, of the late Legislative Council to sanction the

the necessary expenditure; second, the determined opposition of the late Bishop of Sydney, and of the Roman Catholic Archbishop, to any appropriation of a general character. They require that any land, so set apart for their respective denominations, should be expressly granted to separate Trustees, in order that it might be consecrated by them according to the rites of the church they represent. They further require that the spots so set apart should be substantially fenced in, so that there might be no communication between the sites appropriated to the different denominations. I need scarcely say that these conditions were opposed to the entire spirit and intentment of the Necropolis Act.

17 July, 1857.

E.D.T.

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No. 79.

MINUTE OF EXECUTIVE COUNCIL.

THE Executive Council, before absolutely condemning the reserve in question, advise that the Colonial Architect and the Director of the Botanic Gardens be instructed to visit the locality, and report generally as to the state and fitness of the Necropolis for the purpose to which it has been devoted.

29 July, 1857.

EDWARD C. MEREWETHER,  
Clerk of the Executive Council.

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No. 80.

REV. S. RABONE to COLONIAL SECRETARY.

*Parramatta, 23 July, 1857.*

SIR,

I have the honor to inform you that, in July, 1856, my predecessor, the Rev. John Eggleston, Chairman of Wesleyans, addressed a communication to the Honorable the Colonial Secretary at that time, inquiring whether it was expected His Excellency the Governor General would appropriate a site as a public cemetery for the city, or whether the various denominations should apply for separate sites as burial grounds.

In reply, he was informed that the subject had been brought under the consideration of the Government, and that a further communication would be made on the subject.

I have the honor again to bring this matter to your attention; and am urged thereto from the fact that the present cemetery for the Wesleyan body is so full, that it is a difficulty to find as much unbroken ground as will admit of opening a new grave; and very soon it will be impossible to occupy it longer as a burial ground —

(N.B.—The remainder of the letter has no connection with the subjects of the Return called for.)

I have, &c.,  
STEPHEN RABONE.

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No. 81.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to DIRECTOR OF BOTANIC GARDENS.

*Department of Lands and Public Works,  
Sydney, 11 August, 1857.*

SIR,

The papers on the subject of the formation of a Necropolis for the city having recently been laid before the Executive Council, I am directed to request, in accordance with a decision of the Council, that you will have the goodness, in conjunction with the Colonial Architect, to visit the locality reserved for the Necropolis, and report generally as to the state and fitness of the place for the purpose to which it has been devoted.

2. Mr. Dawson has been apprised to that effect, and requested to act in concert with you.

I have, &c.,  
MICHL. FITZPATRICK.

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No. 82.

## No. 82.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to COLONIAL ARCHITECT.

*Department of Lands and Public Works,  
Sydney, 11 August, 1857.*

SIR,

The papers on the subject of the formation of a Necropolis for this city having recently been laid before the Executive Council, I am directed to request, in accordance with a decision of the Council, that you will have the goodness, in conjunction with the Director of the Botanic Gardens, to visit the locality reserved for the Necropolis, and report generally as to the state and fitness of the place for the purpose to which it has been devoted.

2. Mr. Moore has been apprised to this effect, and requested to act in concert with you.

I have, &c.,  
MICHL. FITZPATRICK.

## No. 83.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to REV. S. RABONE.

*Department of Lands and Public Works,  
Sydney, 11 August, 1857.*

REVEREND SIR,

In reference to your letter of the 23rd ultimo, addressed to the Honorable the Colonial Secretary, on the subject of the formation of a General Cemetery for this city, I am directed to inform you that, under a decision of the Executive Council, before whom the matter has recently been laid, instructions have been issued to the Colonial Architect and the Director of the Botanic Gardens to visit the locality near the city reserved for a Necropolis, and to report generally as to the state and fitness of the place for the purpose to which it has been devoted.

2. When the required report has been received, and the matter matured, a future communication will be made to you—

(N.B.—The remainder of the letter has no connection with the subject of the Return called for.)

I have, &c.,  
MICHL. FITZPATRICK.

## No. 84.

COLONIAL ARCHITECT AND DIRECTOR OF BOTANIC GARDENS to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Architect's Office,  
Sydney, 5 September, 1857.*

SIR,

In attention to your letter of the 11th ultimo, requesting us to visit the locality reserved as a Necropolis, and to report generally as to the state and fitness of the place for the purpose to which it has been devoted,—

2. We do ourselves the honor to report that we have visited and examined the ground referred to, and beg to submit the following observations, in reply to the questions proposed to us.

3. The ground, as well as the adjoining land, is covered with a thick brush vegetation—the lower part of the ground being covered with water. On the north, east, and west sides, the land appropriated for a cemetery is partly enclosed by a stone wall eight feet high, forming about one-third of the entire boundary. Portions of this wall are in an unfinished state, and in parts it is in a dilapidated condition from the action of the weather upon the exposed face of the stone, which is of an inferior quality. No fences have been erected, and in several places on the exterior, sand has drifted to nearly the height of the walls, in consequence, as we believe, of the brushwood, which formerly surrounded the walls, having been cleared for the purpose of forming a roadway. On the north side the sand has been prevented from drifting by the shelter afforded by the growing shrubs.

4. As regards fitness, the locality appears to us to be admirably adapted for a Necropolis; it is in a retired situation, and surrounded by a considerable area of public land, of which a sufficient portion might be reserved to prevent encroachments; the soil throughout is of sufficient depth for the purpose of interments. At present there are no roads from the main road to the cemetery; it can, however, be approached either by Bourke-street or by the road to Randwick, the latter being preferable, as it is in good condition, easy of access, and passing within 100 yards of the north-east corner of the cemetery, at which place, in our opinion, one general entrance should be made, and, if necessary, a side entrance could be formed for access by the road from Bourke-street.

5.

5. A main central road inside the enclosure will require to be formed, to give access to the various divisions of the cemetery, as well as branch paths through the several portions; the side channels of these will be sufficient to carry off surface water, the formation of the ground presenting great facilities for drainage to its lowest level, from whence the water may be conveyed by an underground drain or culvert to the lagoon situated on the low ground southward of the cemetery.

6. In our opinion, the quantity of land proposed to be enclosed is altogether inadequate, considering the present and probable increase in the population of Sydney and its suburbs. We would therefore recommend that the quantity of ground appropriated for a Necropolis be materially increased, giving to each denominational body a proportion of the additional space; and that, where not already fenced in, the ground be enclosed by a substantial close paling or brushwood fence. The brush vegetation within the enclosure will require to be removed, the ground levelled in various parts, and the whole space manured and planted with couch or other grasses.

7. The expense of carrying out these suggestions contained in this report will not, in our opinion, be very great, and, if required, we will prepare and submit a detailed estimate.

We have, &c.,  
ALEXANDER DAWSON,  
Colonial Architect.  
C. MOORE.

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No. 85.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to COLONIAL ARCHITECT.

*Department of Lands and Public Works,  
Sydney, 1 April, 1858.*

SIR,

In reference to the joint report made by you and the Director of the Botanic Gardens, dated 5th September last, respecting the site reserved for a Necropolis at the Sand Hills, near the Randwick Road, I am directed by the Secretary for Lands and Public Works to inform you, that it is the intention of the Government to abandon the project of forming a burial ground at the locality in question.

2. Mr. Secretary Robertson desires me to ascertain from you, whether or not the prepared stone alluded to in the 3rd paragraph of the communication under reference had not better be sold?—and, if so, to request you to report as to the best manner of its disposal.

I have, &c.,  
MICHL. FITZPATRICK.

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No. 86.

COLONIAL ARCHITECT to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Architect's Office,  
Sydney, 26 April, 1858.*

SIR,

In attention to your letter of the 1st instant, informing me that it is intended to abandon the intention of forming a burial ground at the Sand Hills, Sydney, and calling upon me to report as to the advisability of selling the stone in the wall which has been erected there,—

2. I do myself the honor to state that, as the wall in its present position is quite useless, and the materials, if sold, would probably realize a fair price, I would recommend that it be sold by auction, in portions of about 200 feet each. As the foundation is of considerable depth, it will be desirable to stipulate that the excavation be filled in by the purchasers of the stone.

3. There is now built against a portion of the wall, a hut, occupied by the person who has charge of the Crown lands in the neighbourhood, and as his residence in this locality tends to the preservation of the fences and the lately-planted sand hills, I would recommend that the portion of wall against which the house is built be reserved from sale.

4. Should the sale of the materials be authorized, I will cause the necessary advertisement to be published, and a description of the respective lots to be prepared.

I have, &c.,  
ALEX. DAWSON.

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No. 87.

MINUTE OF SECRETARY FOR LANDS.

*Interment of the Dead.*

THIS question, especially as it relates to the Sydney district, has become exceedingly pressing, scarcely a day passing without applications, either written or oral, being made to me for suitable provision with regard to it.

So long back as the year 1847 an Act passed the Legislature for the establishment of a General Cemetery near the city of Sydney, and subsequently an eminently suitable site was allotted for the purpose. It appears, however, that so strongly felt were the objections 11 Vic., No. 11.

objections to the mode of management provided under the Act alluded to, that no benefit whatever has, up to this time, resulted from the liberality of the Government in setting apart land appropriate for the purpose.

I am strongly disposed to think that those portions of the regulations provided for under the Act, and taken exception to on conscientious grounds, might be advantageously relaxed; that we might, at once, provide for proper management of the Cemetery, and for avoidance of collision with the conscientious scruples or even prejudices of the various sects of religionists, or of any of them.

All that the Government can properly be asked to provide in the matter would seem to be—

- 1st.—Land suitably situated, and properly enclosed, sufficient in quantity to receive the dead.
- 2nd.—That the ground shall be placed under the care of Trustees, whose character shall be sufficient guarantee to the public that no improper or unbecoming procedure will be permitted.
- 3rd.—That excessive charges for burial shall not be suffered.

I therefore recommend—

- 1st.—That the Cemetery be increased in area to as great an extent as there is suitable land for the purpose, not to exceed sixty acres.
- 2nd.—That the whole be fenced in with eight-feet paling, to be paid for out of the sale of the stone wall; any deficiency to be made up by the Government.
- 3rd.—That one-third part of the land be placed in the hands of lay Trustees for a General Cemetery properly so called.
- 4th.—That the remaining two-thirds part of the land be divided amongst the various religious bodies, according to the Census, and handed over to Trustees to be recommended by such religious bodies.
- 5th.—That a grant of each portion of land so allotted be made to such Trustees, and that they have the right to fence off the same, and, indeed, to hold complete control thereof, except that the ground is to be used alone as a place of interment, and that no charges for burial be exacted, unless provided for in rules approved by the Governor General and Executive Council. No such rule to be so approved until notice thereof shall have been given in the *Government Gazette* at least one month. Provision should also be made, that any such grant shall be void if the land shall not be *bonâ fide* used for the purpose contemplated within two years from the date of the deed of grant.
- 6th.—That such portions of the area of any division of the land as may be considered unfit for the purpose of burial shall not be taken into account in apportioning the land, but shall nevertheless pass into the care of the trusts.

It may be doubted whether, without repealing the Act 11 Vic., No. 11, so great a change can be made in the appropriation of the land set apart for the Necropolis. Should such be the case, however, I am of opinion that the question is of sufficient importance to demand that the Government should grapple with it, even though it may be found necessary to take that preliminary step.

I further desire to suggest that, in future, no grants of land for burial purposes be issued, excepting with the provisions as to charges set out in recommendation No. 5 of this paper.

I am aware that the Honorable the Attorney General is of opinion that a portion of land on the south side of Botany Bay is the most suitable site for the purpose of burial, and that he has in contemplation a plan of approach to the ground by means of a tramway to the north shore of Botany Bay, and thence by punt. I fully acknowledge the desirability of the site and the feasibility of the plan of approach; but, believing that it cannot be carried out for some years to come, venture to suggest the adoption of my recommendation, as a means of at least meeting the immediate requirements in the matter. In the mean time, a large reserve of the land recommended by the Attorney General could be made, to be used when the Colony is disposed to carry out so magnificent a scheme as his.

17 May, 1858.

JOHN R.

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No. 88.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SURVEYOR GENERAL.

*Department of Lands and Public Works,  
Sydney, 27 May, 1858.*

SIR,

I am directed to request that you will have the goodness to cause to be made, and submitted to the Honorable the Secretary for Lands and Public Works, a tracing of the land at Randwick, setting forth the present site of the Cemetery, and distinguishing that portion of the ground which sheds its waters into the Water Reserve.

2. The object, I am to add, of Mr. Secretary Robertson in calling for this tracing, is to ascertain whether sixty acres of the land in question can be obtained without interfering with the Water Reserve.

I have, &c.,

MICHL. FITZPATRICK.

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No. 89.

## No. 89.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Surveyor General's Office,*  
*Sydney, 11 June, 1858.*

SIR,

Referring to your letter of the 27th ultimo, I have the honor to forward, with a tracing thereof, the plan transmitted with my memorandum of the 25th September, 1856, on the subject of the cemetery, which I have obtained from the Clerk of the Executive, and which shews, by tints and an explanation, the land at Randwick most suitable for burial purposes. Wanting,  
See No. 74.

2. The tracing shews all the Crown land west of the Randwick Road, and south of the proposed extension of Cleveland-street, and, by green edgings, two portions of sixty acres each, including a considerable extent of the land best suited for burial grounds—avoiding the swampy flat on the old appropriation—both of which are wholly beyond the watershed of the Lachlan Swamps, being partly isolated basins and eventually draining to the Waterloo Swamps. Appendix I.

3. Of these portions the northern, marked A, possesses the advantage over the others of being sheltered from both the southerly and the north-easterly winds, by which the surface sand is so liable to be drifted on the removal of the brush and scrub which now serve in some measure to bind it.

4. The portion marked A is also more readily accessible from the Randwick Road, and although somewhat nearer the town, will probably be considered the more desirable site.

I have, &c.,  
G. BARNEY.

## No. 90.

## MINUTE OF EXECUTIVE COUNCIL.

*Proceedings of the Executive Council, relative to the appropriation of certain lands for the purposes of a General Cemetery for Sydney, and to the regulations for the appointment of the same among the different religious communities.*

Minute, 58-24.—7 June, 1858.

His Excellency the Governor General, at the instance of the Honorable the Secretary for Lands and Public Works, invites the attention of the Council to the question of the establishment of a Necropolis in the neighbourhood of Sydney; the pressing necessity for taking some steps in the matter, without delay, being almost daily brought under the notice of the Government, by applications, written or oral, for suitable provision for the interment of the dead.

2. So long back as the year 1847 an Act passed the Legislature for the establishment of a General Cemetery near the city of Sydney; and subsequently a site, which at the time of its selection was considered an eminently suitable one, was allotted for the purpose. It appears, however, that so strongly felt were the objections to the mode of management provided under the Act alluded to, that no benefit whatever has, up to this time, resulted from the liberality of the Government in setting apart land appropriate for the purpose. During the last few years, also, doubts have been entertained as to the suitability of the spot selected; and, in August last, when the subject was under the consideration of a previous Administration, the Council recommended that the Colonial Architect and the Superintendent of the Botanical Garden should inspect the site, and report generally as to its state and fitness for the purpose to which it had been devoted.

3. His Excellency now lays before the Council the report prepared by those officers, together with all the previous papers on the subject, and a minute by the Honorable the Secretary for Lands and Public Works, expressive of his views with respect to it.

4. It is not necessary here to advert to the several suggestions which have, at different times, been made as to the most convenient position for the Necropolis; it is sufficient to state that the report of the Colonial Architect and the Superintendent of the Botanic Gardens is decidedly favourable to the site originally proposed, which forms part of the Old Sydney Common, and is situated at or near Randwick, about a mile from Sydney. The Honorable the Secretary for Lands and Public Works concurring in that view, submits, in his present minute, certain arrangements by which he conceives that collision with the conscientious scruples or even prejudices of the various sects of religionists may be avoided.

5. Having carefully weighed these arrangements, and given to the whole question that full consideration which its importance demands, the Council concur, generally, in the views expressed by the Honorable the Secretary for Lands and Public Works, and advise as follows:—

- (1.) That the site originally selected at Randwick for the Necropolis be adhered to, and be increased in area, so as to embrace the land between it, the Randwick Road, and Cleveland and Dowling Streets.

- (2.) That the whole be forthwith fenced in with eight-feet paling, and that the Legislative Assembly be invited to make provision for this expense and for any further expenditure that may be required for laying out and planting the main intersecting avenues.
- (3.) That one-third part of the land be placed in the hands of lay Trustees for a General Cemetery properly so called.
- (4.) That the remaining two-thirds part of the land be divided amongst the various religious bodies according to the last census, and handed over to Trustees to be recommended by such religious bodies.
- (5.) That a grant of each portion of land so allotted be made to such Trustees, who shall have the right, if they so see fit, to fence off the same, and indeed to exercise complete control over it—with the distinct understanding, however, that the ground is to be used alone as a place of interment, and that no charges for burial, in so far as the use of the land is concerned, be exacted, unless such as may be provided for in rules to be submitted and approved by the Governor General and Executive Council.
- (6.) That no such rules be so submitted for approval until notice thereof shall have been given in the *Government Gazette*, at least one month.
- (7.) That any such grant be held void, if the land be not *bonâ fide* used for the purpose contemplated, within two years from the date of the deed of grant.
- (8.) That such portions of the area of any division of the land as may prove unfit for the purpose of burial, shall not be taken into account in apportioning the land, but shall nevertheless in each case pass into the care of the trusts.
- (9.) That in the event of these arrangements being inconsistent with the provisions of the existing Necropolis Act, 11th Victoria, No. 11, a Bill be introduced into Parliament for repealing the said Act.
- (10.) That the stone wall, partially enclosing the twenty-three acres first appropriated as the site of the cemetery be sold, except that portion of it against which is built a hut at present occupied by the person who has charge of the Crown lands in the neighbourhood.

6. During the consideration of this question, the attention of the Council is directed to suggestions, emanating from the Honorable the Attorney General, that the south side of Botany Bay is the most suitable site for the interment of the dead, and that the same may be made easily accessible by means of a tramway to the north shore of Botany. Although, therefore, they adhere to their opinion that the position now adopted is that best suited to satisfy the present requirements of the Colony, the Council consider it not undesirable that, whilst it is yet in the power of the Government to effect it, ample provision should be made for the future; and they accordingly advise that an area not exceeding 150 acres be reserved in the locality in question, to be hereafter used for the interment of the dead.

7. Finally, the Council desire to place on record their decided opinion that no grants of land for burial purposes should be issued, except with the provisions as to charges set out in the 5th and 6th recommendations of this minute.

EDWARD C. MEREWETHER,  
Clerk of the Council.

### No. 91.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SURVEYOR GENERAL.

*Department of Lands and Public Works,  
Sydney, 21 June, 1858.*

SIR,

The question of the establishment of a Necropolis in the neighbourhood of Sydney having, at the instance of the Secretary for Lands and Public Works, been brought under the attention of the Executive Council, and the Council having deliberated thereon, I am directed to inform you that the site originally selected for this purpose at the Sand Hills is to be adhered to, and increased in area so as to embrace the land between it, the Randwick Road, and Cleveland and Dowling Streets, as shewn on the sketch understood to have been personally returned to you by the Clerk of the Executive Council.

2. I am to request you to have this enlarged area measured as quickly as possible and marked on the ground, informing the Colonial Architect when this has been done, in order that the latter may have the whole fenced in as advised by the Executive as follows:—"That one-third part of the land be placed in the hands of the said Trustees, for a General Cemetery properly so called; that the remaining two-thirds be divided amongst the various religious bodies, according to the last census, and handed over to Trustees to be recommended by such religious bodies."

3. In connection with the above, the Council have further advised that such portions of the area of any division of the land as may prove unfit for the purpose of burial shall not be taken into account in apportioning the land, but shall nevertheless in such cases pass into the care of the trusts.

I have, &c.,  
MICHL. FITZPATRICK.

No. 92.

## No. 92.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to COLONIAL ARCHITECT.

*Department of Lands and Public Works,  
Sydney, 21 June, 1858.*

SIR,

The Executive Council, before whom the matter was laid, having advised on the question of the establishment of a Necropolis in the neighbourhood of Sydney, I am directed by the Secretary for Lands and Public Works, to inform you that the site originally selected for this purpose at the Sand Hills is to be adhered to, and increased in area so as to embrace the land lying between it, the Randwick Road, and Cleveland and Dowling Streets.

2. I am to request you to prepare and submit to this department, an estimate shewing the probable cost for having the whole of the land fenced in with eight-foot paling.

3. I am at the same time to ask you to submit at once a notice, offering to public sale, in suitable lots, the stone in the existing wall (except that portion of it against which is built a hut, at present occupied by the person who has charge of the Crown lands in the neighbourhood), the sale to be on condition that the stone shall be removed within a period to be named.

4. The Surveyor General, I am to add, has been requested to measure and mark on the ground the enlarged Necropolis, and to apprise you when this has been done.

I have, &c.,

MICHL. FITZPATRICK.

## No. 93.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to CIVIL CROWN SOLICITOR.

*Department of Lands and Public Works,  
Sydney, 21 June, 1858.*

SIR,

I am directed to inform you, that the question of the establishment of a Necropolis in the neighbourhood of Sydney has, at the instance of the Secretary for Lands and Public Works, been brought under the attention of the Executive Council, and to enclose for your information an extract from a minute of the Council on the subject, containing certain arrangements advised by that body.

2. I am to request that you will take the opinion of the Solicitor General, whether the proposed arrangements are compatible with the Necropolis Act of 1847, 11 Vic., No. 11; and if not, that you will, in accordance with the advise of the Council, be so good as to cause the papers to be placed in the hands of the Parliamentary Draftsman, for the preparation of a Bill for its repeal.

I have, &c.,

MICHL. FITZPATRICK.

## No. 94.

COLONIAL ARCHITECT to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Architect's Office,  
Sydney, 24 June, 1858.*

SIR,

In attention to the instructions conveyed in your letter of 21st instant, I do myself the honor to submit, for publication in the *Government Gazette*, a notice of sale of the stone in the wall of the Cemetery on the Sand Hills, Sydney.

I have, &c.,

ALEX. DAWSON,  
Colonial Architect.

See notice in  
*Government  
Gazette*, dated  
29th June, 1858,  
No. 49.

## No. 95.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to COLONIAL ARCHITECT.

*Department of Lands and Public Works,  
Sydney, 29 June, 1858.*

SIR,

In acknowledging the receipt of your letter of the 24th instant, enclosing a notification of the sale of the stone in the wall of the General Cemetery, I am directed by the Secretary for Lands and Public Works to inform you, that the notice in question, will appear in the next publication of the *Government Gazette*.

2. I am at the same time to inform you, that 11 o'clock on Tuesday, the 6th proximo, is the time fixed for the sale, and that it will take place at the ground instead of at the rooms of the auctioneer, to which effect you will have the goodness to cause Messrs. Purkis and Lambert to be informed.

I have, &c.,

MICHL. FITZPATRICK.

No. 96.



## No. 96.

NOTICE IN "GOVERNMENT GAZETTE."

*Department of Lands and Public Works,  
Sydney, 29 June, 1858.**Materials of Cemetery Wall, Sand Hills.*

MESSRS. Purkis and Lambert will sell by auction, on the ground, at 11 o'clock, on Tuesday, July 6th, the stone in the wall of the General Cemetery, Sand Hills, Sydney.

The stone has been divided into lots, which are marked on the wall, and the purchasers will be required to take down their respective portions of the wall, remove the materials, and fill up the excavations made in obtaining the foundation stone, within *one month* from the day of sale.

MICHL. FITZPATRICK.

## No. 97.

COLONIAL SECRETARY to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Secretary's Office,  
Sydney, 26 July, 1858.*

SIR,

I am directed by the Colonial Secretary to request that you will bring under the notice of the Secretary for Lands and Public Works the enclosed copy of a letter from the Town Clerk, respecting the contemplated establishment of a cemetery at Randwick, with a request that he will cause the Mayor to be informed of the boundaries in the proposed appropriation.

I have, &c.,  
W. ELYARD.

[Enclosure in No. 97.]

*Town Clerk's Office,  
Sydney, 15 July, 1858.*

Sir,

I have the honor, by direction of the Right Worshipful the Mayor, to state that His Worship has received intimation that it is the intention of the Government to appropriate a portion of the land, on the westward slope of the high land in the neighbourhood of Randwick, for the purpose of forming a burial place in connection with the Church of England.

2. As it seems to His Worship that the establishment of a cemetery in this locality may possibly prejudicially affect the water supplied to the city, I have respectfully to request that you will favour His Worship with a plan shewing the position of the proposed reserve, in order that a careful survey may be made, with a view to ascertain whether or not there are any grounds for such a surmise.

3. In the meantime His Worship would beg to suggest the advisability of any further steps towards the proclamation or grant of the intended cemetery being delayed until this question shall have been determined.

I have, &c.,  
CHAS. H. WOOLCOTT,  
Town Clerk.The Honorable  
The Colonial Secretary,  
&c., &c., &c.

## No. 98.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to TOWN CLERK.

*Department of Lands and Public Works,  
Sydney, 7 August, 1858.*

SIR,

Referring to the letter, of the 15th ultimo, which you addressed to the Honorable the Colonial Secretary, stating that the Right Worshipful the Mayor had received intimation that it is the intention of the Government to appropriate a portion of the land on the westward slope of the high land in the neighbourhood of Randwick for the purpose of forming a cemetery, which it is feared may possibly affect prejudicially the water supplied to the city,—I am directed to state, for the information of the Right Worshipful the Mayor, that there is no intention to appropriate any portion of the land forming the watershed to the Sydney Water Reserve to the purposes complained of.

I have, &c.,  
MICHL. FITZPATRICK.

## No. 99.

TOWN CLERK to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Town Clerk's Office,  
Sydney, 13 August, 1858.*

SIR,

Referring to your letter of the 7th instant, wherein you state that it is not intended to appropriate any portion of the land forming the watershed to the Sydney Water Reserve for the purpose of forming a cemetery,—I have the honor, by direction of the Right Worshipful the Mayor, to request that you will be pleased to cause to be furnished, for His Worship's information, a sketch of the locality recently marked out as a cemetery at Randwick, as applied for in my letter to the Colonial Secretary of the 15th ultimo.

I have, &c.,  
CHAS. H. WOOLCOTT.

## No. 100.

The Surveyor General is requested to furnish the sketch accordingly to the Town Clerk.

B.C., 19 Aug., 1858.  
M. F.

## No. 101.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to TOWN CLERK.

*Department of Lands and Public Works,  
Sydney, 16 August, 1858.*

SIR,

I am directed to inform you that, in compliance with the request contained in your letter of the 13th instant, the Surveyor General has been instructed to furnish to you, for the information of His Worship the Mayor, a sketch of the locality recently marked out as a cemetery at Randwick.

I have, &c.  
MICHL. FITZPATRICK.

## No. 102.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to COLONIAL ARCHITECT.

*Department of Lands and Public Works,  
Sydney, 8 September, 1858.*

SIR,

Referring to my letter of the 29th June last, respecting the sale by auction, on the 6th July last, of the stone in the wall of the General Cemetery, I am now directed to request that you will have the goodness to report whether a sale of the materials of the wall was effected; and if so, whether they have been removed?

I have, &c.,  
MICHL. FITZPATRICK.

## No. 103.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to SURVEYOR GENERAL.

*Department of Lands and Public Works,  
Sydney, 8 September, 1858.*

SIR,

Referring to my letter of the 21st June last, in which you were enjoined to have the enlarged area of the proposed Necropolis in the neighbourhood of Sydney measured as quickly as possible, and marked on the ground, and to propose for approval a subdivision of the whole of the site,—I am now directed to request the favour of your early report as to what has been done in the matter?

I have, &c.,  
MICHL. FITZPATRICK.

## No. 104.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to CIVIL CROWN SOLICITOR.

*Department of Lands and Public Works,  
Sydney, 9 September, 1858.*

SIR,

Referring to my letter of the 21st June last, requesting you to take the opinion of the Solicitor General whether the proposed arrangements for the establishment of a Necropolis in the neighbourhood of Sydney were compatible with the Necropolis Act of 1847, 11 Vic., No. 11,—I am now directed to ask you to have the goodness to report whether you have taken the opinion of the Solicitor General on the subject?

I have, &c.,

MICHL. FITZPATRICK.

## No. 105.

CIVIL CROWN SOLICITOR to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Civil Crown Solicitor's Office,  
Sydney, 10 September, 1858.*

SIR,

I have the honor to inform you, in reply to your letter of the 9th instant, that I consulted the Honorable the Solicitor General, as to whether, in his opinion, the proposed arrangements (as appearing by the minute of the Executive Council, forwarded to me in your letter of the 21st June last) for the establishment of a Necropolis in the neighbourhood of Sydney were compatible with the Act of Council 11 Victoria, No. 11, and Mr. Solicitor General and myself have conferred together on the subject, but that at present Mr. Solicitor General has not written an opinion in the matter.

I will bring your letter of the 9th instant under his notice, and will request the favour of an early opinion from him.

W. W. BILLYARD,  
Civil Crown Solicitor.  
(Per J. J. JACKSON.)

## No. 106.

COLONIAL ARCHITECT to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Architect's Office,  
Sydney, 10 September, 1858.*

SIR,

In reply to your letter of the 8th instant, I do myself the honor to state, that the materials in the wall of the General Cemetery were sold by public auction, and the proceeds have been duly paid into the Treasury. The stone has not yet been removed.

I have, &c.,

ALEXANDER DAWSON,  
Colonial Architect.

## No. 107.

MAYOR to COLONIAL SECRETARY.

*Town Hall, Sydney,  
18 September, 1858.*

SIR,

I have the honor to transmit herewith a copy of a letter this day received by me from the Officer of Health, respecting the proposed new cemetery at Randwick.

2. I did myself the honor, by letter of date 15th July last, to bring this matter under your notice, requesting, at the same time, that you would be pleased to furnish me with a plan shewing the position of the proposed reserve, in order that a careful survey might be made, with a view of ascertaining whether or not grounds exist for believing that the proposed cemetery may affect the water-works at Botany. This application was referred to the Department of Lands and Public Works, and, on the 16th of August last, I received a letter from the Under Secretary of that department, intimating that the Surveyor General had been instructed to furnish the plan requested. I have not yet, however, been favoured with any communication from the Surveyor General.

## BURIAL GROUNDS, SYDNEY.

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3. I therefore again respectfully request that you will be pleased to prevent any steps being taken to appropriate the land referred to as a cemetery, until the City Engineer has had an opportunity of making a survey thereof.

I have, &c.,  
JOHN WILLIAMS,  
Mayor.

The Surveyor General is requested to explain.—B.C., 21 *Sept.*, 1852.—M.F.

The tracing was sent to the Town Clerk on the 18th instant.—23 *Sept.*, 1858.—Geo. BARNEY, S.G.

[*Enclosure in No. 107.*]

Town Hall, Sydney,  
Officer of Health Department,  
17 *September*, 1853.

Sir,

I beg to call your attention to an advertisement in the *Sydney Morning Herald*, announcing the intention of the Bishop to consecrate the cemetery in connection with St. Jude's Church at Randwick, to-morrow, the 18th instant; and as I have reason to believe that a cemetery in such a situation will drain into the new reserve for the supply of the city with water, and thereby produce dangerous contamination, I beg to suggest the necessity of taking steps to prevent such a result.

I have, &c.,  
ISAAC AARON,  
Officer of Health.

The Mayor of Sydney.

## No. 108.

CIVIL CROWN SOLICITOR to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

Civil Crown Solicitor's Office,  
Sydney, 22 *September*, 1858.

SIR,

Referring to your letter to me of the 21st June last, in which you forwarded, for my information, an extract from the minute of the Executive Council, relative to the proposed establishment of a Necropolis in the neighbourhood of Sydney, I have the honor to inform you that I have now obtained, as requested by you, the opinion of the Honorable the Solicitor General, as to whether the arrangements mentioned in such minute are compatible with the Act of Council 11 Vic., No. 11.

A copy of that opinion I now enclose, from a perusal of which you will perceive that Mr. Solicitor General considers that the arrangements as proposed cannot be carried out under the Act just above referred to; and that it will be necessary therefore to repeal that Act, and to bring in a new Bill to effectuate the objects contemplated.

The extract already referred to I now return to you, enclosed.

I have, &c.,  
WM. W. BILLYARD,  
C. C. Solicitor.  
(Per J. J. JACKSON.)

## OPINION.

I THINK that the arrangements proposed to be carried out, as detailed in the Minute of the Executive Council, cannot be effected under the provisions of the Act, 11 Vic., No. 11.

The appointment of Trustees under the Act conflicts with the scheme laid down in the minute of the Executive Council; and further, the increased area cannot be obtained without the authority of the Legislature, conveyed either under a general Act or a special Act passed for the purpose.

I am of opinion, therefore, that it will be necessary to repeal the Necropolis Act of 1847, and to bring in a new Bill to effectuate the objects contemplated.

ALFRED P. LUTWYCHE,  
Solicitor General.

21 *Sept.*, 1858.

No. 109.

## No. 109.

CHAIRMAN OF WESLEYANS to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Parramatta, 22 October, 1858.*

SIR,

May I beg to call your attention to letters addressed on the subject of a burial ground for the use of the Wesleyan body in and about Sydney? For some time past we have been under the painful necessity of refusing permission to our people still to bury in our present ground, for the reason that it is full, and therefore highly improper and unsafe still to inter the dead there. We are now obliged to bury where we can, which is not only painful to many parties who have friends buried in the present ground, but often subjects them to annoyance from others.

Begging your early attention to this subject,—

I have, &amp;c.,

STEPHEN RABONE,  
Chairman of Wesleyans.

## No. 110.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Surveyor General's Office,  
Sydney, 23 October, 1858.*

SIR,

Appendix K.

With reference to your letter of the 8th ultimo, I have the honor to forward herewith Mr. Darke's plan of his survey of the Necropolis, shewing the subdivision which he would propose, together with his reports, by which it will be seen that the external boundaries of the Cemetery have been sufficiently marked on the ground, and an officer of the Colonial Architect's Department informed.

2. The subdivisions are unmarked, pending the approval thereof by the Honorable the Secretary for Lands and Public Works.

I have, &amp;c.,

G. BARNEY.

[Enclosure 1 in No. 110.]

*Surveyor General's Office,  
Sydney, 13 October, 1858.*

Sir,

Wanting.

My plan of the site for a Necropolis for the city of Sydney, submitted to you by my letter of the 30th ultimo, having been returned to me with your memorandum of the 6th instant, directing me to shew thereon, for approval, a proposed subdivision amongst the various religious bodies,—I have the honor to retransmit the plan now shewing the subdivisions I would suggest. The several portions I have endeavoured to reconcile with the proportions of each denomination as shewn by the census, as far as the form and features of the land will admit, taking at the same time the approximate area of lagoons and swamps into consideration.

The Surveyor General,  
Sydney.

I have, &amp;c.,

WM. WEDGE DARKE.

[Enclosure 2 in No. 110.]

*Surveyor General's Office,  
Sydney, 30 September, 1858.*

Sir,

Wanting.

In attention to your memorandum of the 17th instant, on the subject of my survey of lands in the parish of Alexandria as a Necropolis for the city of Sydney, I have the honor to state that I have made the feature survey, and have marked and cleared the boundaries as directed, and forward a plan of the site (119 acres) herewith.

Some delay has arisen in the performance of this duty, from the alteration the boundaries as first cleared and surveyed, but more from the necessity of a series of observations to determine the variation of the magnetic meridian since the time of the original alignments in this locality; with reference to the result of which I beg to refer you to my letter of this date.

Not received.

I return all papers on this subject and plans herewith.

The Surveyor General,  
Sydney.

I have, &amp;c.,

WM. WEDGE DARKE,  
Assistant Surveyor.

## No. 111.

SECRETARY FOR LANDS AND PUBLIC WORKS to CHAIRMAN OF WESLEYANS.

*Department of Lands and Public Works,  
Sydney, 1 November, 1858.*

REV. SIR,

In acknowledging the receipt of your letter of the 22nd ultimo, respecting an appropriation of land near Sydney as a site for a burying ground for the use of the Wesleyan body,—I am directed to inform you that the external boundaries of the Sydney Necropolis have been marked on the ground, and that the subdivisions for the several religious communities are now under the consideration of the Government, who, in deciding upon the proposed arrangements, will cause ample and suitable land to be set apart for the purpose alluded to in your letter under reply.

I have, &amp;c.,

MICHAEL FITZPATRICK.

No. 112.

No. 112.

COLONIAL ARCHITECT to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Architect's Office,  
Sydney, 8 November, 1858.*

SIR,

Agreeably to the instructions conveyed in the second paragraph of your letter of 21st June last, I do myself the honor to report that the cost of fencing-in the land appropriated for a Necropolis at the Sand Hills near Sydney will be as follows, viz. :—

520 rods of close paled fencing, 8ft. high, at 35s.	£910	0	0
6 gates complete, at £10 ... ..	60	0	0
	<hr/>		
	£970	0	0

I have, &c.,  
ALEX. DAWSON,  
Colonial Architect.

No. 113.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Surveyor General's Office,  
Sydney, 5 February, 1859.*

SIR,

I have the honor to invite your attention to my letter of the 23rd October last, transmitting Mr. Surveyor Darke's survey of the proposed Necropolis, and to inquire whether the subdivision of the land, as proposed by Mr. Darke, has as yet received the approval of the Government? See No. 110.

I have, &c.,  
GEO. BARNEY,  
S.G.

As the sum of £970 has been voted on the Estimates for the present year, for fencing-in the Necropolis, Sydney, the Colonial Architect may be requested to take the necessary steps for proceeding with the work in question.—B.C., 14 March, 1859.—M.F.

This may stand till the estimate of the department is determined.—7 Feb'y., /59.—JOHN R. Surveyor General.—B.C., 8 Feb'y.—M.F.

No. 114.

TOWN CLERK to COLONIAL SECRETARY.

*Town Clerk's Office,  
Sydney, 30 March, 1859.*

SIR,

I do myself the honor, by direction of the Right Worshipful the Mayor, and in accordance with a resolution of the Municipal Council, respectfully to request that the Government will stay any further proceedings with respect to the laying out of the proposed Necropolis in the vicinity of the Lachlan Water Reserve, until such time as the Council may be enabled to obtain an accurate survey of the locality, with a view to ascertain whether the purity of the water supplied to the Botany Works is likely to be affected by the use of a portion of the watershed for the above-named purpose.

2. His Worship desires me to state that the necessary surveys will be made and reports thereon forwarded to you as soon as possible.

I have, &c.,  
CHAS. H. WOOLCOTT,  
Town Clerk.

No. 115.

COLONIAL ARCHITECT to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Architect's Office,  
Sydney, 16 April, 1859.*

SIR,

In attention to your endorsement upon the enclosed letter, relative to the fencing-in of the land appropriated for a Necropolis at the Sand Hills near Sydney,—

2. I do myself the honor to submit for publication in the *Government Gazette*, a form of advertisement inviting tenders for the performance of the work.

I have, &c.,  
ALEX. DAWSON.

*See notice in  
Gazette, dated  
3 May, 1859.*

## No. 116.

TOWN CLERK to COLONIAL SECRETARY.

*Town Clerk's Office,  
Sydney, 29 April, 1859.*

SIR,

I have the honor, by direction of the Right Worshipful the Mayor, respectfully to request that you will be pleased to cause to be furnished, for the information of the Municipal Council, a plan shewing the site where the proposed Necropolis is to be established.

I have, &c.,  
CHAS. H. WOOLCOTT,  
Town Clerk.

The Secretary for Lands and Works.—C.C.—B.C., 30 Sept.  
Refer to the Surveyor General.—M.F.—B.C., 3 May, 1859.

## No. 117.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS AND WORKS.

A PLAN, shewing the Cemetery site, with the adjacent country, ranges, and swamps, has been sent to the Right Worshipful the Mayor, and it is believed that he will not require a copy.

B.C., 11 May, 1859.

G. BARNEY,  
Surveyor General.

## No. 118.

NOTICE IN "GOVERNMENT GAZETTE."

*Department of Lands and Public Works,  
Sydney, 3 May, 1859.**To Fencers and others.—Fencing at the Necropolis near Sydney.*

TENDERS will be received at this office until 12 o'clock on Tuesday, the 17th instant, from persons willing to contract for the performance of fencing required at the Necropolis near Sydney.

Tenders to be endorsed, "Tender for fencing Necropolis near Sydney."

Specification and form of tender may be seen, and further particulars obtained, at the Colonial Architect's Office, Sydney.

Tenders must state the time within which it is proposed to complete the work; and at the foot of every tender there must be a memorandum, signed by the party tendering, and two responsible persons as sureties, agreeing to be answerable for the due performance of the contract, in the event of the tender being accepted, and undertaking in that event that they will severally execute and deliver, at the office of the Civil Crown Solicitor in Sydney, within seven days from the usual notification of acceptance, a bond to Her Majesty, in the penal sum of £100, for securing such performance, otherwise the tender will not be taken into consideration.

JOHN ROBERTSON.

## No. 119.

TOWN CLERK to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Town Clerk's Office,  
Sydney, 10 May, 1859.*

SIR,

I have the honor, by direction of the Right Worshipful the Mayor, to state that, having this day received from the Surveyor General a plan shewing the site of the proposed Necropolis, His Worship has instructed the City Engineer to make a survey of the locality, and report immediately as to its position with regard to the Water Reserve, and he would beg to offer, for Mr. Secretary Robertson's consideration, the advisability of postponing the consideration of the tenders which may be received for fencing-in the Cemetery until the Engineer's report be obtained.

I have, &c.,  
CHAS. H. WOOLCOTT,  
Town Clerk.

## No. 120.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to COLONIAL ARCHITECT.

*Tenders for Fencing the Necropolis near Sydney—five tenders.*

THE Colonial Architect is requested to report which of either of these tenders is the most eligible. Not traceable.

B.C., 17 May, 1859.

M.F.

## No. 121.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to TOWN CLERK.

*Department of Lands and Public Works,  
Sydney, 19 May, 1859.*

SIR,

With reference to your letter of the 29th ultimo, requesting to be furnished, for the information of the Municipal Council, with a plan of the site for the proposed Necropolis.—I am directed to inform you that a report has been received from the Surveyor General, stating that a plan shewing the Cemetery site, with the adjacent country, ranges, and swamps, has been already sent to the Right Worshipful the Mayor, and that it is believed a copy will not be required.

I have, &c.,

MICHL. FITZPATRICK.

## No. 122.

COLONIAL ARCHITECT IN REPLY.

A SCHEDULE of the tenders is forwarded herewith; this offer, No. 5, from Mr. Harmer, Not traceable. is the lowest, in my opinion, and I therefore beg to recommend its acceptance.

20 May, 1859.

A.D.

## No. 123.

THOMAS PERKINS to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Balmain, 18 May, 1859.*

SIR,

The meeting reported in this day's *Herald*, respecting a Cemetery to be established in the suburbs of Sydney, has induced me to take the liberty of pointing to a far more eligible site, that is, on the Liverpool Road, beyond Ashfield; if ten or fifteen miles out, it little matters; we must take an example from London; and it is not too much to state, that in another century all the land from Newtown to the coast, reaching from Botany Heads to Port Jackson, will be dotted with houses and market gardens, and that the population will be equal to what New York is at the present time. An area of at least 300 acres should be secured and cleared, for the purpose of laying out ornamentally; to be sufficient distance from the railway so as to make it an agreeable landscape to the traveller. A mourning train to start daily to the ground.

All the surrounding neighbourhood, from Cook's River to Parramatta River, could and would avail themselves of it; and even for Balmain far more convenient than the present plan of crossing Darling Harbour in boats or steamer, to be again subject to be transferred, like a case of merchandise, to Newtown or the proposed Cemetery near the source where Sydney is supplied with water; for a hearse would reach the Petersham Station far more convenient and satisfactory than crossing the harbour and Sydney streets, as at present.

The land in the neighbourhood, I believe, is of little value for agricultural or grazing, and, judging from the cuttings in the railroad, very suitable for a Cemetery, having no running spring, and may be sunk to any depth free from water.

I have, &c.,

THOS. PERKINS.

## No. 124.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to MR. WILLIAM HARMER.

*Department of Lands and Public Works,  
Sydney, 6 June, 1859.*

SIR,

In reference to your tender, dated 17th ultimo, for the fencing required at the Necropolis near Sydney, I am directed to inform you that the fencing-in of the Necropolis has for the present been suspended, at the instance of His Worship the Mayor and a number of citizens interested in that part of the city. Not traceable.

I have, &c.,

MICHL. FITZPATRICK.



## No. 125.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to MR. B. FRANCIS.

*Department of Lands and Public Works,  
Sydney, 6 June, 1859.*

SIR,

I am directed to inform you, that your tender, dated 17th May, for fencing the Necropolis, has been declined by the Government.

I am, &c.,

MICHL. FITZPATRICK.

## No. 126.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to MESSRS. JOLLY & Co.

*Department of Lands and Public Works,  
Sydney, 6 June, 1859.*

GENTLEMEN,

I am directed to inform you, that your tender, dated 17th May, for fencing the Necropolis, has been declined by the Government.

I am, &c.,

MICHL. FITZPATRICK.

## No. 127 A.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to MESSRS. PICKERING & WALLIS.

*Department of Lands and Public Works,  
Sydney, 6 June, 1859.*

GENTLEMEN,

I am directed to inform you, that your tender, dated 17th May, for fencing the Necropolis, has been declined by the Government.

I am, &c.,

MICHL. FITZPATRICK.

## No. 127 B.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to W. DUNK.

*Department of Lands and Public Works,  
Sydney, 6 June, 1859.*

SIR,

I am directed to inform you, that your tender, dated 17th May, for fencing the Necropolis, has been declined by the Government.

I am, &c.,

MICHL. FITZPATRICK.

## No. 128.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to TOWN CLERK.

*Department of Lands and Public Works,  
Sydney, 15 June, 1859.*

SIR,

In reference to your letter of the 10th ultimo, requesting, by direction of His Worship the Mayor, that the consideration of the tenders that may be received for fencing in the Necropolis near Sydney may be postponed until the City Engineer has furnished his report, which had been called for as to the position of the Necropolis with regard to the Water Reserve,—I am directed by the Secretary for Lands and Public Works to inquire whether the City Engineer has yet reported in this matter; and if so, whether there is any longer any necessity for suspending the consideration of the tenders?

I have, &c.,

MICHL. FITZPATRICK.

## No. 129.

TOWN CLERK to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Town Clerk's Office,  
Sydney, 16 June, 1859.*

SIR,

In reply to your letter of yesterday's date, I have the honor, by direction of the Right Worshipful the Mayor, to state that, as the City Engineer has this day reported that the drainage from the proposed Necropolis on the Randwick Road is not likely to interfere with the present arrangement for the supply of water to the city, His Worship does not see any reason for asking for any further delay on the part of the Government, in the consideration of the tenders for fencing-in the Cemetery.

I have, &c.,  
CHAS. H. WOOLCOTT,  
Town Clerk.

## No. 130.

WILLIAM HARMER to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Bay-street, 9 July, 1859.*

SIR,

Some time ago I had a letter from your office, concerning my tender for fencing-in the Burial Ground on the Sand Hills; and as I am informed that all the objections to the ground are done away with, I beg respectfully to ask whether my tender for the same will be accepted, and whether I may go on with the work?

I have, &c.,  
WM. HARMER.

## No. 131.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to CIVIL CROWN SOLICITOR.

*Department of Lands and Public Works,  
Sydney, 26 July, 1859.*

SIR,

The accompanying tender for the erection of certain fencing at the Necropolis, near Sydney, has been accepted for the sum of £756. Mr. Harmer—  
wanting.

2. The bond to be executed within seven days from this date.

I have, &c.,  
MICHL. FITZPATRICK.

## No. 132.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to MR. WILLIAM HARMER.

*Department of Lands and Public Works,  
Sydney, 26 July, 1859.*

SIR,

I am directed to inform you that your tender, dated 17th May last, for the erection of the fencings required at the Necropolis near Sydney, for the sum of £756, Wanting. has been accepted, and to refer you to the Colonial Architect and Crown Solicitor.

I have, &c.,  
MICHL. FITZPATRICK.

## No. 133.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to COLONIAL ARCHITECT.

*Department of Lands and Public Works,  
Sydney, 26 July, 1859.*

SIR,

With reference to your blank cover report of the 20th May last, I am directed to inform you that the tender of Mr. William Harmer to erect certain fencing at the Necropolis near Sydney, for the sum of £756, has been accepted, and he has been referred to you for further information, and for the purpose of signing the necessary bond.

I have, &c.,  
MICHL. FITZPATRICK.

## No. 134.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to MR. WILLIAM HARMER.

*Department of Lands and Public Works,  
Sydney, 30 July, 1859.*

SIR,

In reply to your letter of the 9th instant, I am directed to draw your attention to my communication of the 26th instant, apprising you that your tender for fencing-in the Necropolis near Sydney had been accepted by the Government, and referring you to the Colonial Architect for further information on the subject.

I have, &c.,

MICHL. FITZPATRICK.

## No. 135.

*MEMORIAL of the undersigned Inhabitants of Sydney, Surry Hills, and the adjacent localities, to the Honorable the Secretary for Lands and Public Works, against the proposed erection of the Necropolis on the reserve at Surry Hills.*

THE subscribers most earnestly protest against it, for the following amongst other reasons:—

Because the proposed site commences sixty feet within the city boundary, and is in close proximity to the properties of some of the memorialists; and it is contrary to all sanitary regulations that cemeteries shall be erected within a city or adjoining the dwellings of the people.

2. That the water which filters through the sands of this part of the Surry Hills, forms a portion of the water used by the memorialists and many others, and must consequently become contaminated if the same sands are to be the burying-place of the metropolis, and cannot but be the cause of disease and death.

3. That in many places the proposed site is wholly unfit for the purpose contemplated, inasmuch as there is almost permanent water to be found a few feet under the sandy surface, rendering burial in such positions, without the most expensive system of drainage, manifestly impossible.

For these, irrespective of all other reasons, the undersigned respectfully urge upon the Honorable the Secretary for Lands and Public Works the necessity for abandoning the proposed site for some one of many spots that could be chosen presenting none of these objections.

[Here follow 28 Signatures.]

## No. 136.

*MINUTE of the Secretary for Lands and Public Works, on Memorial from Inhabitants of Surry Hills and adjacent localities, protesting against the present reserve for a Necropolis there being used for that purpose.*

THE contract for fencing is taken, and the whole matter has been so long determined on by the Government, that any objections on the grounds of contiguity to certain dwellings can scarcely be fairly put forward, as the dwellings alluded to were erected since the site was chosen—not before. Besides this, those who have taken the most trouble to inquire into the matter, including the Mayor and Corporation of the city, have withdrawn their objection. The Surveyor General may, however, be requested to hold back from apportionment for burial purposes a belt of the land along Dowling-street, which may be at some future time planted with trees, and thus to some extent meet the views of the petitioners.

JOHN ROBERTSON.

9 August.

## No. 137.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to T. PERKINS, ESQ.

*Department of Lands and Public Works,  
Sydney, 10 August, 1859.*

SIR,

In reference to your letter of the 18th May last, suggesting that land on the Liverpool Road beyond Ashfield, ten or fifteen miles from town, would be a more eligible site for a Cemetery than that fixed upon by the Government, I am directed to thank you for your suggestion, but to inform you that the contract for fencing-in the Sydney Necropolis, as already laid out, has been taken.

I have, &c.,

MICHL. FITZPATRICK.

## No. 138.

CROWN SOLICITOR to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Crown Solicitor's Office,  
Sydney, 12 August, 1859.*

SIR,

Adverting to the instructions contained in your letter of 26th July, I have <sup>Not traceable.</sup> the honor to transmit the necessary bond, executed by Mr. Harmer and his sureties, for the fulfilment of his contract to erect certain fencing at the Necropolis near Sydney.

The plan has been marked, signed by all parties, witnessed, and handed to the Colonial Architect.

I have, &c.,  
JOHN WILLIAMS,  
Crown Solicitor.

## No. 139.

THE bond may now be forwarded to the Colonial Architect, who will please have the <sup>Not traceable.</sup> goodness to acknowledge its receipt.

B.C., 16 August, 1859.—M.F.

## No. 140.

COLONIAL ARCHITECT to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Architect's Office,  
Sydney, 18 August, 1859.*

SIR,

I do myself the honor to acknowledge the receipt of bond, executed by Mr. William Harmer and his sureties, for the due fulfilment of the contract for fencing-in the Necropolis near Sydney, which was forwarded to me, under blank cover, on 16th instant.

2. The Crown Solicitor's letter and other correspondence is returned herewith.

I have, &c.,  
ALEX. DAWSON,  
Colonial Architect.

## No. 141.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to JOHN RICHARDSON, Esq., M.L.A.

*Department of Lands and Public Works,  
Sydney, 24 August, 1859.*

SIR,

Referring to the memorial presented by you from certain of the inhabitants of Sydney, Surry Hills, and the adjacent localities, objecting to the Necropolis about to be established on the reserve at Surry Hills, I am directed to inform you that the contract was long since taken, and the whole matter has been so long determined on by the Government, that any objection on the grounds of contiguity to certain dwellings can scarcely be fairly put forward, as the dwellings alluded to were erected since the site of the Necropolis was chosen—not before.

2. Besides this, I am to state that those who have taken the most trouble to inquire into the matter, including the Mayor and Corporation of the city, have withdrawn their objection.

3. The Acting Surveyor General has, however, been requested to hold back from apportionment for burial purposes, a belt of the land along the street, which can at some future time be planted with trees, and thus to some extent meet the views of the petitioners.

I have, &c.,  
MICHL. FITZPATRICK.

## No. 142.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to ACTING SURVEYOR GENERAL.

FOR the guidance of the Acting Surveyor General.—Blank Cover, 24 August, 1859.—M.F.

THE belt of land along Dowling-street has been noted in the plan as a reserve—no answer has however been made to my letter of 5th February last, respecting the subdivision of the Necropolis.

B.C., 2 September, 1859.

A. G. M'LEAN,  
Acting Surveyor General.

THE

THE recommendations of the Acting Surveyor General may be approved.

JOHN R.

3 September, 1859.

RETURNED to the Acting Surveyor General, for his information and guidance.

M.F.

B.C., 3 September, 1859.

No further steps will, I presume, be taken in this matter.

A. G. M'LEAN,  
A.S.G.

B.C., 13 October, 1859.

*Substance of Minute.*

THE second reading of the Necropolis Bill in the Assembly, on the 6th October, having been negatived, it is considered desirable to stop the work, and make arrangements with the contractor for the work performed.

No. 143.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to ACTING COLONIAL ARCHITECT.

MR. COLES is requested to report immediately what progress (if any) has been made by the contractor in fencing the Necropolis ?

M.F.

B.C., 7 October.

No. 144.

REPORT OF ACTING COLONIAL ARCHITECT.

THE whole of the first line of fencing has been erected. Materials for about forty rods of fencing are on the ground, and five pairs of gates have been made. Something more than one fourth of the contract has been executed.

W. COLES,  
Actg. Col. Archt.

7 October, 1859.

No. 145.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS.

*Surveyor General's Office,  
Sydney, 19 October, 1859.*

SIR,

Not traceable.

In obedience to the instructions conveyed by your blank cover letter of that I should report what Crown lands in the vicinity of Sydney are eligible for a General Cemetery for the city, and not open to the objections which have been taken to the site between the Randwick Road and Dowling-street,—I have the honor to report that the only land in the possession of the Government, and to which similar objections might not be taken, is a portion of the Church and School Estate in the parish of Botany.

This land is situated on the sea face of the range which extends along the coast from near Long Bay, Randwick, and upwards of 100 acres might be marked out, the drainage from which would be directly to the sea. It is approached by the Randwick Road and the new road now about being constructed, which latter would either form the boundary or pass through it. The distance from the centre of Sydney would be about five miles. The soil is sandy, and there is no timber on the land. I have taken measures to ascertain whether the depth of soil is sufficient for purposes of sepulture.

The objections to the site—are its distance from Sydney, which is too great to admit of its being ordinarily reached by pedestrians; the sandy nature of the soil, which would probably, in so exposed a situation, result in the breaking up of the present surface in extensive sand drifts; and its proximity to the growing suburb of Randwick, through which funerals would necessarily pass.

A site might be selected on the western slope of the same range of hills, which would be somewhat less distant, and which would not be approached through Randwick; but this site would be open to the objection that the drainage would be to land which is likely to be extensively occupied within the next few years.

I should mention also, that the establishment of a General Cemetery in either of those positions would materially depreciate the sale or leasing of the lands in the vicinity.

Two

## BURIAL GROUNDS, SYDNEY.

81

Two other sites have suggested themselves; one being at Cabarita Point, on the Parramatta River, and about midway from Sydney to Parramatta, and the other being a portion of the Government Domain at Parramatta, in the vicinity of the railway line.

The former of these would have to be reached either by water (in a distance of about five miles) or from the railway line, the distance from the Ashfield or Burwood station on which is about two miles. The vacant line contains an area of about 170 acres, and is generally pretty thickly wooded; but it might probably be cleared for little more than the value of the timber. The drainage is to the water of the Parramatta River, which almost surrounds it.

This land is under proclamation for sale on the 16th proximo, but may of course be withdrawn. I have not yet had the depth of the soil tested, but shall have this done at once, should the suggestion be deemed worthy of consideration.

The site at Parramatta is on the north side of the railway line on the slope of the ridge towards Toongabbee Creek; and without embracing portions having frontage on that creek, 115 acres might be appropriated as a Cemetery.

This would however embrace the land which I understand is about being applied for in exchange for the Cemetery for Parramatta, of thirty acres, reserved on the opposite side of the railway line, but which proves not to have a sufficient depth of soil. The approach would of course be by railway. The land is partly cleared, and is, I believe, to a great extent at least, of sufficient depth for burial purposes.

I have, &c.,  
A. G. M'LEAN,  
A.S.G.

The enclosed papers having been withdrawn from the consideration of the Executive Council, are forwarded to the Honorable the Secretary for Public Works, with a view to his making such arrangements as he may consider necessary with the contractor who was employed to fence-in the abandoned site. The papers referring to a fresh selection have been transmitted to the Honorable the Secretary for Lands.

A. O. M.

*Executive Council Office,*  
B.C., 1 Nov., 1859.

No. 146.

ACTING SURVEYOR GENERAL to MR. COMMISSIONER DEANE.

*Surveyor General's Office,*  
*Sydney, 20 October, 1859.*

SIR,

With reference to your report of the 7th instant, respecting result of D. Ryan cutting timber on Crown lands at Cabarita Point, I have now to request that you will, at your early convenience, revisit that situation, and ascertain that the trespass had not been repeated. I should wish also that you would take with you, at the cost of the department, a labourer with a spade, and test and report as to the depth of the soil on Cabarita Point, in various portions of the land shewn in the lithograph, and its suitability for purposes of burial. No reference to the subject.

I have, &c.,  
A. G. M'LEAN.

No. 147.

MR. COMMISSIONER DEANE to ACTING SURVEYOR GENERAL.

*Darlinghurst Police Station,*  
*26 October, 1859.*

SIR,

I have the honor to inform you that, according to your instructions, I have examined the soil on the reserve at Cabarita Point, having caused four holes to be dug at different parts of the ground; and as regards the soil, I am of opinion that it is well adapted for burial purposes. There is about one foot and a half of sandy loam on the surface, then about three feet of ironstone, and after that the ironstone becomes mixed with a dry sort of whitish clay. Three holes out of the four we dug five feet deep, but time would not permit us to go so deep with the fourth.

I have, &c.,  
JAMES DEANE,  
C.C.L.

## No. 148.

## MINUTE OF SECRETARY FOR LANDS.

THIS matter should be considered urgent, as although the contractor is willing to make a reasonable arrangement for a change in the site upon which to place the fencing, he cannot be expected to suffer the affair to remain long in abeyance. I am disposed to recommend the site first intended herein. The contractor has only placed on the ground about one-third of fencing material, therefore the allowance proper in consideration of the change need not be great.

JOHN R.,  
26 Oct.

Governor General and Executive Council.

Clerk of the Council.—B.C., 26 Oct.—M.F.

## No. 149.

## MEMO. OF CLERK OF EXECUTIVE COUNCIL.

By the direction of His Excellency the Governor General, withdrawn from the consideration of the Executive Council, with a view to the Honorable the Secretary for Lands submitting a recommendation in favour of a fresh selection of land for a General Cemetery, and the matter being further enquired into by him.

The attention of the Honorable the Secretary for Works has in the mean time been directed to the correspondence with respect to the contracts for fencing the site previously decided upon and now abandoned.

A.O.M.  
*Executive Council Office,*  
B.C., 31 October, 1859.

The Secretary for Lands.

## No. 150.

## COLONIAL ARCHITECT to UNDER SECRETARY FOR PUBLIC WORKS.

*Colonial Architect's Office,*  
Sydney, 23 November, 1859.

SIR,

23 Nov., '59.

I do myself the honor to transmit a communication received from the contractor for fencing-in the Necropolis near Sydney, which work was stopped by direction of Mr. Secretary Robertson; and I beg to request instructions as to what steps are to be taken in the matter?

I have, &c.,  
ALEX. DAWSON.

[Enclosure in No. 150.]

*Bay-street, Woolloomooloo,*  
23 November, 1859.

Sir,

Having been requested to delay proceeding with the fencing of the Necropolis on the Sand Hills, as the Government had it in contemplation to abandon the site, I stopped the work, and have not proceeded with it since, which is a great loss to me, and the persons with whom I engaged for the timber are pressing me every week. I beg, therefore, you will be good enough to inform me whether I am to go on with the work, as soon as possible?

Alex. Dawson, Esq.,  
Colonial Architect.

I have, &c.,  
WM. HARMER.

## No. 151.

## UNDER SECRETARY FOR PUBLIC WORKS to COLONIAL ARCHITECT.

*Department of Public Works,*  
Sydney, 1 December, 1859.

SIR,

No. 150.

Referring to your letter of the 23rd ultimo, I am directed to inform you that Mr. William Harmer has been requested to call upon me at 1 o'clock to-morrow, the 2nd instant, with respect to his contract for fencing-in the Necropolis near Sydney; and I am to invite you to attend here at the same time.

I have, &c.,  
B. H. MARTINDALE.

No. 152.

## No. 152.

UNDER SECRETARY FOR PUBLIC WORKS to MR. W. HARMER.

*Department of Public Works,  
Sydney, 1 December, 1859.*

SIR,

I am directed to request that you will have the goodness to call upon me at 1 o'clock to-morrow, Friday, the 2nd instant, with respect to your contract for fencing in the Necropolis near Sydney.

I have, &c.,  
B. H. MARTINDALE.

## No. 153.

MINUTE OF SECRETARY FOR PUBLIC WORKS.

I saw the contractor for the Necropolis fencing; he desires to have £150 and the market price for all materials procured by him. This is equal to a bonus of about 20 per cent. profit on the contract.

The matter had probably better be referred to Colonial Architect, for report on Mr. Harmer's proposal.

G.E.,  
4/12/59.

Colonial Architect.—B.C., 3/12.—B.H.M.

## No. 154.

MINUTE OF COLONIAL ARCHITECT.

	£	s.	d.
THE work executed, estimated at market prices, amounts to	...	241	11 0
And the value of materials supplied but not yet worked up to	...	138	0 0
Making in all	...	379	11 0

as per details enclosed.

In addition to this, Mr. Harmer claims compensation for loss of profit on the whole contract, and has agreed to accept 10 per cent on £75 12s., which I do not consider unreasonable. I would therefore recommend that the sum of £455 3s. be allowed him, and that the Government take the materials, which can be used for other works.

14 January, 1860.

Wanting.

A D.

## No. 155.

MR. W. HARMER to SECRETARY FOR PUBLIC WORKS.

*Bay-street, Sydney,  
2 February, 1860.*

SIR,

Not having received any answer respecting my contract for fencing the Necropolis, and the delay being great inconvenience and loss to me, I beg most respectfully to request you will favour me with an order for payment of the valuation valued by the Colonial Architect.

15, Bay-street,  
Woolloomooloo Bay.

Your, &c.,  
WM. HARMER.

## No. 156.

MINUTE OF UNDER SECRETARY FOR PUBLIC WORKS.

SUBMITTED that the recommendation of the Colonial Architect be carried out, the cost to be defrayed from vote for Cemetery. I presume, however, it will be necessary, as the Cemetery will not be enclosed, to repay this vote by placing the necessary sum on the Supplementary Estimates for 1860.

B.H.M.,  
1/2/60.

No. 157.



## No. 157.

UNDER SECRETARY FOR PUBLIC WORKS to COLONIAL ARCHITECT.

SIR,

The Secretary for Public Works wishes to know the details of materials supplied but not yet made up, amounting to £138 ; also of work executed, amounting to £241 11s. ?

Col. Architect,  
B. C.

By order,  
B.H.M.,  
21/2/60.

Wanting.

Original measurements and valuation herewith to be returned.

21 February, 1860.

## No. 158.

UNDER SECRETARY FOR PUBLIC WORKS to COLONIAL ARCHITECT.

SIR,

It appears from the accompanying papers, that the Colonial Architect was requested, on the 21st June, 1858, to furnish an estimate of the cost of fencing-in the land appropriated for a Necropolis, at the Sand Hills near Sydney, which he did on the 8th November of that year. The amount (£970) was voted on the Estimates for 1859, and tenders were called for, to be opened on the 17th May last. On the 10th May (seven days before the tenders were opened) a communication was received from the Town Clerk, suggesting, by direction of the Right Worshipful the Mayor, that the consideration of the tenders might be postponed until the City Engineer's report was obtained as to the position of the Necropolis with regard to the Water Reserve. The tenders were opened on the 17th May, and referred in the usual manner to the Colonial Architect, who reported on the 20th that William Harmer's tender was the lowest, and recommended its acceptance. Mr. Harmer was however informed that the matter was suspended, at the request of the Mayor.

On the 16th June, however, a further communication was received from the Town Clerk, stating that, as the City Engineer had reported that the drainage from the proposed Necropolis was not likely to interfere with the present arrangement for the supply of water to the city, His Worship did not see any reason for asking any further delay on the part of the Government, in the consideration of the tenders for fencing-in the Cemetery. Mr. Harmer's tender was then accepted by the Government, and his bond signed and transmitted to the then Lands and Public Works Office, on the 12th August.

The second reading of the Necropolis Bill in the Assembly, on the 6th October last, having been negatived, it was considered desirable to stop the work and make arrangements with the contractor for the work performed. The amount of Harmer's contract was £756. The Colonial Architect estimates the work executed, £241 11s. Od. ; value of material supplied but not yet worked up, £138 ; compensation for anticipated profit, £75 12s. ; total, £455 3s. As Mr. Harmer is willing to take this amount, the Colonial Architect recommends that it be paid to him, and that the Government take the materials, which can be used for other purposes.

It is submitted whether, if the recommendation of the Colonial Architect be carried out, Mr. Harmer can be paid from present vote, or whether a subsequent vote must be taken for the £455 3s. ? Mr. Harmer is pressing for payment.

B.H.M.,  
3/2/60.

Let Mr. Harmer be paid out of the present vote.—G.E.—18/3/60.

## No. 159.

MINUTE OF UNDER SECRETARY FOR PUBLIC WORKS.

SIR,

The Colonial Architect will take over from the contractor the materials in the timber yard at wharf, valued at £138, free of all cost of wharfage and store rent, to which effect wharfinger's receipt must be obtained. On this being done, the Colonial Architect may pay the contractor the £455 3s. recommended by him, in satisfaction of the contract.

The materials referred to above should be removed and kept under the charge of the Colonial Architect as soon as possible, so as to prevent charges where they now are.

The Colonial Architect will please suggest what should be done in reference to work executed at proposed Cemetery.

A certified copy of the materials taken over is requested, the original being returned herewith.

B.H.M.,  
21/2/60.  
Colonial Architect.

G.E.,  
21/2/60.

## No. 160.

ACTING SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS.

*Surveyor General's Office,  
Sydney, 2 April, 1860.*

SIR,

With reference to your b.c. letter of the 29th ultimo, on the subject of the selection of a General Cemetery, I have the honor to state that I have not received any instructions on the subject in question, since that in obedience to which my letter of the 19th October last was written. Not traceable.

2. The lands at Cabarita Point have now been disposed of, and therefore there remain only the lands near Randwick and those in the Parramatta Domain, available. I have ascertained that the soil in the former is to a considerable extent of sufficient depth for purposes of sepulture; but irrespectively of the objections which will no doubt be urged by the inhabitants of Randwick, the sandy nature of the soil and its exposed position are strong reasons against its adoption. The distance from Sydney, too (five miles) and the consequent cost of funerals is an objection of some weight, and yet there are no Crown lands nearer to the city, with the exception of the rejected site on the Randwick Road, to which still more weighty objections do now exist.

3. There are other portions of the Church and School Estate, and of Crown lands in the parish of Botany, which are less exposed than the above site, and to which no persons could urge such objections as those to be apprehended from the Randwick inhabitants; but their greater distance would, I fear, prove a bar to their adoption, unless communication were facilitated by a tramway; and under the circumstances it will, it appears to me, be best to seek a site for transit between which and Sydney the existing Parramatta railway may be made available.

4. Such a site is afforded by the Parramatta Domain, as suggested in my letter of the 19th October above mentioned. Within the space alluded to the application of the Parramatta residents, adverted to in my letter, has now been made, and was reported on by my b.c. letter of the 23rd ultimo, No. 261. There are, however, in this locality, without crossing Toongabbee Creek, about 300 acres, and therefore even were a reservation made along the creek, to preserve as far as possible the purity of the water, there would probably remain sufficient space for the requirements of both the Parramatta district and the metropolis. The distance (about fifteen miles) to be travelled by railway, and the necessity of passing through Parramatta to the Cemetery, are no doubt objections which may be urged against this site, as is also the circumstance that the drainage would be to water from which Parramatta is now supplied, and which must be used by purchasers on the other side of the creek; but notwithstanding these, the site is in my opinion more suitable than any other lands still in the hands of the Crown.

5. If, however, it were practicable to purchase some of the alienated lands on or near the railway line, about twelve miles from the Sydney terminus, and which is of little value for any other purposes, the distance would thereby be reduced some three miles; funeral trains would not pass through Parramatta; and drainage might be secured either to the salt water of the Parramatta River, or to some water supply which is not necessarily used to any extent. There is land in the locality referred to so inferior in quality to that of the portion of the Parramatta Domain referred to that, notwithstanding the greater distance of the latter from the metropolis, the difference in value must be rather in its favour, and therefore the loss to Government by selling the one and buying the other ought to be very slight. On the whole, and after much consideration of this difficult question, I am of opinion that the last suggestion above would, under existing circumstances, be the best way of meeting it.

I have, &amp;c.,

A. G. M'LEAN,

Acting Surveyor General.

## No. 161.

REV. C. F. D. PRIDDLE to SECRETARY FOR LANDS.

*Liverpool, 9 July, 1860.*

SIR,

My attention has been directed to certain suggestions in reference to a proposed General Cemetery; I venture, therefore, to direct your attention to the circumstance of my having a large area of land at Petersham, in proximity to the railway station, which I cannot help thinking would be a good site for the proposed Cemetery. If you think so, I am open to negotiation. I believe I could dispose of some 300 acres in one block.

I have, &amp;c.,

CHARLES F. D. PRIDDLE.

Acting Surveyor General, 10 July.—M.F.

## No. 162.

ACTING SURVEYOR GENERAL'S REPORT.

THE distance of Petersham from the metropolis would, I think, be sufficient; but as, unless there be a sufficient depth of soil for purposes of sepulture, or unless there be no other material objection to the site, it would be useless to consider the proposal. Mr. Priddle should, I think, be invited to point out the precise position of the 300 acres referred to.

A. G. M'LEAN.

B.C., 13 July, 1860.

## No. 163.

UNDER SECRETARY FOR LANDS to REV. C. F. D. PRIDDLE.

*Department of Lands,  
Sydney, 21 July, 1860.*

REVEREND SIR,

In acknowledging the receipt of your letter of the 9th instant, proposing to negotiate with the Government for the sale to them of some land belonging to you at Petersham, suitable for a General Cemetery, I am directed to request that you will have the goodness to point out the precise position of the 300 acres alluded to.

I have, &amp;c.,

MICHL. FITZPATRICK.

## No. 164.

REV. C. F. D. PRIDDLE to SECRETARY FOR LANDS.

*The Parsonage, Liverpool,  
7 August, 1860.*

SIR,

In reference to your communication of the 21st July, I beg to enclose, for your information, a lithograph copy of the Petersham Estate; the portion marked with the blue coloured line, as nearly as I can from recollection describe it, is that we are willing to dispose of to the Government for a Cemetery.

I have, &amp;c.,

CHAS. F. D. PRIDDLE.

Appendix L.

## No. 165.

MR. LICENSED SURVEYOR KNAPP to ACTING SURVEYOR GENERAL.

*No. 100, Elizabeth-street,  
Sydney, 13 August, 1860.*

SIR,

In conformity with verbal instructions received from you on the 11th ultimo, I ascertained where I could see the sale plan of that portion of the Petersham Estate, offered to the Government for the purpose of a General Cemetery; and as it did not contain the least information necessary to estimate the contents of the various allotments shewn on the lithograph (enclosed herewith) I have not obtained a copy.

The following is the result of my inspection of the land in question:—From Fraser's road to Cutler's, on the new road to Canterbury, the soil is composed of very hard ferruginous clay and gravel, difficult to sink a hole with any degree of celerity; this kind of soil, similar in many respects to that of the Camperdown Cemetery, is confined to the allotments fronting the Cook's River Road, from Mr. J. Williams' land northwards, and round the Canterbury New Road as far as the estate extends.

South of Read's and Alexander's properties, the character of the land differs slightly, being 18 inches loamy soil and then stiff clay.

At the head of the creek which falls into the river (see lithograph) I found the soil to be 18 inches loam, 2 feet yellow clay, and then a stratum of very stiff clay; this description of soil will in summer time be difficult to sink through speedily.

On both sides of the creek (along which boulders of sandstone crop out in some places) downwards, the soil is well adapted for the purpose of a Cemetery, there being 2 feet 6 inches sand, and then a stratum of a kind of soft yellow loam; the centre of the estate is composed of this description of soil.

A portion of the land is clear, but the greater part is timbered with brush and saplings and stumps of trees long since cut down.

On the whole, I consider the land well adapted for the purposes of a Cemetery, but there is one great objection which ought not to be lost sight of, viz., that the drainage from the major portion of the estate flows into the creek which falls into Cook's River. From enquiries made on the ground, I ascertained that there is water in the creek all the year round (an old resident of 18 years informed me that during that time he never knew it to be dry); six months of the year it is running, and the water is so good that people come some distance for the purpose of obtaining it. Under these circumstances I think it unadvisable to select it for a Cemetery, the consequences being so clear that I need not explain them.

I have, &amp;c.,

E. KNAPP, JR.

Licensed Surveyor.

No. 166.

See preceding No.

## No. 166 A.

W. RUSSELL, Esq., to SECRETARY FOR LANDS.

SIR,

*Sydney, 22 August, 1860.*

Understanding that the Government have it in contemplation to establish a General Cemetery between Sydney and Parramatta, I beg leave to bring under your notice a portion of land which I believe would be most suitable for such a purpose, being contiguous to the late Parramatta terminus, and connected by railway with Parramatta, Liverpool, and Penrith.

The buildings at the late railway station near Parramatta would afford great accommodation to the public of the several denominations who may be desirous of availing themselves of their use during hot or wet weather (in the event of this land being selected), and I beg leave further to state, that a grant of two acres of land has been set apart for a church and national school-house near the land now offered, above alluded to, and which land had been reported upon by a competent surveyor as being free from rock and well adapted for a General Cemetery.

I have, &c.,  
W. RUSSELL.

Surveyor General.—B.C., 27 August, 1860.

## No. 166 B.

MINUTE OF UNDER SECRETARY FOR LANDS FOR SURVEYOR GENERAL'S REPORT.

THE Reverend J. J. Therry states that he has land which he conceives to be fit for a General Cemetery, and which he would be prepared to dispose of on certain terms.

The land alluded to is Sunderland's grant of 160 acres, in the parish of Concord. Ask the Surveyor General to report as to the suitability of the site.

M.F.  
B.C., 27 August, 1860.

## No. 167.

REV. C. F. D. PRIDDLE to SECRETARY FOR LANDS.

*Liverpool,*  
*4 September, 1860.*

SIR,

I shall feel obliged by an early reply to my communication dated 7th ultimo, having reference to an offer of land at Petersham for a General Cemetery. It is a matter of importance to the Trustees that an answer should be given, as at the present time there are several applications for allotments, and which have been declined pending the offer of the whole to the Government.

I have, &c.,  
CHAS. F. D. PRIDDLE.

## No. 168.

SURVEYOR GENERAL'S REPORT.

IT would, it appears to me, be desirable, with a view to ensuring the widest field for selection of a General Cemetery, to invite, by an advertisement, such as that of which a draft is enclosed, proprietors of land suitable for the purpose to communicate with Government relative to its purchase.

Should this be approved of, these applicants might be requested to complete the information, to accord with the terms of the advertisement.

A. G. M'LEAN,  
B.C., 3 Sept., 1860.

## No. 169.

NOTICE in "Government Gazette," No. 182, 28 Sept., 1860.

*Department of Lands,*  
*Sydney, 26 September, 1860.*

PERSONS who may be willing to dispose of not less than 100 acres of land, which may be suitable for a General Cemetery, on or near the Great Southern Railway, between Sydney and Parramatta, are requested to communicate, in writing, with this department, describing the position of the land, and stating the area and price. It is necessary that the soil should be of considerable depth, and generally free from stones, and that the drainage should either be to salt water, or to some stream or hollow whence water supply is not obtained for domestic purposes.

JOHN ROBERTSON.

No. 170.

## No. 170.

MESSRS. RICHARDSON &amp; WRENCH to SECRETARY FOR LANDS.

*Sydney, 16 October, 1860.*

SIR,

We beg to offer to you for sale the following parcel of land situated a few hundred feet from the Haslem's Creek Railway Station, between Sydney and Parramatta, which we consider peculiarly adapted for the purposes of a Metropolitan Cemetery. It consists of the two blocks of land tinted pink in the sketch enclosed, containing an area of about 120 acres, being the original grant to T. O'Donnell; of sixty acres of W. White's original grant of eighty acres. This land has a surface of black loam, with an under strata of clay, and the growing timber on it is estimated to be worth from £300 to £400.

We are authorized to offer to you the whole for £20 per acre.

We have, &amp;c.,

RICHARDSON &amp; WRENCH.

B.C., Acting Surveyor General.—18 October, 1860.—M.F.

## No. 171.

W. RUSSELL, ESQ., to SECRETARY FOR LANDS.

*Regentville, Penrith,**30 October, 1860.*

SIR,

In compliance with the notice in the *Government Gazette*, dated 26th September, 1860, and with reference to a former communication from me to your department on the subject, I have again the honor to offer one hundred acres (100) of land, or more if required, suitable for a General Cemetery, adjoining the Great Southern Railway, between Sydney and Parramatta—price (£20) twenty pounds per acre. The land is situate on the south side of the railway; bounded on the east by a fresh water creek running into Duck Creek, which empties itself into the Parramatta River; and on the west by the Dog-trap Road, leading from Parramatta to Liverpool. The land is of considerable depth, free from stones, several stacks of bricks having been made on said land, and is connected by railway with Sydney, Parramatta, Liverpool, Blacktown, and Penrith, in course of completion.

I have, &amp;c.,

W. RUSSELL.

Acting Surveyor General.—B.C., 1 November, 1860.—M.F.

## No. 172.

MESSRS. RICHARDSON &amp; WRENCH to SECRETARY FOR LANDS.

*George-street, 2 November, 1860.*

SIR,

In consequence of tenders being advertised for in the *Government Gazette* for a piece of land suitable for a General Cemetery, we beg to refer you to our respects of the 16th ultimo, enclosing tracing and description of 120 acres of land at the Haslem's Creek railway station (O'Donnell's and White's grants), which we offered to sell for £20 per acre.

We have, &amp;c.,

RICHARDSON &amp; WRENCH.

B.C., Acting Surveyor General.—6 Nov., /60.—M.F.

## No. 173.

MR. LICENSED SURVEYOR KNAPP to ACTING SURVEYOR GENERAL.

*No. 100, Elizabeth-street North,**Sydney, 7 November, 1860.*

SIR,

In compliance with verbal instructions received from you, I inspected the land at Haslem's Creek, offered to the Government as a site for a Necropolis for the city of Sydney, by Messrs. Richardson and Wrench, and am of opinion that it is not suitable for the purpose for which it is offered, in consequence of the soil being composed of very stiff clay.

I also inspected the land offered the Government by Mr. William Russell, which I consider better adapted for the purposes of a General Cemetery than the land above-mentioned, because the soil, though of the like description, is not so difficult to sink through; but I am apprehensive the public would *strongly* object to the site, on account of its near contiguity to the Parramatta Junction Railway Station which it surrounds, and beg respectfully to suggest that some other be sought for, certainly possessing the advantage of easy access to a railway station, but not in immediate contact with one.

I have, &c.,  
E. KNAPP, JUNR.,  
Licensed Surveyor.

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No. 174.

ACTING SURVEYOR GENERAL to MR. LICENSED SURVEYOR KNAPP, JUNR.

*Surveyor General's Office,  
Sydney, 6 December, 1860.*

SIR,

I enclose a letter which has been received from Messrs. Mort & Co., on <sup>Wanting.</sup> behalf of Mr. James Curtis, offering to the Government 100 acres at Haslem's Creek, for a General Cemetery for Sydney; and I request that you will be good enough to examine the land, and furnish a report in respect thereto, similar to that supplied in your letter of the 7th ultimo, and which had reference to the portions tendered by Captain Russell and Messrs. Richardson & Wrench.

I have, &c.,  
A. G. M'LEAN.

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No. 175.

MR. LICENSED SURVEYOR KNAPP, JUNR., to ACTING SURVEYOR GENERAL.

*No. 100, Elizabeth-street North,  
31 January, 1861.*

SIR,

In obedience with verbal instructions received from you, respecting the several properties offered to the Government as sites for a General Cemetery, I beg to inform you that I have inspected the same, and am of opinion that they are not adapted for the purposes required, both as regards soil and drainage.

I have examined J. Smith's 100-acres grant, situate on the north side of the Parramatta Road, and bounded on the north-west and north-east by Duck Creek (salt water), and on the south-east by Duck River (salt water). The land is admirably adapted for a Cemetery. The greater part of the soil is of a loamy nature. The drainage is into the creek and river above mentioned. It is little more than a quarter of a mile from the Parramatta Junction Railway Station, and has the two-fold advantage of being accessible by land and water. Under these circumstances, I would respectfully recommend the Government to purchase the said grant.

I have, &c.,  
E. KNAPP, JUNR.,  
Licensed Surveyor.

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The matter now awaits the personal inspection, by the Secretary for Lands, of the various portions offered.—A.G.M., 17 Feb.

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No. 176.

ACTING SURVEYOR GENERAL to MR. LICENSED SURVEYOR ARMSTRONG.

*Surveyor General's Office,  
Sydney, 23 February, 1861.*

SIR,

I take advantage of your presence in Sydney to avail myself of your judgment and experience in the examination of the several portions of land described in the within papers, with a view to determine whether any is eligible for a General Cemetery; and, if any, which is the most eligible?

2. You will perceive that Mr. Knapp, junr., has been employed in this duty; but I beg that you will be in no degree biassed by the conclusions at which he has arrived, but will exercise freely your own judgment in the matter.

3. The essentials in a Cemetery are—soil of sufficient depth, and of such character that, while graves may be dug without any extraordinary labour, their sides will stand vertically; secondly, drainage sufficient to keep the graves dry while being prepared, and leading to salt water, or otherwise, so as not to affect the purity of water which is or may be required for domestic uses; thirdly, such proximity to the railway lines as to render communication with it, and, if possible, with some existing station, easy and inexpensive.

4. It is desirable, also, that the Cemetery should be, to some extent, isolated, so that its establishment might not depreciate the value of adjacent property, by rendering it undesirable as a residence; and it would be advantageous that the soil should be such that, while meeting the necessities above mentioned, the spot would be capable of being cultured and beautified, as is frequently the case with Cemeteries in other countries.

5. You will include in your examination and report Smith's grant, which is alluded to by Mr. Knapp, but of which no offer has yet been made to Government.

The business is somewhat urgent in character, and I trust that it may meet with your early and careful attention.

I am, &c.,  
A. G. M'LEAN.

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No. 177.

ACTING SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS.

*Surveyor General's Office,  
Sydney, 26 February, 1861.*

SIR,

Although I anticipate reporting on the suitability of the various sites for a General Cemetery which have been offered for sale to the Government, within a very short period, I think it desirable that, with a view to obviate inconvenience, I should now call attention to the circumstance that the price asked by the proposing sellers is uniformly £20 per acre; and to suggest that a sum sufficient to purchase, at that rate, 100 to 150 acres—the former quantity being the minimum mentioned in the advertisement inviting tenders of land—be provided in the Supplementary Estimates.

I have, &c.,  
A. G. M'LEAN.

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Approved conditionally. If we are in a position to tell the House the land we desire to purchase—if not, I must object, reluctantly however, to placing the money on the Estimates. JOHN R.—  
1 March.

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No. 178.

MINUTE OF SECRETARY FOR LANDS.

MR. Wrench has called upon me, on behalf of Captain Russell, who has offered certain lands for sale to the Government, for the purpose of a General Cemetery. Let me know what are the prospects with respect to his offer of his land.

JOHN R.  
28 Feb., 1861.

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Acting Surveyor General.—B.C., 1 March, 1861.—M.F.

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No. 179.

MR. LICENSED SURVEYOR ARMSTRONG to ACTING SURVEYOR GENERAL.

*Macquarie-street,  
6 March, 1861.*

SIR,

Referring to your letter, dated 23rd February, 1861, No. 269, 61-1139, I have the honor to inform you that I have visited the lands offered to the Government by Mr. P. A. Thompson, for a General Cemetery, on the south side of Cook's River, adjoining Undercliffe. The land offered comprises two of the 100-acre portions purchased originally by Abraham Polack; part of another 100-acre portion purchased by ditto. Part of Thorpe's 50 acres, and a small part of Unwin's 100 acres (on which Mr. Thompson's house is situated), are not included in the land *now* offered, it being a low strip near the river.

The only land available for a General Cemetery is part of portion A and portion B, *tinted green* in the accompanying sketch. About 100 acres might be chosen at that spot, which is on a level, and higher than the remainder of the land—a steep bank of rocks and stones separating it generally from the lower land adjoining Cook's River, and from a creek or gully descending into it. If any more were to be added to what I have pointed out, it would be an inconvenient strip.

The

The soil at A and B is sandy for two and three feet, and then yellow loam; at other places, pipeclay below.

The general wash or drainage is into Cook's River, which is salt water. The timber is only suitable for firewood, being blood-wood, red gum, with low barren scrub.

The road from Sydney to this land is by way of Newtown, near the Railway Station, thence to Undercliffe Bridge, from which station the distance is called  $2\frac{1}{2}$  miles, or 3 miles from Camperdown Cemetery. From Macquarie-street to the bridge is estimated to be about  $5\frac{1}{2}$  miles; from ditto to Unwin Bridge, about  $6\frac{1}{4}$  miles; and from ditto to the dam, about  $6\frac{1}{2}$  miles.

On reaching Undercliffe Bridge, the access to the coloured portion, A and B, must be by the road marked C, D, E, F, and which ultimately turns into the Illawarra Road. The road from Newtown is pretty good, parts requiring forming and repair. The Government give £30 annually for repair as far as the bridge, and £30 for the road beyond it.

The above land offered cannot be said to be conveniently situated; the soil is in many parts, I fear, too sandy. The advantages may be said to be, that the distance is moderate; that there is no necessity of making use of the railroad; and the drainage is to a salt water river.

Smith's grant, 100 acres, on the Parramatta Road, between Duck Creek and Duck River:—

Scrubby flat land; all the valuable timber cut down; generally pipeclay, varying to yellow clay, and some little ironstone in parts in the subsoil. Drainage to salt water. Appears sound dry land, but it is alleged by some that, in very wet seasons, the wash from the back land passes over part of it. Wood-boats come up Duck Creek to Beckett's Creek, and up Duck River to the Parramatta Road. I think it would be difficult to make this spot ornamental or picturesque, as it is flat and barren.

Part of Geo. Sunderland's sixty acres on the south side of the railroad, and J. Sunderland's 100 acres, offered by Rev. J. J. Therry:—

Part of George Sunderland's sixty acres, on the south side of Haslem's Creek Station may be suitable as to soil for a Cemetery. The soil is pipeclay generally; a small creek passes diagonally through it. In wet weather a considerable wash comes down and swells that creek.

The 100 acres is low, but firm land, and clay bottom; not heavily timbered; no improvements; and the land barren. The wash is into Hacking Creek. The entrance from the railroad is at the station-house. For the purpose of a Cemetery the railroad must be made use of here.

The distance from the Sydney terminus is  $10\frac{1}{4}$  miles, and 3 miles from the present Parramatta station.

This spot can scarcely be considered suitable. It could not be made ornamental, as it is flat and barren land, and the timber unsightly.

Wm. White's grant, eighty acres, and J. O'Donnell's grant, sixty acres, near the last-mentioned grants, and south side of the railroad, offered by Messrs. Richardson and Wrench:—

Wm. White's grant, eighty acres:—At the east and south sides the land is good, and clay subsoil; across the centre, running east and west, is a narrow, gravelly, low ridge; the rest is good soil, thickly timbered, with woolly butt, blood-wood, and some iron-bark, with much scrub. It is alleged that twenty-five acres of this grant, adjoining the west boundary, have been previously sold.

There appears to be some encroachment by the proprietor of Frazier's grant adjoining, at the south boundary.

The north-east corner of the grant is only about six or seven chains from the railroad, but access to the land must be from the Haslem's Creek Station.

J. O'Donnell's grant, sixty acres, is all pretty good land; is fenced in on the east and west sides; thickly timbered, as above. It is alleged that, at the south end of this grant, upwards of ten acres have been previously sold.

I beg to remark, that in the year 1838, I surveyed this sixty acres grant, for sale, by order of the trustees of the late Solomon Levey, who then claimed it, their title being a deed of lease and release, from J. O'Donnell to Levey, dated 1831.

These two grants have better soil than any other land offered to the Government, but the wash will be into that branch of Hacking Creek which passes through Barber's and Tuckwell's grants, in which are several fresh waterholes; they therefore cannot be considered suitable.

On Frazier's grant is a pretty good dwelling-house and cultivation paddock.

Part of Barraham Blaxcell's grant, 1,125 acres, at the junction of the Parramatta and the Dogtrap Road to Liverpool, offered by Captain Russell:—

The south side of the railroad. The surface soil is partly consisting of stiff loam, with small ironstone grit and yellow clay below; other parts have good brown loam on the surface, and clay below. About the point G in the sketch, on the rise, it is gravelly; and along Duck Creek is a belt of poor pipeclay land.

The large timber on this grant has been greatly cleared away, but there is much wattle and other scrub.

At the north end, toward the railroad, some parties are desirous of purchasing an allotment or two there, the land being flat and good, and nearly clear.

The wash from the ground would fall, I believe, chiefly into Duck Creek, and there would be no injury on that side. If any should find its way into Beckett's Creek, it would not be serious, the water there not being much used.

Supposing



Supposing this spot should be selected for the Cemetery, it would be advisable to strike the northern boundary of it a moderate distance back from the railroad, say at H I.

If there are any advantages in this spot, it is that it can be reached by the railroad only, and is at the junction of two main roads. It can be rendered more ornamental and picturesque than any of the spots offered, as the ground rises gently; the land is pretty good, and the shrubs appear to grow well.

But the disadvantages are, its nearness to the town of Parramatta, and that in the neighbourhood of it improvements may be likely to take place at some future time; also, being obliged to use the train such a distance from Sydney.

In conclusion, I submit to you that, according to my judgment, neither of the five above-mentioned places are really eligible for a General Cemetery for Sydney. There are disadvantages in each. I take the liberty of suggesting some inspection of the properties lying on the right hand of the Parramatta Road, up as far as Homebush. Should a desirable part be discovered, the proprietor might be invited to send in a tender to the Government.

My reason for proposing this is, that all the land there must drain into salt water creeks, or into a fall of ground descending into Parramatta River. It would not be likely to interfere with dwellings or other improvements; and lastly, there would be no necessity of employing the train, which, to a large number of persons in this Colony, would, I fear, be objectionable.

I have, &c.,

JOHN ARMSTRONG,  
L.S.

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No. 180.

ACTING SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS.

*Surveyor General's Office,  
Sydney, 26 March, 1861.*

SIR,

Having had the lands which it has been proposed, by the enclosed offer, to sell to the Government for a General Cemetery examined—firstly by Mr. Knapp, licensed surveyor, and secondly by Mr. Licensed Surveyor Armstrong, whose experience I considered it desirable to take advantage of as he happened to visit Sydney, and having some personal knowledge of most of the localities, I beg to make the following report:—

2. The land offered by Mr. Thompson on the south side of Cook's River is so far removed from the railway line as not to fall within the class of lands for the sale of which Government invited offers by the advertisement, and it may therefore be dismissed from consideration.

3. The other portions, including one granted to one Smith, and now, I believe, the property of Mr. Wentworth, which has not been offered, but which has been suggested as peculiarly suitable, are, as will be seen from the sketch enclosed in Mr. Armstrong's letter, in the vicinity either of the Haslem's Creek or Parramatta Junction Railway Station.

4. It does not appear that Smith's grant is by any means peculiarly suitable, and attention may therefore be confined to the other portions offered.

5. Of these, Sunderland's grants of 60 and 100 acres adjoin a railway station, and being ten and a quarter miles from the Sydney terminus, is the nearest of the lands offered; but the soil, although not very unsuitable for grave-digging, is too poor, and the land is too flat to admit of the Cemetery being hereafter made picturesque by planting, &c.

6. The next portions offered are more suitable in some respects, but the drainage is towards a branch of Hacking's Creek, in which there are several fresh waterholes on adjacent properties, and I consider the land therefore to be unsuitable.

7. Blaxcell's grant, offered by Captain Russell, or rather a portion of it, which may be selected, is on the whole the most suitable of the portions offered; but the distance from the Sydney terminus (nearly thirteen miles) is a material disadvantage. This grant has been advertised for sale in allotments, but has, I understand, been withdrawn, in the hope that the Government may purchase some of it for a Cemetery.

8. The prices asked for all these lands are, I would remark, far higher than the present rate of sales of real property would warrant; for in the year 1858, when property was much higher, the Crown lands at Longbottom, containing good soil and a considerable amount of timber, being within seven miles of Sydney by road, near water carriage, and near the Burwood Railway Station, realized only about £12 per acre, and the greater distance of those referred to from Sydney, more than counterbalance the advantage of their proximity to Parramatta.

9. Mr. Armstrong states his opinion that none of the places offered is really eligible for a General Cemetery for Sydney, and suggests our inspection of properties on the north side of the Parramatta Road, with the object of securing drainage to salt water, and rendering it practicable to use the burial ground without the aid of the railway.

10. The former reason is a sound one; and saving of cost, in using seven miles only of the railway instead of ten to thirteen, is a strong reason in support of such a proposal.

11.

11. Should the Secretary for Lands approve of this examination being carried out, I shall at once issue the necessary instructions, although I fear that were suitable land discovered the price asked would be a high one, and there would be some expense and inconvenience in taking a railway for steam or horse power across the Parramatta Road.

12. Should Government, on the other hand, consider it desirable to purchase at a reduced rate part of Blaxcell's grant, which is suitable in every respect, save distance, I would recommend that Captain Russell be invited to say what would be the lowest price for say 200 acres, which area it would, I think, be well to secure; the Government, as proprietors of the railway line, having power to make the proceeds of burials reimburse the Treasury for the purchase.

I have, &c.,  
A. G. M'LEAN.

No. 181.

MESSRS. RICHARDSON & WRENCH to SECRETARY FOR LANDS.

142, Pitt-street,  
Sydney, 6 April, 1861.

*Land for Public Cemetery.*

SIR,

With reference to the land adjoining the Parramatta Junction Railway Station offered for sale to the Government for the above purpose, by Captain Russell, and forming part of the Drainwell Estate, which we had received instructions to bring to auction on a subdivision, we beg to state that having learnt, a short time since, that the land in question had been reported on as the most eligible site for a Public Cemetery of any which had been tendered to the Government, we, having every desire to study the convenience of the Government, at once advised with our friends, and postponed the intended auction sale. As, however, our principals are now desirous that the matter should be settled with as little delay as possible, they have instructed us to proceed with the sale after laying the matter thus particularly before you; and we therefore beg the favour of your informing us whether the Government is willing to treat for the land in question, or whether they give up the intention of becoming its purchaser for the public purpose mentioned?

We beg to enclose for your reference a plan of the subdivision under which it is intended to sell the land, the parcel offered to the Government being outlined pink; and awaiting the favour of your reply,—

We remain, &c.,  
RICHARDSON & WRENCH.

See previous  
letter of 16 Oct.,  
1860.

No. 182.

ACTING SURVEYOR GENERAL to MR. LICENSED SURVEYOR KNAPP, JUNR.

23 April, 1861.

SIR,

Referring to the correspondence which has passed on the subject of the selection of land suitable for a General Cemetery for the metropolis, I have now to request that you will, without delay, make an examination of the land situated on the slope of the Sydney side of the Homebush Course—that is, on this side of the creek or hollow, which would probably be the most available, and transmit a report in respect thereto similar to those which you have already furnished in regard to the lands offered by the Rev. J. Therry and others.

2. You will be good enough to bear in mind that the quantity should not be less than 100 acres—that the drainage should be to salt water—and that the land to be selected, which should be near the railway and if possible near a station, should not interfere with residences.

3. I may add that the land, to which your attention is now directed, has not as yet been offered to the Government, but that an arrangement might be made with the proprietor or proprietors, should you find that a sufficient quantity of land of a description suitable for the purpose could be obtained in the neighbourhood referred to.

I have, &c.,  
HENRY HALLORAN,  
(For the Acting Surveyor General.)

No. 183.

UNDER SECRETARY FOR LANDS to MESSRS. RICHARDSON & WRENCH.

Department of Lands,  
Sydney, 27 April, 1861.

GENTLEMEN,

Referring to your letter of the 6th instant, respecting the land adjoining the Parramatta Junction Railway Station, offered for sale to the Government, by Captain Russell, for a Public Cemetery,—I am directed to inform you that of the lands already offered

offered the land in question appears to be the most suitable, but the Secretary for Lands considers it his duty to take further steps, in the hope of finding land more suitable in several respects.

2. It will be for the owner of the property to consider, therefore, whether or not they will keep the land open for purchase by the Government?

I have, &c.,

MICHL. FITZPATRICK.

No. 184.

MR. LICENSED SURVEYOR KNAPP, JUNR., to SECRETARY FOR LANDS.

100, *Elizabeth-street North*,  
*Sydney*, 29 April, 1861.

SIR,

With reference to the notice in the *Government Gazette*, requesting parties in the possession of land near the line of railway between Sydney and Parramatta, who may be disposed to sell a block of not less than 100 acres for a General Cemetery, to furnish particulars of the same to your department,—acting as agent for Mr. William Charles Wentworth, I am authorized to offer you 100 acres of land or more at Homebush, on the Parramatta Road, on the eastern boundary of the estate, which are to be bounded on the south by the Parramatta Road.

The geological formation is described as well adapted for the above purpose, being gravelly and no rock. The drainage is immediately into Powell's Creek, a salt water inlet from Parramatta River; it is within half a mile of the Homebush Railway Station, and possesses direct access by the Great Western Road.

The price is (£50) fifty pounds per acre, which, considering the superior advantages of soil, drainage, and ready means of access, cannot be considered excessive.

I have, &c.,

EDWARD J. H. KNAPP.

No. 185.

MR. LICENSED SURVEYOR KNAPP, JUNR., to ACTING SURVEYOR GENERAL.

100, *Elizabeth-street North*,  
29 April, 1861.

SIR,

With reference to my report as to J. Smith's grant of 100 acres at Duck River, No. 60-3, as a very eligible block of land for the purpose of a General Cemetery,—I have the honor to inform you, that I have ascertained from Major Wentworth, now in Tasmania, the present proprietor, that he merely holds a life interest in the grant in question, and that no steps could be taken to effect a conveyance in fee until the arrival of his brother Mr. W. C. Wentworth.

Since that gentleman arrived, I have been informed by him that no such conveyance can legally be made, as under the will of his late father the land in question will descend to his son, in the event of him (W. C. Wentworth) surviving his brother Major Wentworth.

I have, &c.,

E. KNAPP, JUNR.,  
Licensed Surveyor.

No. 186.

MR. LICENSED SURVEYOR KNAPP, JUNR., to ACTING SURVEYOR GENERAL.

100, *Elizabeth-street*,  
3 May, 1861.

SIR,

Acting on the instructions conveyed in your letter to me of the 23rd April, I have made an examination of the land therein referred to, viz., that situated on the slope of the Sydney side of the Homebush Racecourse, that is, on this side of the creek or hollow, and have the honor to report that the land so described, extending from the creek or hollow to Powell's Creek on the east, consists of about 140 to 150 acres, and is comprised in a grant of sixty acres to Darcy Wentworth, seventy acres to Thomas Rose, and about eighteen acres of Simeon Lord's 160 acres grant, and a small portion sold to Emanuel Neitch.

The land appears generally suitable for the purpose of a General Cemetery; the drainage is into salt water, both by the creek or hollow before mentioned on the west, and Powell's Creek on the east. It is very near the Homebush Railway Station, and does

does not in any way interfere with residences. The subsoil is composed of a rather stiff clay on the higher ground, and where examined by excavation, I discovered neither rock nor shale; towards the creeks the land becomes more pervious with a mixture of loam. Its position is central, being little more than midway between Sydney and Parramatta, and possesses the advantage of ready access by the Parramatta turnpike road as well as by the railway.

I have, &c.,  
E. KNAPP, JUNR.,  
Licensed Surveyor.

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No. 187.

ACTING SURVEYOR GENERAL to MR. LICENSED SURVEYOR KNAPP, JUNR.

*Surveyor General's Office,  
Sydney, 31 May, 1861.*

SIR,

In reference to your letter of the 3rd instant, reporting on the suitability of certain land near Homebush for a General Cemetery for Sydney, I have to point out that you were to ascertain the names of the owners of the lands beyond that granted to D. Wentworth.

I am, &c.,  
A. G. M'LEAN.

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No. 188.

MR. LICENSED SURVEYOR KNAPP, JUNR., to ACTING SURVEYOR GENERAL.

*100, Elizabeth-street North,  
3 June, 1861.*

SIR,

In obedience to your letter of the 31st May, No. 61-3389-61-705, requiring me to ascertain the names of the owners of the land beyond that granted to D. Wentworth, I have the honor to report that I have made the requisite inquiry, and am informed that the land in question was granted to Thomas Rose, seventy acres, and about twenty acres of Simeon Lord's 160 acres is entailed on the members of the family of the late James Underwood, the youngest of whom is not of age, and therefore the land cannot be sold; but the desired quantity may be obtained on the eastern boundary of the Homebush Estate, which is equally available for the purpose of a General Cemetery.

I have, &c.,  
E. KNAPP, JUNR.,  
Licensed Surveyor.

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No. 189.

MINUTE OF SURVEYOR GENERAL.

*Memo. for Mr. Robertson:—*

The eastern or Sydney end of Homebush is  $8\frac{3}{4}$  miles from the Sydney Railway Terminus.

The western end is  $9\frac{3}{4}$  miles from the same place.

Captain Russell's (or Young's) land is 13 miles from the same place.

The last can be purchased, probably, for £15 per acre.

If we give £40, or nearly three times the price, to save three miles, would it not be better to give £50 to save another mile?

Ought we not, therefore, to try both sides of Homebush, by sinking holes?

A. G. M.  
11 June.

Yes, that is my intention.—JOHN R.—17 June, 1861.

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No. 190.

MR. LICENSED SURVEYOR HEADY to ACTING SURVEYOR GENERAL.

*Surveyor General's Office,  
Sydney, 21 June, 1861.*

SIR,

In accordance with your verbal instructions to test the proposed site for Cemetery on Mr. Wentworth's property at Homebush, comparatively with proposed site at the Parramatta Railway Junction, I have the honor to report for your information, that in sinking the holes at Homebush, the first two to two and a half feet is through dark

dark brown clay easily dug through, to a bed of firm blue clay or marl, from one to two feet in depth, and which is uniformly followed by a shingly bottom of mixed ironstone and slate, which can be penetrated with a pick, and does not increase in hardness to a depth sufficient for Cemetery purposes, and in which the labour of opening graves would be about similar to the Newtown Cemetery. The proposed site on the south side of the property contains a quantity of low ground, not so well suited for the purpose as the north side.

The proposed site at the Parramatta Railway Junction appears a good one, and the sinking would be more easily accomplished; the upper clay is nearly similar to Homebush, and graves could in most cases be dug to the bottom without using a pick.

I have, &c.,  
JOHN HEADY,  
Licensed Surveyor.

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No. 191.

A. COHEN, Esq., to COLONIAL SECRETARY.

*Castlereagh-street,  
Sydney, 1 July, 1861.*

SIR,

Understanding that the Government are desirous of selecting a plot of ground for a General Cemetery, within easy communication of Sydney, I beg to submit for their approval a block containing between 1,600 and 1,700 acres, situated at Liberty Plains, and about 11 miles from Sydney, and through which the railway runs. The land is also of easy access from the Parramatta and Liverpool Roads. There is also in the centre of the land a reserve for a railway terminus. The land was formerly the property of Sir Charles Nicholson (by whom the reserve was given), and is now the property of my brother, Mr. Edward Cohen, of Melbourne, who has placed it in my hands for sale. The price of the whole block is £17,000 (seventeen thousand pounds).

Withdrawn.

I enclose a rough sketch of the situation of the land. The soil, I believe, is deep, and the land is free from floods.

I have, &c.,  
A. COHEN.

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For the Secretary for Lands.—B.C., 4 July.—C.C.  
Acting Surveyor General.—8 July, 1861.—M.F.

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No. 192.

UNDER COLONIAL SECRETARY to A. COHEN, Esq.

*Colonial Secretary's Office,  
Sydney, 6 July, 1861.*

SIR,

I am directed by the Colonial Secretary to inform you, that your letter of the 1st instant, offering for sale, on behalf of your brother, Mr. Edward Cohen, a block of land at Liberty Plains, as a site for a General Cemetery, has been transmitted to the Secretary for Lands, to whose department the business belongs; and that any communication which may be necessary in reply, will be made to you from the office of that Minister.

I have, &c.,  
W. ELYARD.

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No. 193.

A. COHEN, Esq., to COLONIAL SECRETARY.

*Castlereagh-street,  
Sydney, 10 July, 1861.*

SIR,

I have the honor to acknowledge the receipt of yours of the 7th instant, in reply to mine of the 1st, having reference to my offer of the land at Liberty Plains for a General Cemetery.

On reference I find that the sketch I had the honor to enclose was incorrect, as it did not indicate more than half of the land. I am having a correct plan made, and will forward it to the Secretary for Lands in a few days.

I have, &c.,  
A. COHEN.

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Acting Surveyor General.—12 July, 1861.—M.F.

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No. 194.

## No. 194.

## ACTING SURVEYOR GENERAL'S REPORT.

THE area offered is much in excess of what Government requires for a Cemetery, the largest area required being 200 acres.

If Mr. Cohen will say whether he will part with 200 acres in any portion of the 1,700, will state the cost, and state what are the old grants of which the 1,700 acres is composed, the necessary examination as to the suitability of the land shall be made.

10 July, 1861.

A.G.M.

## No. 195.

MR. LICENSED SURVEYOR HEADY to ACTING SURVEYOR GENERAL.

Sydney, 19 July, 1861.

SIR,

In accordance with your instructions to report on site proposed latterly for Cemetery at Homebush, the property of Mr. Wentworth, and marked on plans in the office, S. Thorby, T. Dunn, and H. Yates,—I have the honor to state that, in sinking several holes, I found only one obstruction, a sandstone rock about four feet from the surface, and that apparently limited to the spot. The site appears generally preferable to that formerly proposed on the Homebush Estate, on account of not being so hard, and the railway passing through it, cutting off a triangular corner of about 40 acres from an enclosure of about 300 acres.

I beg also to state, that the drainage of about three-fourths of the enclosure has an inclination through the Homebush Estate.

I have, &c.,

JOHN HEADY,  
Licensed Surveyor.

## No. 196 A.

G. KING, ESQ., to SECRETARY FOR LANDS.

Sydney, 23 July, 1861.

SIR,

I do myself the honor of enclosing copy of a letter which I have this day addressed to the Honorable the Colonial Treasurer, on the subject of certain rumoured negotiations for the purchase of land for a Public Cemetery, to which I respectfully request your attention.

I have, &c.,

G. KING.

B.C.—Acting Surveyor General.—27 July, 1861.—M.F.

[Enclosure in No. 196.]

Sydney, 25 July, 1861.

Sir,

When the Government called for tenders from persons having land on the line of railway, and who would be willing to sell 100 acres to the Government, for the purpose of a Public Cemetery, I offered to sell 100 or 120 acres at £20 per acre, within a short distance of the Haslem's Creek Railway Station. I have since reduced my price to £15 per acre, and communicated this reduction in price to the Honorable the Secretary for Lands and Works.

It is now currently reported that the Government have decided on purchasing 100 acres of land from the President of the Legislative Council (who was not originally one of the parties tendering), and to pay him at the rate of £40 per acre—land which I would submit to any jury of non-official persons is not in any way better situated for the purposes of a Cemetery than mine, which I offer at £15 per acre.

Whether the Government takes my land or not is to me a matter of very little consequence, but as far as the Government is concerned, it strikes me that this transaction is one deserving some consideration, and therefore, as the trustee of the funds of the Colony, I would respectfully place before you the following figures:—

The Government is said to have agreed to pay the President of the Legislative Council for—	
100 acres at £40 per acre .....	£4,000
The cost of a tramway is variously estimated at from £1,000 to	
£1,500; take the lowest .....	1,000
Total .....	£5,000
I offer the Government—	
120 acres at £15 per acre .....	£1,800
The cost of a tramway estimated at .....	500
Total .....	£2,300

I have, &c.,

GEO. KING.

The Honorable  
The Colonial Treasurer.

## No. 196 B.

G. KING, Esq., to SECRETARY FOR LANDS.

*Sydney, 24 July, 1861.*

SIR,

Referring to a letter addressed to you on my behalf by Messrs. Richardson & Wrench, offering to sell to the Government 120 acres, more or less, of land belonging to me at Haslem's Creek, and within a very short distance of the railway station, I do myself the honor of informing you that I will sell you the land at £15 per acre, instead of £20 per acre, as named by them.

I believe the land will be found in every way suited for the purpose, and if the Government desire it, I will send a surveyor to meet any gentlemen whom you may name, on the ground, and point out the locality.

I have, &c.,  
GEO. KING.

## No. 197.

REPORT OF ACTING SURVEYOR GENERAL.

THIS examination was made after the inspection of the sites offered by Mr. Wentworth and Mr. Russell, by the Colonial Secretary, Secretary for Lands, &c. The report is favourable to the site between the Parramatta Road. It will be well to obtain the reply sought from Mr. Cohen in relation to his land, which apparently joins Mr. Wentworth's, and perhaps to inquire the price of the land herein referred to from Mr. Wentworth before considering the question further.

A. G. M'LEAN,  
24 July, 1861.

## No. 198.

MESSRS. MOREHEAD &amp; YOUNG to SECRETARY FOR LANDS.

*Sydney, 31 July, 1861.*

SIR,

On behalf of Captain Russell as owner, and ourselves as mortgagees, we hereby offer 200 acres of the Drainwell Estate to Government, for a Public Cemetery, at the price of £15 per acre.

We have, &c.,  
R. MOREHEAD.  
M. YOUNG.

## No. 199.

A. COHEN, Esq., to SECRETARY FOR LANDS.

*Castlereagh-street,  
Sydney, 6 August, 1861.*

SIR,

Under date July 1st, I had the honor to submit for sale to the Government a block of land at Liberty Plains, for the purposes of a General Cemetery, which offer was accompanied by a rough sketch of the land. I have now the honor to forward a correct chart\* of it, as also a local sketch,† with more particulars relating thereto. The land submitted in my previous offer was 1,642a. 1r. 11p., more or less, comprised of 470 acres and 369 acres, grants to J. H. Potts, and 803a. 1r. 11p., being portion of a grant of 1,100 acres grant to Douglas; the price of the whole, £17,000.

Understanding that the Government would not require so large a block, I am authorized by the proprietors, Messrs. E. Cohen and D. Benjamin, to treat for any portion of the same.

The price of the block, 803a. 1r. 11p., will be £10,000 (ten thousand pounds), or the 470 acres and 369 acres £10,000, or any portion of either of the three grants, £15 per acre.

The excellent position of the 803 acres I should wish particularly to call your attention to, as it is of easy approach by three ways, viz.—First, by the railway, which runs through it (fourteen acres abutting it having been given for a railway station); the second, by a Government road from the Parramatta Road; and the third, from the Liverpool Road, a frontage to which it has of thirteen chains thirty links.

The soil also of this land is deep, and I believe very generally free from rock.

I have, &c.,  
A. COHEN.

A. Surveyor General.—7 August, 1861.—M.F.

\* Appendix N.  
† Appendix O.

## No. 200.

W. C. WENTWORTH, Esq., to SECRETARY FOR LANDS.

*Australian Club,*  
9 August, 1861.

SIR,

I beg to inform you that, since the death of my late brother, Major Wentworth, I and my eldest son, Fitzwilliam, have together acquired the fee simple in the 100 acres of land lying between Duck River and Duck Creek, on the Old Parramatta Road, and extending from that road to the junction of those fine salt water streams, which after thus uniting, flow into the Parramatta River. It is probable, as Tooth's grant was one of the old grants, that the area contains more than the 100 acres stated in the grant—but for this I will not vouch. I am willing to take £20 per acre for this land, which I am told was in the first instance deemed the most eligible site for a Public Cemetery, until it was ascertained that no proper title could be made out. This difficulty is now removed, as before stated, by the lamented death of my late brother.

I have, &c.,  
W. C. WENTWORTH.

B.C., A. Surv. Genl.—13 Aug.—M.F.

## No. 201.

M. YOUNG, Esq., to SECRETARY FOR LANDS.

9 August, 1861.

MY DEAR SIR,

When I saw you the other day, in reference to Captain Russell's land for the Cemetery, you said the matter would be decided one way or other immediately. Will you excuse my asking, if it has been yet determined, what is to be done in the matter; and, if not, when it is likely to be so, as I fear we cannot keep our offer open much longer?

Yours very truly,  
M. YOUNG.

## No. 202.

UNDER SECRETARY FOR LANDS to M. YOUNG, Esq.

*Department of Lands,*  
Sydney, 21 August, 1861.

SIR,

Referring to your letter of the 9th instant, inquiring if it has yet been determined what is to be done in the case of Captain Russell's offer of land for a Public Cemetery, and, if not, when a decision is likely to be given, as you fear you cannot keep the offer open much longer,—I am directed to inform you that two portions of land have since been offered at much lower rates, which it has been considered proper to have examined before closing with any one.

I have, &c.,  
MICHL. FITZPATRICK.

## No. 203.

ACTING SURVEYOR GENERAL to MR. LICENSED SURVEYOR HEADY.

*Surveyor General's Office,*  
Sydney, 29 August, 1861.

SIR,

In transmitting the enclosed sketch of the Hyde Park Estate, which is situated at Liberty Plains, between Sydney and Parramatta, and which has been offered to the Government for the selection out there of a site for a General Cemetery for Sydney, I have to request that you will visit the property, and sink holes on the parts edged yellow and green on the sketch, on both sides of the railway line, and extending over about 200 acres on the south side of the line, to ascertain its suitability for Cemetery purposes.

2. In your report you will refer specially to the direction of the drainage.

I have, &c.,  
A. G. M'LEAN,  
Asst. Surveyor General.

No. 204.



## No. 204.

MR. LICENSED SURVEYOR HEADY to ACTING SURVEYOR GENERAL.

*Sydney, 7 September, 1861.*

SIR,

In accordance with your instructions of the 29th ultimo, No. 61-1203, to examine and report on the suitability of proposed site for General Cemetery near Homebush, I have the honor to state, for your information, that I caused various holes to be sunk on the parts referred to in the sketch, and found, as regards sinking, that the ground would be generally suitable for Cemetery purposes. It is in parts covered with a dense tea tree and wattle scrub, and wooded with mahogany, stringy bark, hollybut, and tea tree; but the best of the timber has been fallen for splitting and other purposes. I beg leave to suggest that the whole of the site might be selected on the south side of the railway line, which appears to me would be the most compact, as well as commanding a better prospect.

I also beg to say that, in sinking some additional holes on Mr. Wentworth's property, I found a sandstone rock between three and four feet from the surface, at the places marked red on the sketch; but it would require more holes to be sunk to ascertain how far the rock extends.

I have also noted on the sketch the direction of the drainage.

I have, &amp;c.,

JOHN HEADY,  
Licensed Surveyor.

## No. 205.

A. LEARMONTH, ESQ., to SECRETARY FOR LANDS.

*Charlotte-place, 6 September, 1861.*

SIR,

On behalf of the executors of the late Dr. Ramsay, I have the honor to offer you for sale the following land, eighty-five to ninety acres, adjoining Elswick (Mr. Norton's property), and about five minutes walk from the Petersham station. The land extends to Long Cove Creek. Price, £25 per acre.

I have, &amp;c.,

ALEX. LEARMONTH.

## No. 206.

MR. LICENSED SURVEYOR HEADY to ACTING SURVEYOR GENERAL.

*Sydney, 14 September, 1861.*

SIR,

In accordance with your verbal instructions to report on the suitability of proposed site for Public Cemetery near Petersham, the property of Mr. Ramsay, I have the honor to state, for your information, that in sinking holes on the most likely places to test the ground, rock was generally found, varying in depth from one to five feet from the surface, and that on a considerable portion of the land solid rock is visible on the surface, which I beg leave to say makes it objectionable for Cemetery purposes.

I have, &amp;c.,

JOHN HEADY,  
Licensed Surveyor.

## No. 207.

REPORT OF ACTING SURVEYOR GENERAL.

THE present state of the Cemetery matter is that the most favourable sites, considering proximity to Sydney as a material advantage, are the properties of Mr. Wentworth and Mr. Cohen.

The latter is offered at £15 per acre, but no price has been named for the other.

It would be well to learn Mr. Wentworth's price for the portion of the Homebush Estate south of the Parramatta Road (or any part thereof which might be taken, not being less than 100 acres), previously to the personal inspection which I understand it is the intention of the Secretary for Lands to make.

A.G.M.

B.C., 17 September, 1861.

No. 208.

## No. 208.

W. RUSSELL, Esq., to SECRETARY FOR LANDS.

*Regentville.**Penrith, 15 October, 1861.*

MY DEAR SIR,

I have by this post received a letter from Mr. Wentworth, acquainting me that he is no longer my competitor for land to be used as a General Cemetery.

I hasten to offer to the Government 100, 200, 300, or 400 acres, adjoining the railway line, at £14 or £15 per acre, as may be agreed upon.

The land is not far from Homebush, on the line of railway, and connected by railway with Parramatta, Liverpool, Campbelltown, Camden, Penrith, Richmond, and Windsor and adjacents.

The land is reported by my surveyor as most eligible, with drainage to Duck Creek, on the line of railway, with extra sidings.

Pray believe me, &amp;c.,

W. RUSSELL.

Acting Surveyor General.—B.C., 22 Oct., 1861.—M.F.

## No. 209.

MEMO. OF SECRETARY FOR LANDS.

MR. WENTWORTH wants £40 per acre, so that his land may be considered out of the question. With regard to Cohen's land, it will be proper that the drainage shall be ascertained to meet the original intention of the Assembly; should it be otherwise it will be proper to again consider Mr. Russell's land.

18 October, 1861.

JOHN R.

Acting Surveyor General.—B.C., 19 Oct.—M.F.

## No. 210.

MESSRS. MOREHEAD &amp; YOUNG to SECRETARY FOR LANDS.

*Sydney, 19 October, 1861.*

SIR,

Referring to our letter of the 31st of July last, offering, on behalf of Captain Russell, 200 acres of land for a Public Cemetery, part of the Drainwell Estate,—we now offer 250 acres of the same property, at £12 per acre, or £3,000.

We have, &amp;c.,

R. MOREHEAD.

M. YOUNG.

## No. 211.

REPORT OF ACTING SURVEYOR GENERAL.

THE drainage of a sufficient area of Mr. Cohen's land for a Cemetery is to the Parramatta River through part of the Homebush Estate however and other private property, which is scarcely occupied at present, and probably little objection would arise on that score, and Mr. Cohen might undertake the removal of any which might arise and be considered tenable.—A.G.M.—B.C., 23 Oct., 1861.

## No. 212.

REV. J. J. TERRY to SECRETARY FOR LANDS.

*Balmain, 29 October, 1861.*

SIR,

Perceiving that some land, not less than 100 acres, suitable for a General Cemetery, on or near the Great Southern Railway, between Sydney and Parramatta, is required by the Government, I have the honor to submit that, having the required quantity of land, situate near the railway station house, Haslem's Creek, and which appears to me perfectly suitable for the above-named purpose, I am willing to dispose of it to the Government, on such equitable terms as may be agreed upon between any agent that you may be pleased to appoint and the writer.

I have, &amp;c.,

JOHN JOSEPH TERRY.

The Surveyor General and myself will visit the ground on an early day.—JOHN R., 2 Nov.

No. 213.

## No. 213.

UNDER SECRETARY FOR LANDS to REV. J. J. THERRY.

*Department of Lands,  
Sydney, 14 November, 1861.*

SIR,

I am directed to acknowledge the receipt of your letter of the 29th ultimo, offering, as a site suitable for a General Cemetery, certain land, your property, near the railway station house at Haslem's Creek, and to request that you will be so obliging as further to define the land to which you refer, and its area, and to state the price required, in terms of advertisement under which your offer is made.

I have, &amp;c.,

MICHL. FITZPATRICK.

## No. 214.

REPORT OF SURVEYOR GENERAL.

THE offer of Messrs. Morshead and Young, 61/3789, forwarded to me on the 19th ultimo, is of 250 acres of the same property, and at £12 per acre, or £3,000 for the whole quantity.

A.G.M.

*Sur. Gen. Office, 14 November, 1861.*

## No. 215.

J. L. NICHOLS, ESQ., to SECRETARY FOR LANDS.

*19, Hunter-street,  
Sydney, 7 February, 1862.*

SIR,

I am desired by my principal, Mr. Cohen, of Melbourne, to apprise him of the decision (if any) arrived at by the Government in respect to the land situate at Homebush, on the southern line of railway, offered for a Public Cemetery; and, if his offer has been accepted, when the Government intend to complete the purchase?

I will therefore feel greatly obliged if you will inform me what decision has been arrived at, or what progress has been made in respect thereto.

I have, &amp;c.,

JAMES LANDER NICHOLS.

Surveyor General.—10 Feb., 1861.—M.F.

## No. 216.

J. L. NICHOLS, ESQ., to SECRETARY FOR LANDS.

*19, Hunter-street,  
Sydney, 10 February, 1862.*

SIR,

Referring to my letter of February 7th instant, relative to Mr. Cohen's offer of land for a Public Cemetery, I have the honor to request that any reply thereto may be addressed to Mr. A. Cohen, Cohen's Family Hotel, Wynyard Square.

I have, &amp;c.,

JAMES LANDER NICHOLS.

P.S.—The former letter should have been signed for Mr. A. Cohen.

J.L.N.

This matter is now settled by purchase from Mr. Cohen.—A.G.M.—28 March, 1862.

## No. 217.

MINUTE OF SECRETARY FOR LANDS.

I HAVE agreed to purchase from Mr. A. Cohen, on behalf of the Government of New South Wales, 200 acres of land near Homebush, on the railway line, being a portion of the estate called Liberty Plains, at £10 per acre. The land being the same that was yesterday examined by the Surveyor General and myself, the terms being cash on the completion of a perfect title,

It

It is understood and agreed that the Government are to have the option of taking the land in whatever form may appear to them most suitable for the purpose for which they intend to apply the land, but in one block.

The Surveyor General to be instructed to make the necessary movements, and the other tenderers to be informed that Government have concluded a purchase.

Tenders should be called for fencing the land with a suitable fence, of the kind originally intended to have been erected at Randwick.

JOHN R.  
28 March, 1862.

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No. 218.

MR. LICENSED SURVEYOR HEADY to SURVEYOR GENERAL.

*Sydney, 3 April, 1862.*

SIR,

In accordance with your verbal instructions, I have the honor to submit a sketch of site for Public Cemetery, selected from Mr. Cohen's property, near Haslem's Creek, and which appears to be the most answerable for the above purpose.\*

I beg leave to suggest the advantage of having the enclosure marked Railway Paddock added to the site, for the purpose of completing the frontage to the railway line.

I have, &c.,  
JOHN HEADY,  
Licensed Surveyor.

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SURVEYOR GENERAL'S REPORT ON ABOVE.

MR. HEADY to mark out the 200 acres, as designed, informing Mr. Cohen, in case that gentleman should desire to send a surveyor on his behalf to check the measurement by Mr. Heady; and Mr. Heady to furnish a plan shewing the lay of the ground, for which object he may traverse the principal features.

A. G. M'LEAN.

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No. 219.

UNDER SECRETARY FOR LANDS to A. COHEN, Esq.

*Department of Lands,  
Sydney, 9 April, 1862.*

SIR,

Referring to your letter of the 6th August last and previous correspondence, I am directed to inform you, that the Secretary for Lands agrees, on behalf of the Government, to purchase from you 200 acres of the land therein offered, near Homebush, on the railway line, being a portion of the estate called Liberty Plains, at the price of £10 per acre, the terms being cash on the completion of a perfect title.

2. Mr. Secretary Robertson desires it to be understood, that the Government are to have the option of taking the land in whatever form it may appear to them most suitable for the purpose for which the land is intended to be applied, namely, a General Cemetery, but in one block.

3. The Surveyor General has, I am to add, been instructed to make the necessary measurements.

I have, &c.,  
MICHL. FITZPATRICK.

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No. 220.

UNDER SECRETARY FOR LANDS to MESSRS. MOREHEAD & YOUNG.

*Department of Lands,  
Sydney, 9 April, 1862.*

SIR,

The Government having had under their consideration the various offers of land in the neighbourhood of Sydney for a General Cemetery, I am directed to inform you that a purchase for this purpose has been concluded, and your offer is therefore declined.†

I have, &c.,  
MICHL. FITZPATRICK.

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No. 221.

\* See sketch attached to surveyor's report of 26th April, 1862.

† A similar letter to the other parties who offered land for a Cemetery.

## No. 221.

UNDER SECRETARY FOR LANDS to CROWN SOLICITOR.

*Department of Lands,  
Sydney, 16 April, 1862.*

SIR,

I am directed to inform you that the Secretary for Lands has agreed, on behalf of the Government, to purchase from Mr. A. Cohen, of Castlereagh-street, 200 acres of land for a General Cemetery, near Homebush, on the railway line, being a portion of the estate called Liberty Plains, at the price of £10 per acre, the terms being cash on the completion of a perfect title; and I am to request that you will have the goodness to examine into the title (an abstract of which the vendor has been instructed to submit to you), and to prepare the necessary conveyance.

2. The Surveyor General has been directed to cause the necessary measurement to be made, and the boundaries of the lot to be purchased will be furnished to you as soon as decided.

I have, &c.,  
MICHL. FITZPATRICK.

## No. 222.

MR. LICENSED SURVEYOR HEADY to SURVEYOR GENERAL.

*Sydney, 28 April, 1862.*

SIR,

In accordance with your verbal instructions, I have the honor to submit plan of survey of two hundred acres (200) of land in the parish of Liberty Plains, purchased from Messrs. Cohen & Benjamin, for Public Cemetery.

I have, &c.,  
JOHN HEADY,  
Licensed Surveyor.

## SURVEYOR GENERAL'S REPORT ON ABOVE.

THE description to be forwarded to Mr. Robertson, with intimation that the land has been marked out.

A.G.M.

## No. 223.

CROWN SOLICITOR to UNDER SECRETARY FOR LANDS.

*Crown Solicitor's Office,  
Sydney, 21 May, 1862.*

SIR,

I have the honor to inform you that Mr. Levy, the solicitor for Messrs. Cohen & Benjamin, has forwarded to me an abstract of his clients' title to the land near Homebush, of which a portion has recently been purchased by the Government.

The title disclosed by the abstract relates to 319 acres granted to J. H. Potts, by deed of date 28th April, 1834, entered as No. 772, vol. 129, in registry of county of Cumberland, in Surveyor General's Office.

470 acres granted to J. H. Potts by deed, of date 20th April, 1835, entered as No. 835, vol. No. 142, in registry of county of Cumberland (4) at the Surveyor General's Office; and 803 acres, portion of a grant of 1,100 acres to H. G. Douglass, which grant is registered at Colonial Secretary's Office, in registry of grants of land No. 23, page 30; and I am informed that the 200 acres intended to be conveyed to the Government is a portion of one or more of these parcels of land.

It is necessary, before I can prepare the conveyance, that I should be furnished with a description of the land intended to be conveyed, and a surveyor's certificate that it forms a portion of the lands above mentioned; and I therefore forward the abstract herewith, to enable such description and certificate to be prepared.

With respect to the 803 acres, I should mention that it is said to be part of 893 portion of the 1,100 acres grant to Douglass. It will be seen by referring to the abstract (page 3), that 893 acres were conveyed by Shadforth & Douglass to Potts; that Potts conveyed this land to M. A. Bates (page 5), and that M. A. Bates conveyed it to Dawes & Smart (page 7), who, however, only conveyed 803 acres 1 rood 11 perches to Messrs. Francis Cohen & Benjamin; 89 acres 2 roods and 29 perches, the remaining portion of the 893 acres, having been, it is said, conveyed to one Bates; it will therefore also be necessary to ascertain that the land proposed to be conveyed to Government does not include any portion of the 89 acres lot.

I have borrowed from Mr. Levy an original deed, wherein these lands are set out in a plan which may perhaps assist the surveyor in identifying them, if he will call upon me and inspect it.

I have, &c.,  
JOHN WILLIAMS,  
Crown Solicitor.

No. 224.

No. 224.

CROWN SOLICITOR to UNDER SECRETARY FOR LANDS.

*Crown Solicitor's Office,  
Sydney, 9 June, 1862.**(Messrs. Cohen and Benjamin to the Queen.)*

SIR,

I beg to remind you that I have not yet received the description and surveyor's certificate of the identity of the parcels for which I wrote to you on the 21st ultimo, and that without them I am unable to prepare a conveyance of the lands purchased. Mr. Benjamin, one of the vendors, is in England, and there is no sufficient power of attorney in the Colony authorizing the execution of the conveyance on his behalf. Mr. Levy, the vendors' solicitor, informs me, however, that he has written for a power of attorney from his client, and that his letter was forwarded by the April mail. He is desirous, in the meantime, that this transaction shall be completed upon Mr. Cohen indemnifying the Government, by giving a bond for the due execution of the conveyance by Mr. Benjamin. Will you please inform me whether such an arrangement is likely to be sanctioned by Government?

I have, &amp;c.,

JOHN WILLIAMS,  
Crown Solicitor.

SURVEYOR GENERAL'S REPORT ON ABOVE.

THE description required is herewith, and the certificate signed by the surveyor who measured the land. The last paragraph is for the consideration of the Secretary for Lands.

A.G.M.  
19 June, 1862.

MINUTE BY THE SECRETARY FOR LANDS ON SAME.

I UNDERSTAND from Mr. A. Cohen that he is willing to obtain another thoroughly responsible name besides that of Mr. Henry Cohen, as a guarantee that Mr. David Benjamin will complete the conveyances in a satisfactory manner. Mr. A. Cohen will at once give possession of the land, and consents to one-half the money being retained by the Government pending Mr. Benjamin's signature being obtained. I think that if this arrangement can be carried out through the Crown Law Officers it will be satisfactory, and that the Government may at once enter upon the improvement of the land.

J.R.  
30 June, 1862.

Crown Solicitor.—B.C., 30 June, 1862.

No. 225.

CERTIFICATE.

I HEREBY certify that the 200 acres of land, a description of which is annexed, forms part of 369 acres granted to J. H. Potts, by deed of date, 28th April, 1834, entered as No. 772, folio 129, in registry of county of Cumberland, in the Surveyor General's Office, and part of 803 acres, portion of a grant of 1,100 acres to H. G. Douglass, which grant is registered in the Colonial Secretary's Office, in registry of grants of land, No. 23, page 30.

Sydney, 19 June, 1862.

JOHN HEADY,  
Licensed Surveyor.

No. 226.

CROWN SOLICITOR to UNDER SECRETARY FOR LANDS.

*Crown Solicitor's Office,  
Sydney, 28 August, 1862.*

SIR,

I have the honor to inform you that by this month's English mail, a power of attorney, enabling Mr. Moses Benjamin, of Melbourne, to act as the attorney of Mr. David Benjamin, and to convey the lands at Haslem Creek, of which the land purchased for a Public Cemetery is part, has been received by Mr. Moses Benjamin, who has executed the conveyance and forwarded it to Mr. D. Levy, of this city, solicitor.

Will you please inform me when it will be convenient for you to make an appointment for the settlement of this matter, or in what way the purchase money can be obtained for the vendors?

I have, &amp;c.,

JOHN WILLIAMS,  
Crown Solicitor.

No. 227.

## No. 227.

## CONVEYANCE TO THE CROWN.

THIS Indenture made the fifteenth day of August in the year of our Lord one thousand eight hundred and sixty-two between Edward Cohen of Melbourne in the Colony of Victoria auctioneer and David Benjamin of London in that part of the United Kingdom of Great Britain and Ireland called England gentleman of the one part and Her Most Gracious Majesty Queen Victoria of the other part Whereas the Secretary for Lands for the Colony of New South Wales has on behalf of the Government of the said Colony contracted and agreed with the said Edward Cohen and David Benjamin for the purchase of the piece of land hereinafter described for the sum of two thousand pounds and it has been agreed that the said land shall be conveyed to Her Most Gracious Majesty and Her Heirs Now this Indenture witnesseth that in pursuance of the said agreement and in consideration of the sum of two thousand pounds sterling to the said Edward Cohen and David Benjamin now paid by Her said Majesty (the receipt whereof is hereby acknowledged) they the said Edward Cohen and David Benjamin do hereby grant bargain sell alien release enfeoff and confirm unto Her said Majesty Her Heirs and Successors all that piece or parcel of land situate lying and being in the county of Cumberland parish of Liberty Plains in the Colony aforesaid containing by admeasurement two hundred acres on the Great Southern Railway near Haslam's Creek Station commencing on the southern side of the Great Southern Railway at a point distant one chain easterly from a point where the east boundary line of G. Sunderland's sixty acres intersects that railway and bounded thence on the west by a road one chain wide dividing it from that land from John Sunderland's one hundred acres and from part of J. H. Potts' four hundred and seventy acres bearing south forty-three minutes east fifty chains and eighty-two links on the south by a line bearing east forty-three minutes north thirty-eight chains and seventy links on the east by a line bearing north forty-three minutes west fifty-six chains and thirteen links to the southern boundary fence of the Great Southern Railway on the north by that boundary fence westerly to the eastern boundary fence of the railway paddock (six acres thirty-one perches) again on the west by that boundary fence southerly to its south-east corner again on the north by the south boundary fence of that paddock westerly to its south-west corner again on the east by the west boundary fence of that paddock northerly to the boundary fence aforesaid of commencement together with the appurtenances thereto belonging And all the estate right title interest claim and demand whatsoever both at law and in equity of them the said Edward Cohen and David Benjamin thereto to hold the said hereditaments and premises intended to be hereby conveyed unto Her said Majesty the Queen Her Heirs and Successors for ever And they the said Edward Cohen and David Benjamin do hereby for themselves their heirs executors and administrators covenant with Her said Majesty Her Heirs and Successors that notwithstanding anything by the said Edward Cohen and David Benjamin or any of their ancestors done or knowingly suffered they the said Edward Cohen and David Benjamin now have power to grant release enfeoff and confirm all and singular the said hereditaments and premises unto and to the use of Her said Majesty Her Heirs and Successors free from incumbrances And that they the said Edward Cohen and David Benjamin and their heirs and every other person lawfully or equitably claiming through or in trust for them or any of their ancestors will at all times at the costs of Her said Majesty Her Heirs or Successors execute and do all such assurances and acts for further or better assuring all or any of the said premises to the use of Her said Majesty Her Heirs and Successors as by Her or them shall be reasonably required And the said Edward Cohen and David Benjamin for themselves their heirs executors administrators and assigns hereby covenant and agree with and to Her said Majesty Her Heirs and Successors that they the said Edward Cohen and David Benjamin their heirs and assigns (unless prevented by fire or other inevitable accident) will at all times hereafter upon every request and at the costs of Her said Majesty Her Heirs and Successors produce and shew unto Her said Majesty Her Heirs and Successors or to any person or persons and at such place or places within the said Colony as she or they shall direct or appoint the several deeds and writings mentioned and enumerated in the "Schedule of Deeds" hereunder written for the proof and support of the title of Her said Majesty Her Heirs and Successors of or to the said hereditaments and premises And will at the like request and costs make and deliver to Her said Majesty Her Heirs and Successors true copies (attested or unattested as may be required) of all or any of the said deeds or writings and suffer such copies or extracts to be compared with the original deeds or writings by Her or them or by such persons as She or they shall appoint and will in the meantime unless prevented as aforesaid keep the said deeds and writings safe whole uncancelled and undefaced Provided always that if the said Edward Cohen and David Benjamin their heirs executors or administrators shall part with the said deeds and writings to any other person or persons entitled to the possession thereof and shall procure such person or persons to enter into and execute a deed of covenant with Her said Majesty Her Heirs and Successors similar to the one hereinbefore lastly contained and shall deliver such deed of covenant to Her or them without any expense to Her or them then the covenant for production hereinbefore contained on the part of the said Edward Cohen and David Benjamin shall cease and determine And the said parties hereto declare that the following is the Schedule of Deeds hereinbefore referred to.

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*Schedule*

*Schedule of Deeds.*

1834. April 28.—Grant from the Crown, in favour of John Hyde Potts, of 369 acres. Enrolled in Supreme Court, No. 91, b. "D," p. 91, on 17th June, 1834.
1835. April 20.—Grant from the Crown, in favour of J. H. Potts, of 470 acres. Enrolled in Supreme Court, b. "K," No. 59, page 59, on 20th May, 1835.
1843. June 7.—By Indenture of Release between J. H. Potts of the one part, and Mary Ann Bates of the other part, 369 acres and 470 acres. Registered, 16 June, 1843, 165, b. 4.
1843. August 5.—Indenture of Release between Mary Ann Bates of the one part, and J. H. Potts of the other part, 470 acres. Registered 10 August, 1843, 638, book 4.
1833. March 2.—Conveyance between Thomas Shadforth of the first part, Henry Grattan Douglass of the second part, and J. H. Potts of third part, of 893 acres, part of 1,100 acres promised to Douglass. Registered, 3 June, 1833, No. 13, book "F."
1828. May 21.—Power of Attorney from Douglass to F. Stephen, A. M. Scott, and the Rev. M. D. Mearns.
1833. July 6.—Grant in favour of H. G. Douglass of 1,100 acres. Enrolled in Supreme Court of New South Wales, in book "E," No. 29, folio 29, 24 August, 1833.
1843. June 6 and 7.—Indenture of Lease and Release, the Release made between J. H. Potts of the one part, and M. A. Bates of the other part, of 893 acres, part of 1,100 acres. Registered, 14 June, 1843, No. 158, book 4.
1845. October 25.—Indenture of Release between M. A. Bates of first part, J. H. Potts of second part, and William Dawes and T. W. Smart of third part, 369 acres and 470 acres. Registered, 29 December, 1845, 58, book 10.
1845. October 25.—Indenture between M. A. Bates and J. H. Potts to W. Dawes and T. W. Smart, trustees, &c., of 893 acres. Registered, 29 December, 1845, No. 57, book 10.
1845. November 8.—Indenture of Release of Dower between Emma Potts, wife of J. H. Potts, of first part, the said J. H. Potts of second part, T. W. Smart and W. Dawes of third part, and John Gurner of fourth part. Certificate of acknowledgment endorsed before the Registrar General, on 8th June, 1845.
1847. April 30.—Indenture between T. W. Smart and W. Dawes, trustees of the insolvent estate of J. H. Potts of first part, J. H. Potts of second part, and C. Nicholson and W. Lithgow of third part, of 369 acres. Registered, 31 May, 1847. No. 805, b. 12.
1847. April 30.—Indenture between same parties of 470 acres. Registered, 31 May, 1847. No. 806, book 12.
1847. April 30.—Indenture between same parties as last two Indentures, of 803 acres 1 rood 11 perches, portion of 893 acres. Registered, 31 May, 1847. No. 804, book 12.
1853. June 1.—Indenture, Nicholson and Lithgow to Benjamin Francis, Edward Cohen, and David Benjamin. Registered, 10 November, 1853. No. 143, book 29.
1853. December 31.—Indenture, Benjamin Francis of first part, Elizabeth, his wife, of second part, and E. Cohen of third part.
1862. July 15.—Indenture between Henry Grattan Douglass of the one part, and Edward Cohen and David Benjamin of the other part. Registered, 24 July, 1862. No. 79, book 79.

IN WITNESS whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by the said }  
Edward Cohen, in the presence of— } (L. s.) EDWARD COHEN.

ATTENBOROUGH,  
Solicitor, Melbourne.

Signed, sealed, and delivered by the said }  
David Benjamin, by his Attorney, } (L. s.) DAVID BENJAMIN,  
Moses Benjamin, in the presence of— } By his Attorney, Moses Benjamin.

S. BRAHAM,  
Solicitor, Melbourne.

WE acknowledge to have received from Her Majesty the Queen within mentioned the sum of two thousand pounds, the consideration money within expressed to be paid by £2,000. Her said Majesty to us.

EDWARD COHEN.

Witness to the signature of Edward Cohen—  
ATTENBOROUGH.

Witness to the signature of David }  
Benjamin, by his Attorney, Moses }  
Benjamin— }  
S. BRAHAM.

DAVID BENJAMIN,  
By his Attorney, Moses Benjamin.

RECEIVED



RECEIVED into the Office for the registration of Deeds, &c., at Sydney, this 18th day of September, A. D. 1862, at 20 minutes to 11 o'clock in the forenoon, from Michael Sheridan Hart, of Sydney, a true copy of the within deed, verified by the said Michael Sheridan Hart, and numbered eight hundred and seventy-seven (877), Book seventy-nine (79).

THEORE. JAS. JAQUES,  
Deputy Registrar.

No. 228.

INDENTURE.

THIS Indenture made the fifteenth day of August in the year of our Lord one thousand eight hundred and sixty-two between *Edward Cohen* of Melbourne in the Colony of Victoria Auctioneer and *David Benjamin* of London in that part of the United Kingdom of Great Britain and Ireland called England of the first part of *Moses Benjamin* of Melbourne aforesaid Merchant of the second part and *Her Most Gracious Majesty Queen Victoria* of the third part *Whereas* by an Indenture bearing even date with but executed before these presents and expressed to be made between the said Edward Cohen and David Benjamin of the first part and Her said Majesty of the second part in pursuance of a contract for sale and for the considerations therein mentioned certain lands and hereditaments situate lying and being in the county of Cumberland parish of Liberty Plains in the Colony of New South Wales &c. &c. containing by admeasurement 200 acres on the Great Southern Railway near Haslem Creek in the Indenture now in recital particularly described were conveyed and assured by the said Edward Cohen and David Benjamin to Her said Majesty Her Heirs and Successors *And whereas* the said last mentioned Indenture is executed by the said David Benjamin by his attorney the said Moses Benjamin acting under a certain letter of attorney duly executed by the said David Benjamin and bearing date the twenty-third day of June one thousand eight hundred and sixty-two and on the said contract for sale it was agreed that the said Edward Cohen and David Benjamin and Moses Benjamin on behalf of themselves their heirs and assigns should enter into the covenant hereinafter contained *Now this Indenture witnesseth* that in pursuance of the said agreement and in consideration of the premises *they* the said Edward Cohen and David Benjamin and Moses Benjamin *do* hereby for themselves their heirs executors administrators and assigns covenant with Her said Majesty Her Heirs and Successors that they the said Edward Cohen and David Benjamin their heirs and assigns or some or one of them will at all times upon the request in writing of Her said Majesty Her Heirs Successors and Assigns or any person lawfully or equitably claiming through Her or them any estate or interest in the said hereditaments comprised in the said Indenture of even date herewith at the expense of the person or persons requiring the same produce to Her or them or to such person or persons as She or they shall appoint or in any Court of law equity or other judicature or elsewhere as occasion shall require the said letter of attorney to the said Moses Benjamin for the support or manifestation of the estate or title of Her said Majesty the Queen Her Heirs Successors or Assigns and every or any other person claiming as aforesaid *And* will at all times upon such request and at such expense as aforesaid shall make and deliver to the person or persons requiring the same or to such person or persons as She or they shall appoint such true copies attested or unattested of the same letter of attorney as She or they may require *And* will in the mean time keep the same letter of attorney uncanceled and undefaced unless prevented by fire or other inevitable accident In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed sealed and delivered by the within  
named Moses Benjamin and also by  
Moses Benjamin as attorney for the  
within named David Benjamin in the  
presence of—GEO. McKEANE.

EDWARD COHEN.  
DAVID BENJAMIN,  
By his Attorney, M. Benjamin.  
MOSES BENJAMIN.

Witness the signature of Edward Cohen—GEO. DIGBY REILLY.

No. 229.

CROWN SOLICITOR to SECRETARY FOR LANDS.

*Crown Solicitor's Office,  
Sydney, 10 September, 1862.*

SIR,

I have the honor to inform you that the conveyance from Messrs. Edward Cohen and David Benjamin, of land at Haslam's Creek, intended as a site for a Burying Ground, has been duly executed and is in my hands, and that the consideration money may now be paid.

I have, &c.,  
JOHN WILLIAMS,  
Crown Solicitor.

Will a note be made for Supplementary Estimates for the costs of fencing?  
I conclude the fencing may be paid for out of the balance of the vote.  
I should like to see the papers with regard to the fences.

JOHN R.  
13 Sept.

No. 230.

## No. 230.

UNDER SECRETARY FOR LANDS to UNDER SECRETARY FOR FINANCE AND TRADE.

*Department of Lands,  
Sydney, 12 September, 1862.*

SIR,

I am directed to request that you will have the goodness to move the Finance Minister to cause to be paid to Mr. E. Cohen, of Melbourne, as agent for Messrs. E. Cohen and D. Benjamin, the sum of £2,000, being the purchase money of certain land at Haslem's Creek, intended as a site for a General Cemetery, to be charged to the vote (£3,000) taken on the Estimates-in-Chief for the present year.

I have, &c.,

MICHL. FITZPATRICK.

## No. 231.

UNDER SECRETARY FOR LANDS to CROWN SOLICITOR.

*Department of Lands,  
Sydney, 29 September, 1862.*

SIR,

It being desirable that steps should be at once taken for fencing-in the new General Cemetery near Homebush, I am directed by Mr. Secretary Robertson, to request that you will have the goodness to give to Mr. Cohen and the other neighbouring proprietors of land, if any, the notice that may be necessary under the law to compel them to pay their portion of the dividing fence, apprising me of the result, for the information of the Secretary for Lands.

I have, &c.,

MICHL. FITZPATRICK.

## No. 232.

A. COHEN, ESQ., to SECRETARY FOR LANDS.

*Cohen's Family Hotel, Wynyard Square,  
Sydney, 4 November, 1862.*

SIR,

I have just learnt, through the Crown Solicitor, that it had been represented to you, that when Mr. Moore applied to me for permission to clear about twelve feet at the side of the proposed fence for the Cemetery, I refused to give the permission unless the Government paid for it. To this statement I give the most distinct denial, such a mercenary idea never entered my thoughts, but on the contrary, I told Mr. Moore that I should be too happy to afford the Government every facility, but that before doing so I should like to go out and see that there were no large trees of value in the way, but that if there were they be left standing, as they would do the fence no harm. Mr. Moore acquiesced in the propriety of my suggestion, and he was to let me know when he would be ready to go out to see the line, as I undertook to go out with him any day he might appoint, with the exception of Saturday. Since then I have heard nothing further of the matter. I called at your office yesterday and to-day, to personally contradict the statement; but having been unsuccessful in seeing you, I write this note.

I have, &c.,

A. COHEN.

## No. 233.

DIRECTOR OF BOTANIC GARDENS to UNDER SECRETARY FOR LANDS.

*Botanic Gardens,  
7 November, 1862.*

SIR,

So far as I am concerned, the statements made in the accompanying letter from Mr. Cohen are incorrect. My recollection of the matter is, that I went to Mr. Cohen and requested to know from him whether there would be any objection to the Government clearing about twelve feet of the land adjoining that purchased for a Cemetery. His reply was, in substance, that he would not give the permission sought for without first looking over the ground, as there might be some valuable timber upon it. I represented to him that I was aware that such was not the case, that I had examined the locality a day or two previously, and that I was desirous of proceeding with the work of fencing as speedily as possible. He still declined giving the required authority until he had

had seen the ground. I then asked him when it would be convenient to do this, as I would accompany him; the reply was not before next week. As this would cause a delay of five days in any determination being arrived at, I considered it advisable to report the result of my interview to Mr. Secretary Robertson, and in the course of conversation with that gentlemen stated incidentally that, in my *private opinion*, the only object Mr. Cohen could have in at all objecting to assent to the ground being cleared was that a pecuniary advantage might be gained by it.

I have, &c.,  
CHARLES MOORE.

---

No. 234.

A. COHEN, Esq., to SECRETARY FOR LANDS.

*Sydney*, 19 November, 1862.

SIR,

Having reference to our conversation of this morning, relative to the granting permission to Her Majesty's Government to clear away about twelve feet of Messrs. Cohen and Benjamin's land adjoining the new Cemetery, for the purpose of protecting the fence about to be erected by Her Majesty's Government, I, on behalf of Messrs. Cohen and Benjamin, hereby grant the necessary authority for that purpose.

I have, &c.,  
A. COHEN.

---

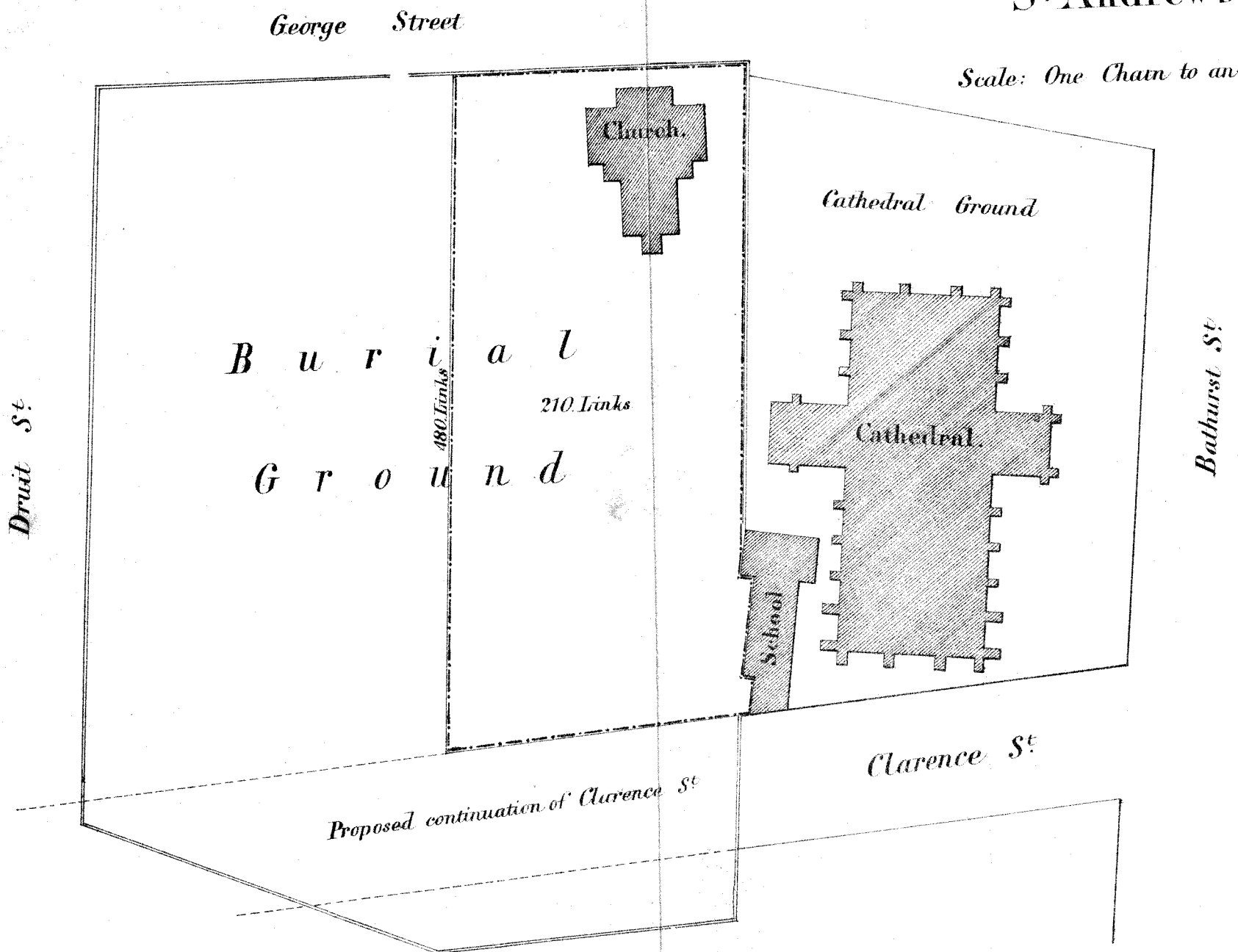
Seen, and may now be commenced. Inform Mr. Moore.—JOHN R.—28 Nov., /62.  
Mr. Moore.—B.C., 28 Nov., /62.

APPENDIX B.

PLAN  
of One Acre of Ground  
AT  
St Andrew's

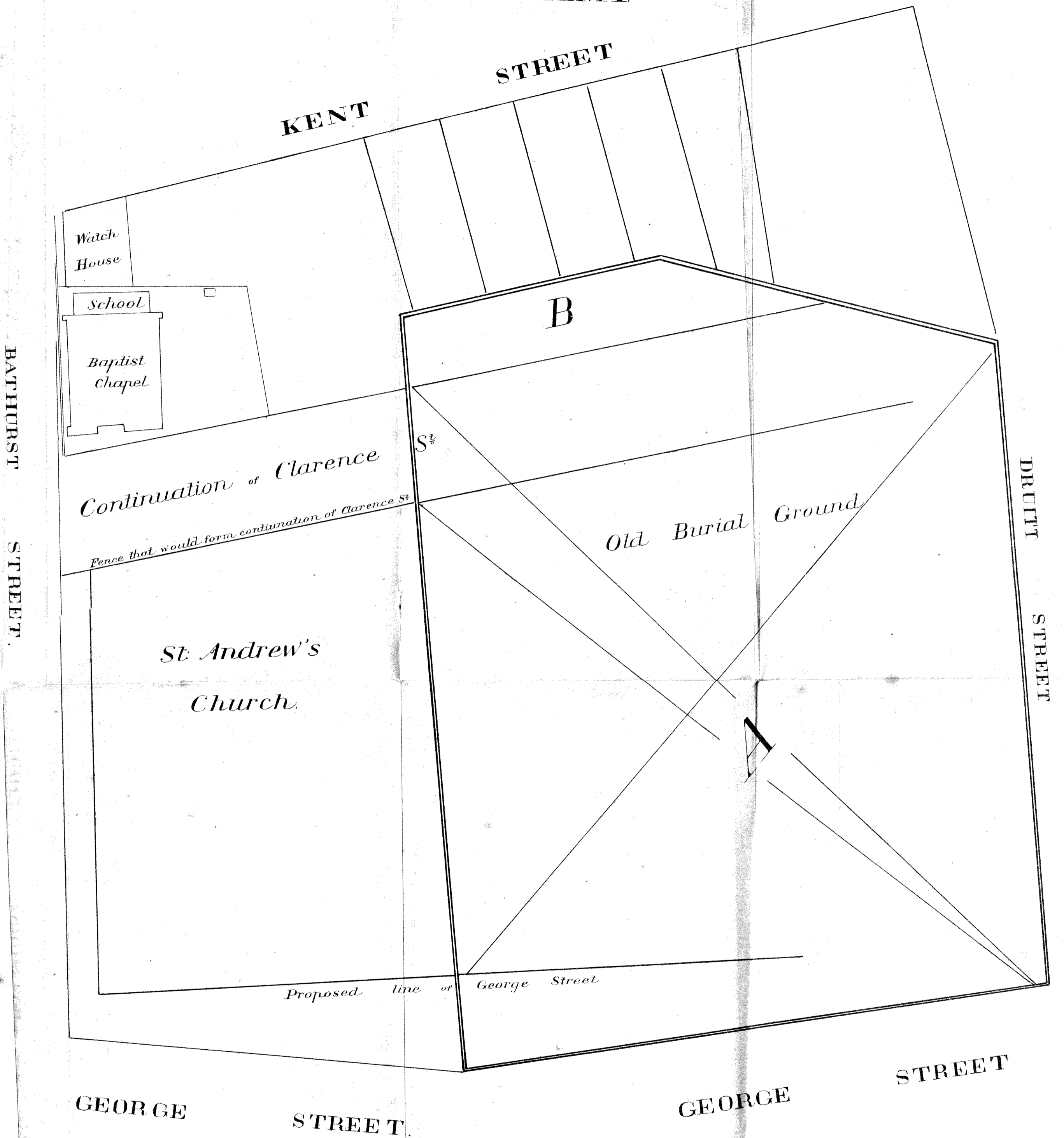
Burial Ground 2 1/2 Acres

Scale: One Chain to an Inch.

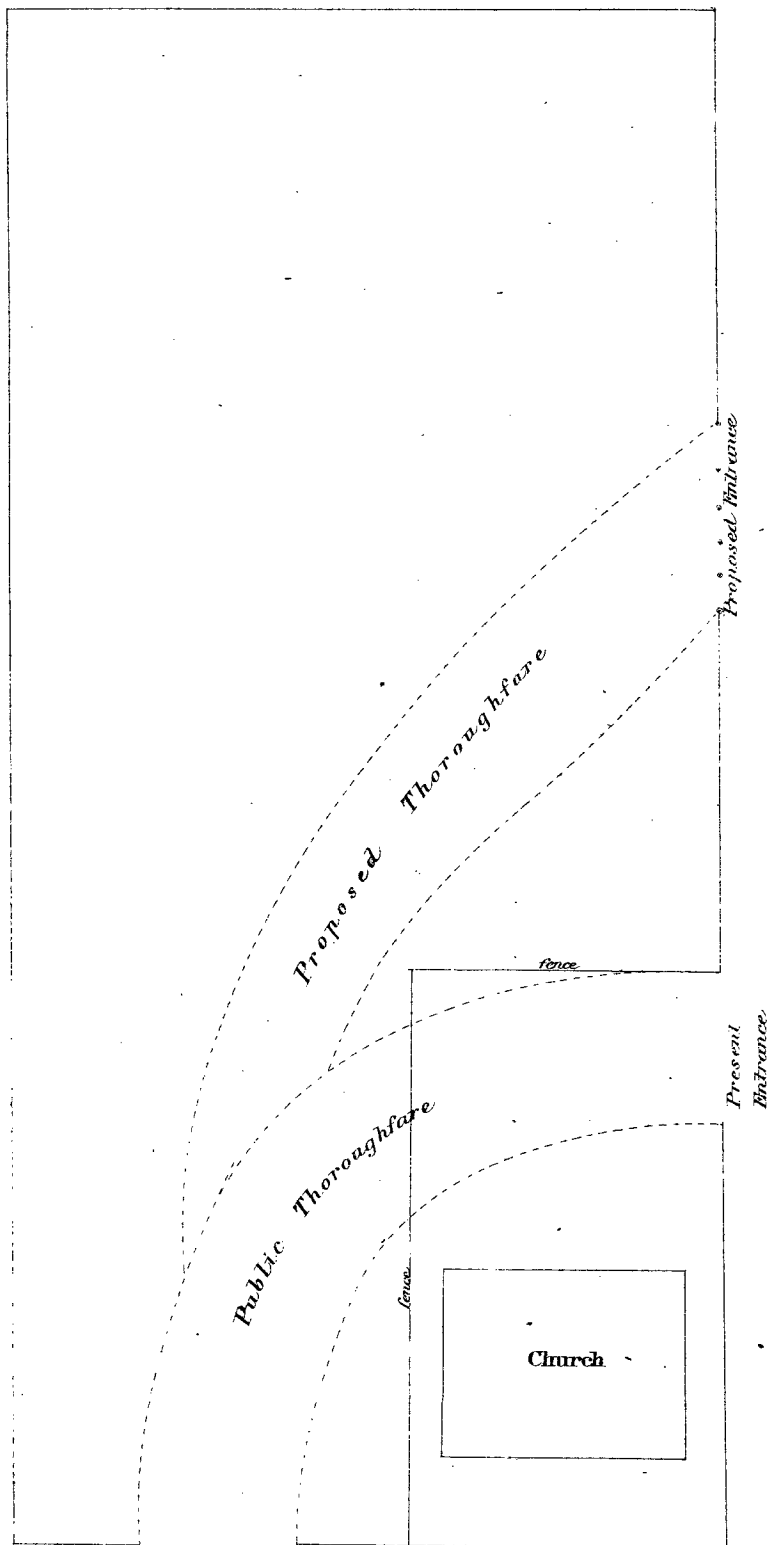


Sig. 89.

APPENDIX A.



# APPENDIX C.



*Sig. 89*

APPENDIX D.

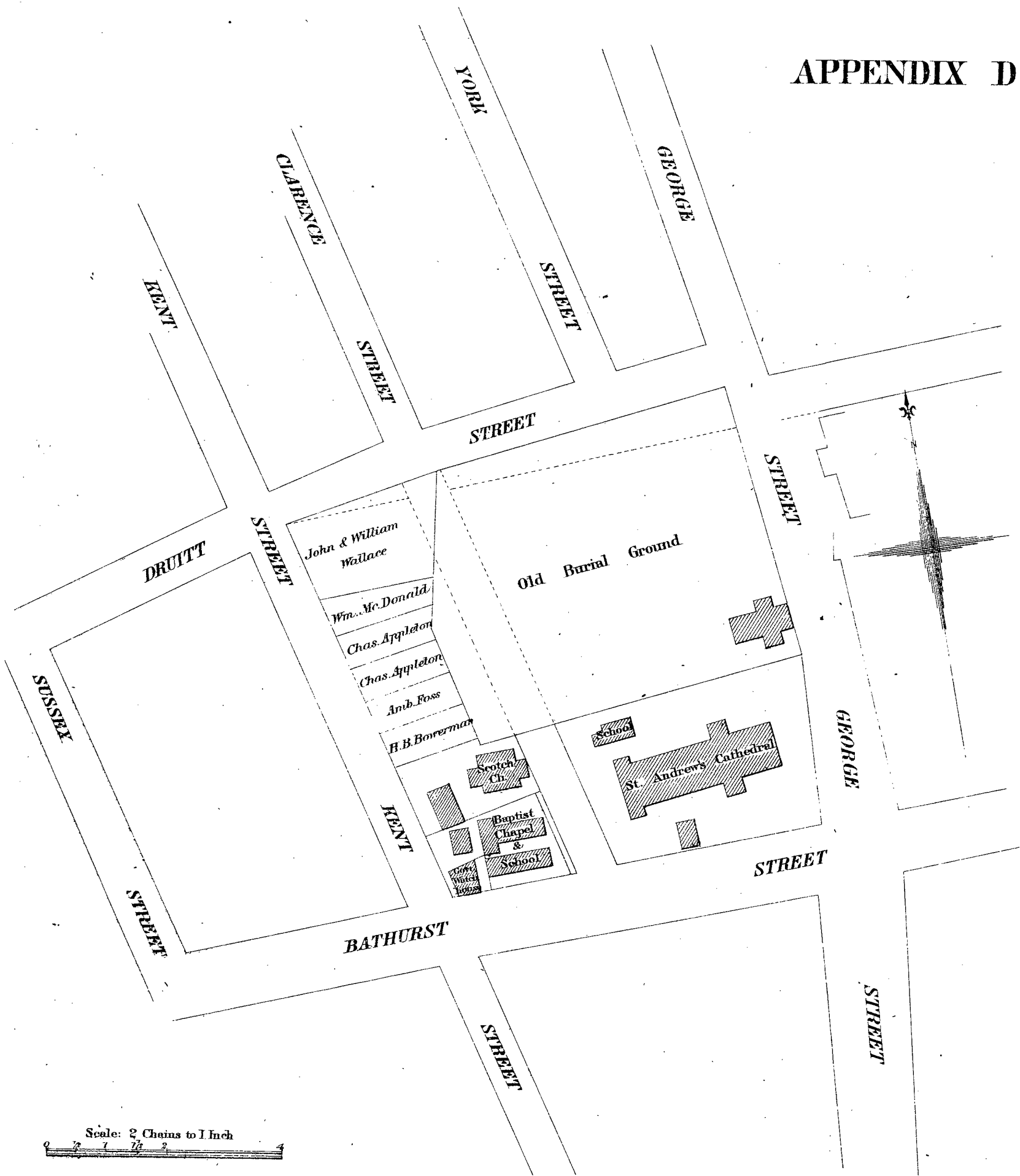


Fig. 89





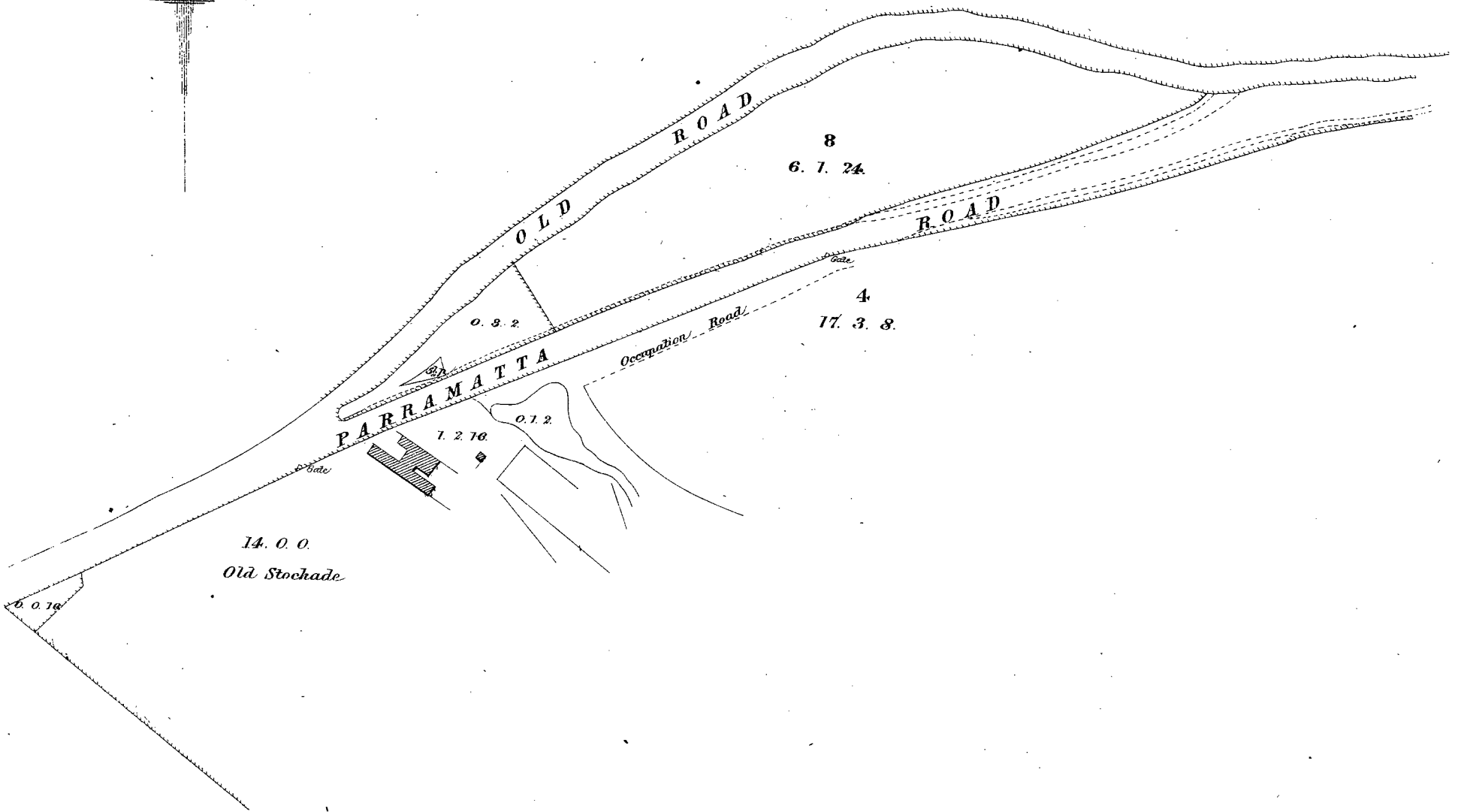
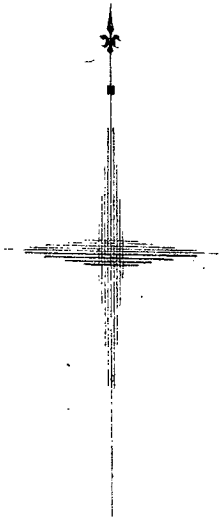
# APPENDIX E.

## SKETCH

showing Paddock Lot 8,  
at

## GROSE FARM

Scale of Chains



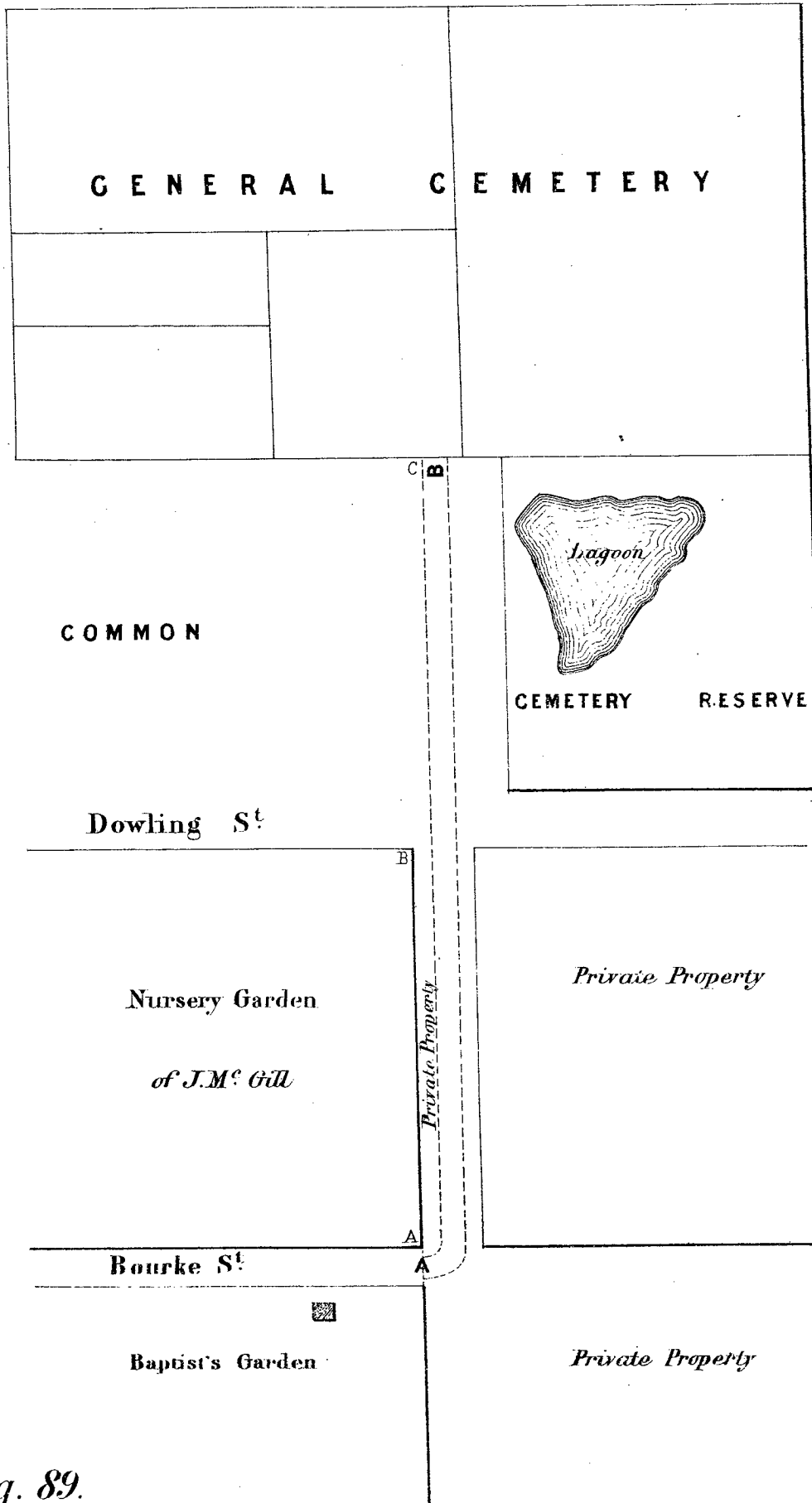
Sig. 89

# APPENDIX F.

## Plan of General Cemetery and Approaches

shewing

*Proposed line of Road to be made A.B.*



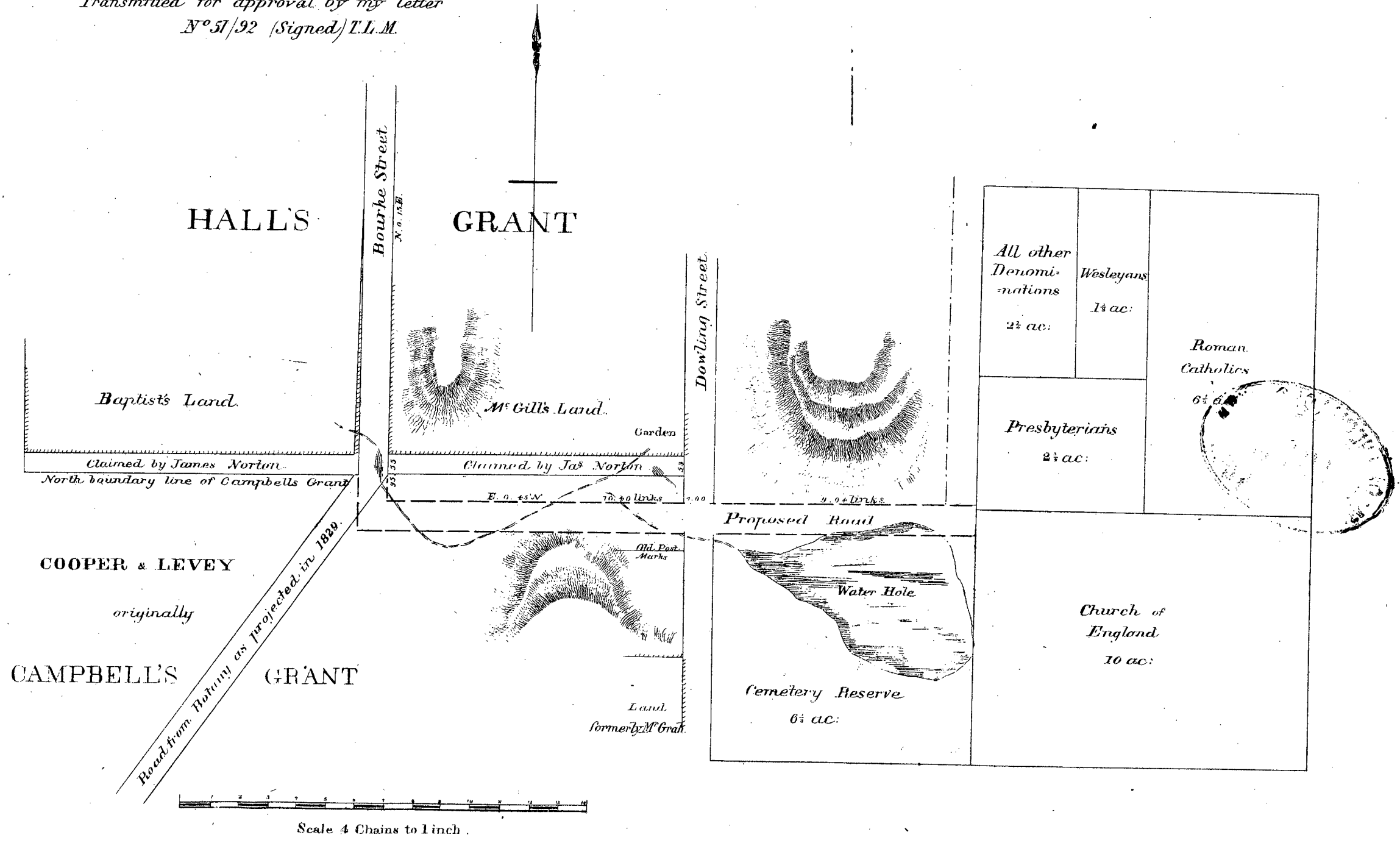
# APPENDIX G.

## PLAN OF PROPOSED NEW STREET

FROM BOURKE ST<sup>E</sup> TO GENERAL CEMETERY.

*Transmitted for approval by my letter  
N<sup>o</sup> 51/92 (Signed) T.L.M.*

LEVEYS 75AC:



Sig. 89.





# APPENDIX H.

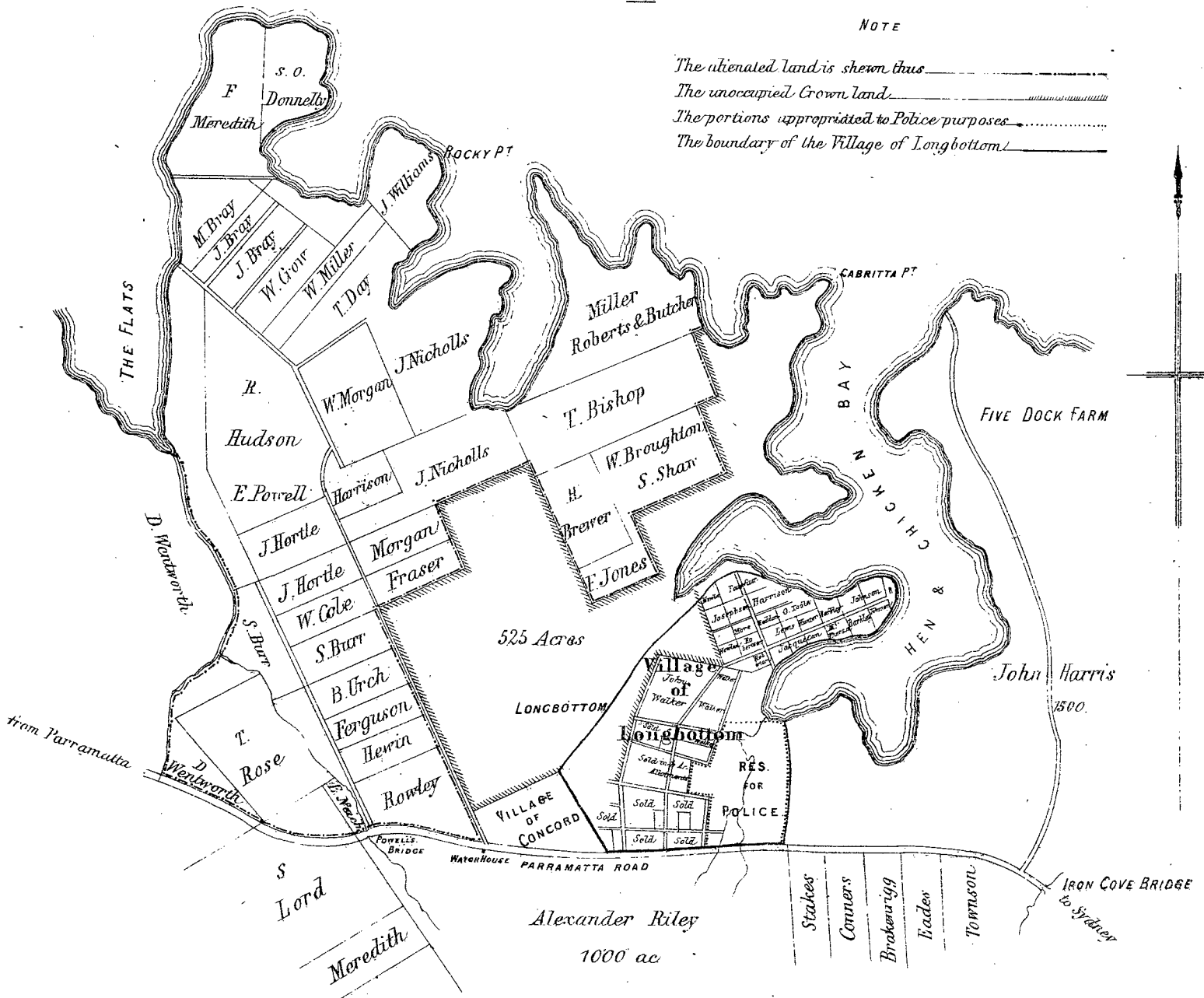
## Sketch

shewing the unoccupied Land at  
**Longbottom.**

1856.

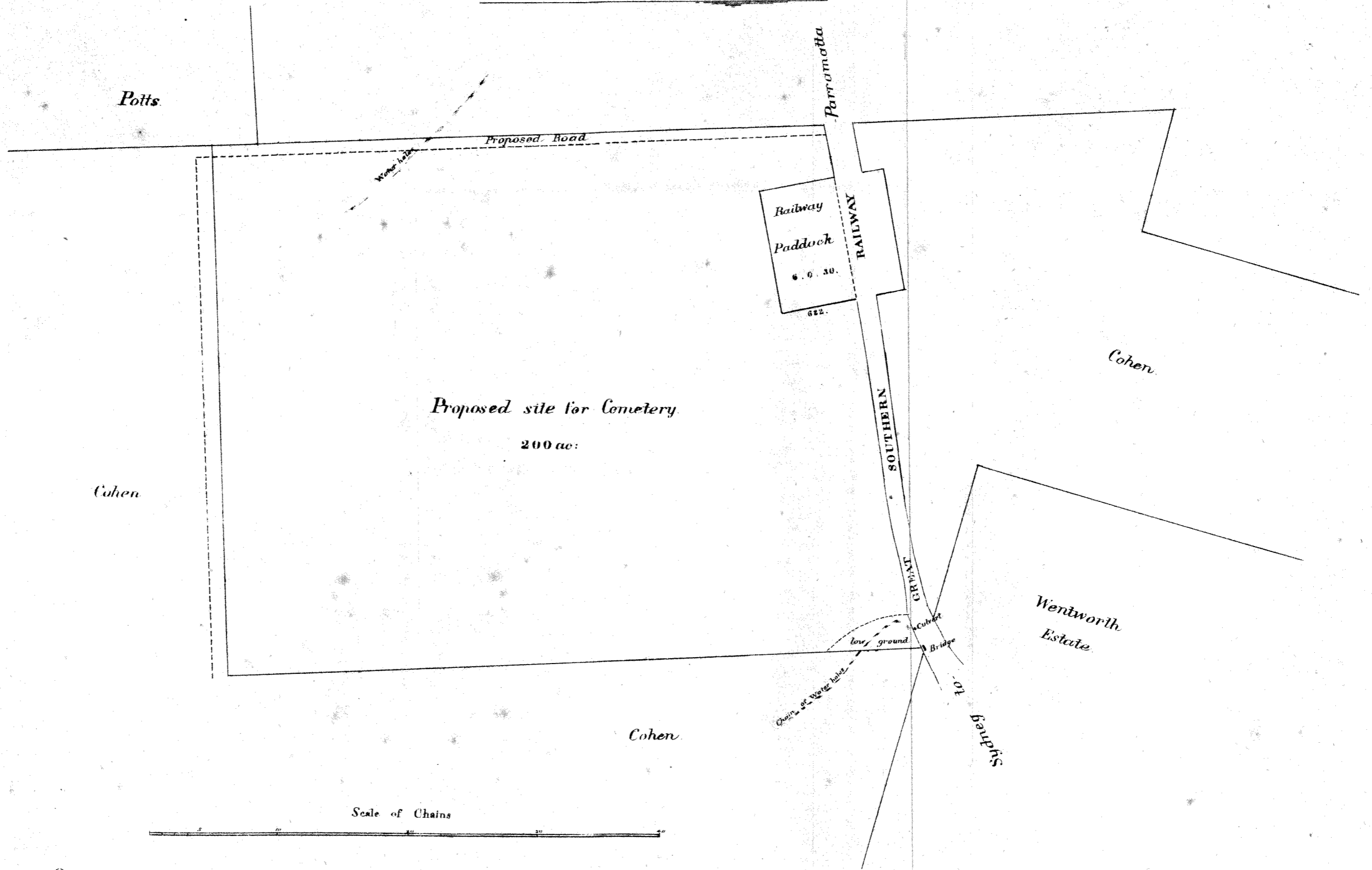
**NOTE**

The alienated land is shown thus   
 The unoccupied Crown land   
 The portions appropriated to Police purposes   
 The boundary of the Village of Longbottom 



Sig. 89.

APPENDIX. P.

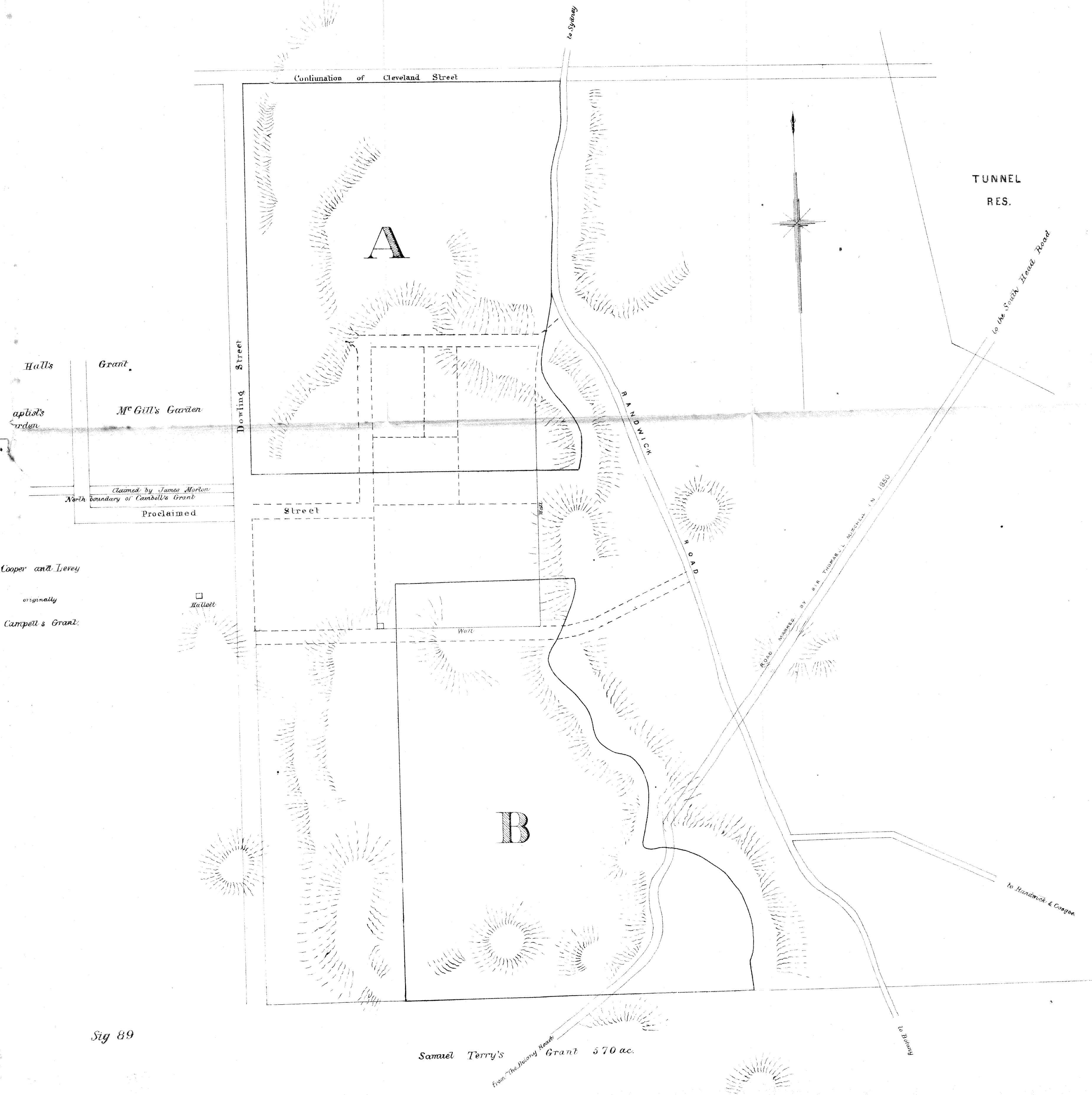
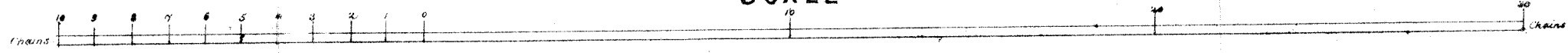


Sig. 89

# APPENDIX I PLAN SHOWING THE PROPOSED SITES FOR A GENERAL CEMETERY NEAR THE RANDWICK ROAD 1858

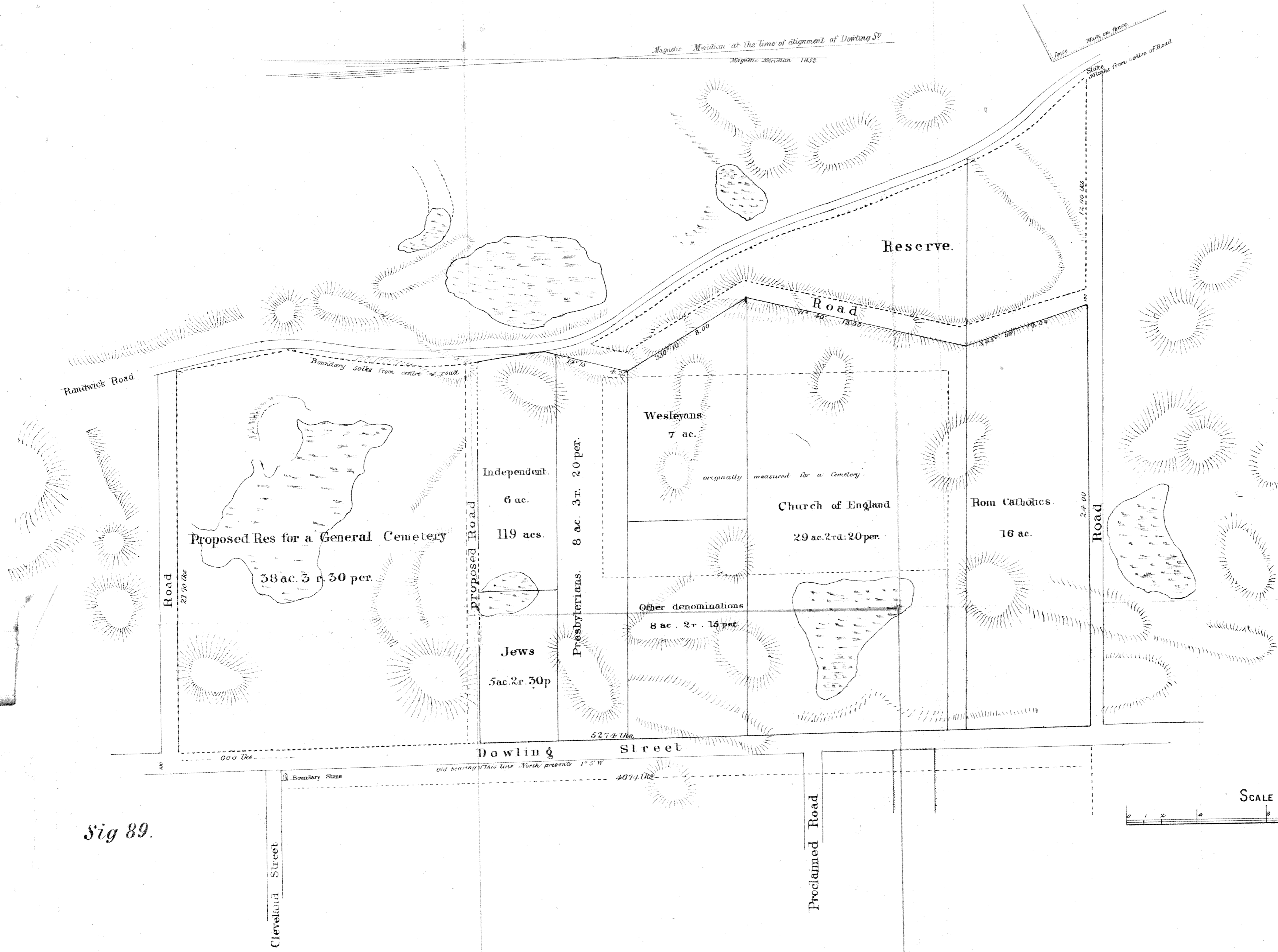
NOTE  
THE SUGGESTED SITES ARE SHOWN BY A THICK LINE & THE LETTERS A & B  
THE OLD APPROPRIATION IS SHOWN BY A DOTTED LINE

SCALE

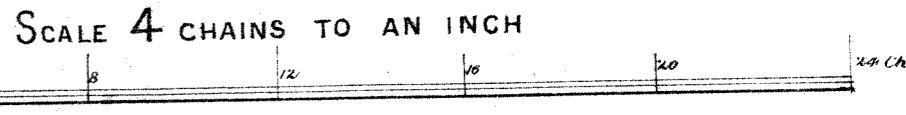


# APPENDIX K

## PLAN OF 119 ACRES IN THE PARISH OF ALEXANDRIA RESERVED AND MARKED AS A SITE FOR A NECROPOLIS FOR THE CITY OF SYDNEY 1858



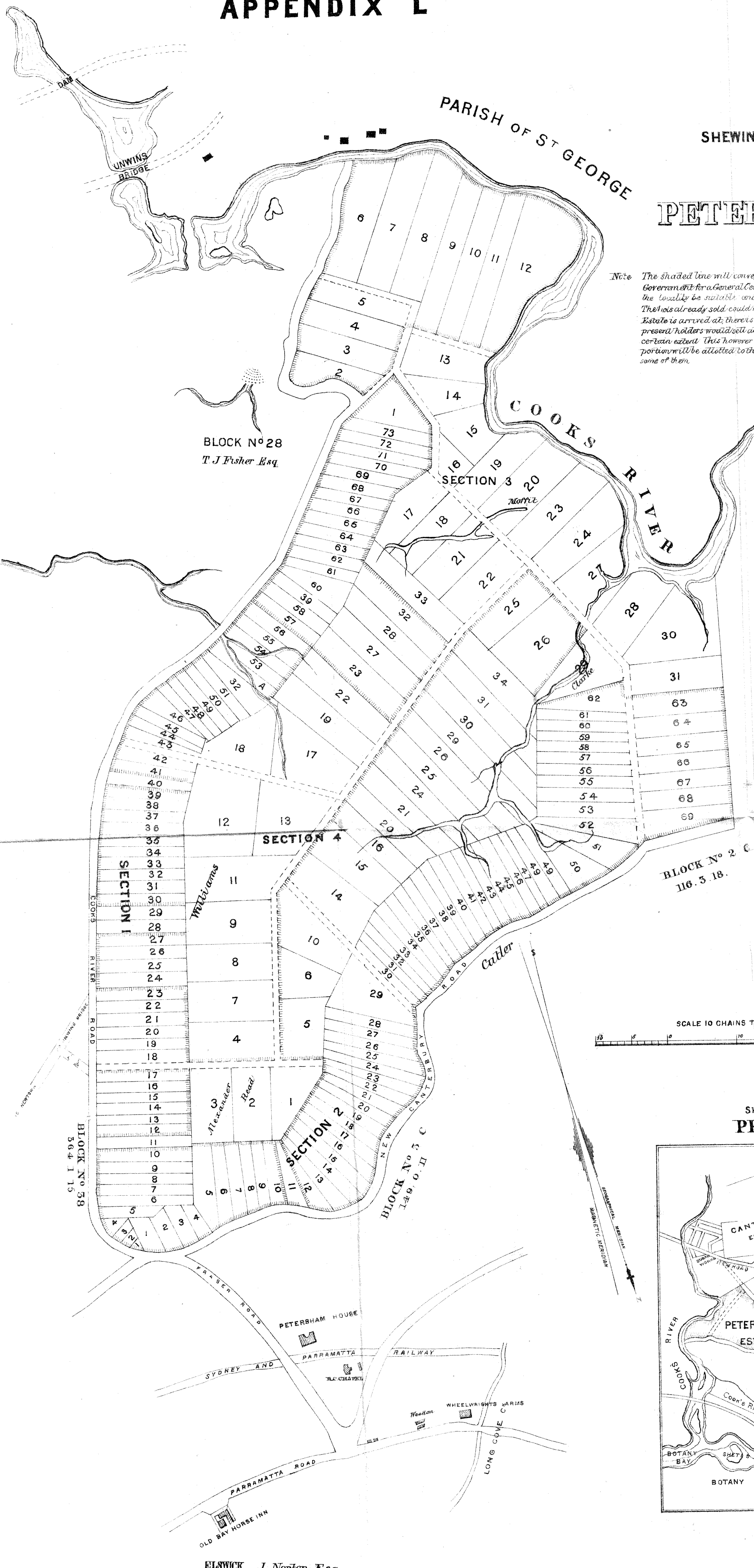
NB. All the boundaries are cleared, and all angles and corners are marked by stakes.  
The proposed boundaries of Necropolis are shown by a thick line of Reserve by a thick dotted line  
All the roads are one chain wide.



Sig 89.

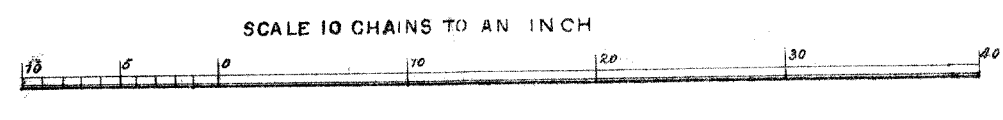
# APPENDIX L

## CHART SHEWING DIVISIONAL SURVEY. SECTION N<sup>o</sup> 1 B OF THE PETERSHAM ESTATE.

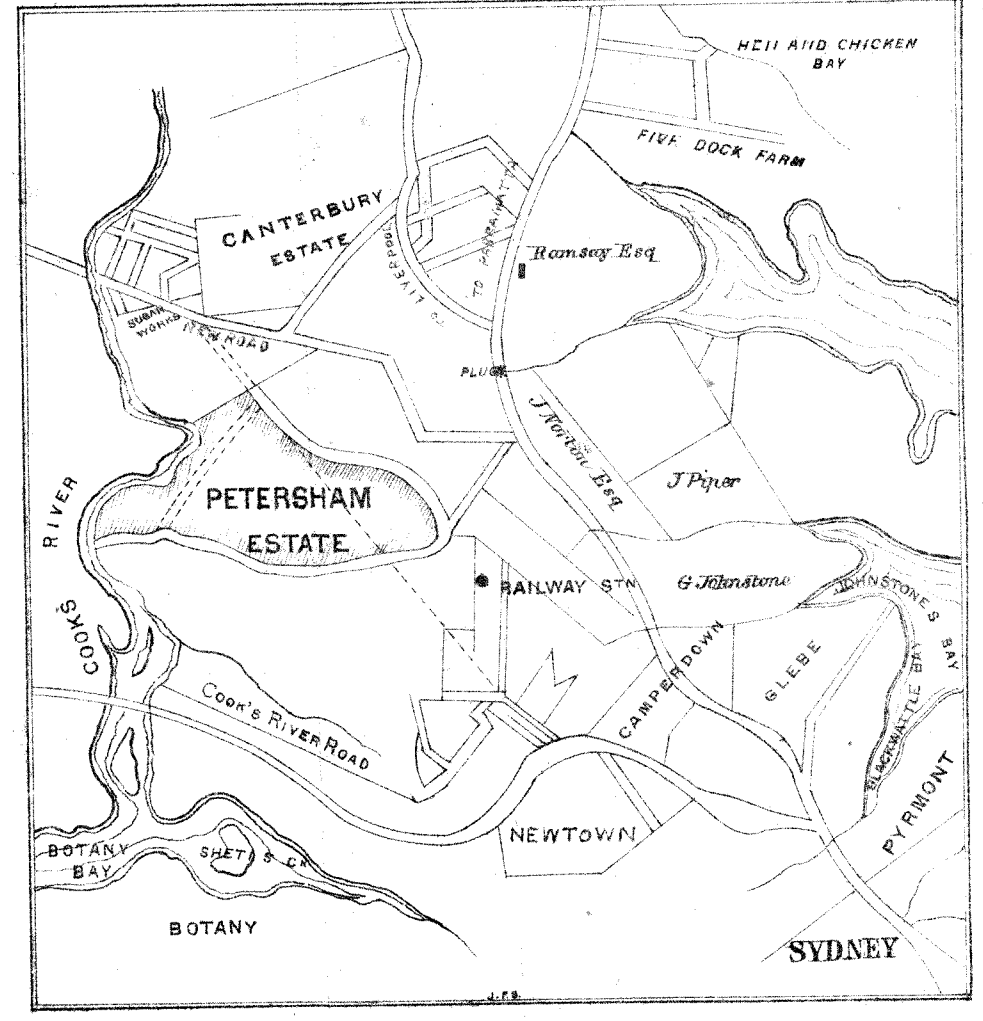


*Note* The shaded line will convey a tolerably correct idea as to where and what the land offered to Government for a General Cemetery is near enough at all events for them to decide as to whether the locality be suitable and the quantity of land sufficient. The lot already sold could not be readily obtained when the decision in reference to the Estate is arrived at, there is apprehension against buying near a Cemetery and it does not seem that the present holders would sell at a fair price. The Main Roadway must be preserved at all events to certain extent. This however is immaterial in reference to a Cemetery for I suppose that certain portions will be allotted to the various denominations and there is a quit already between some of them.

Signed G. F. M. Arthur



DISTRICT MAP  
SHOWING THE POSITION OF THE  
PETERSHAM ESTATE



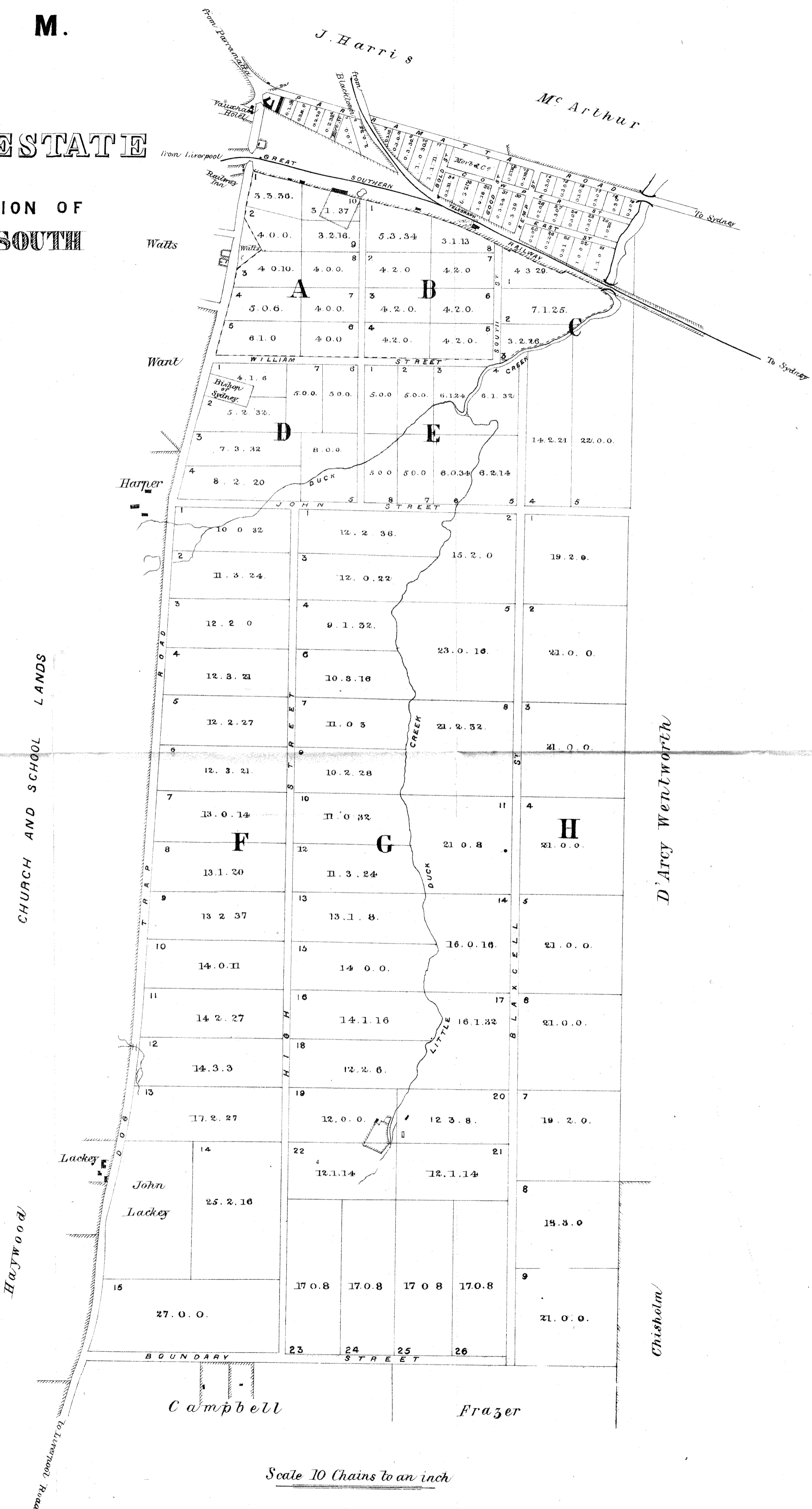
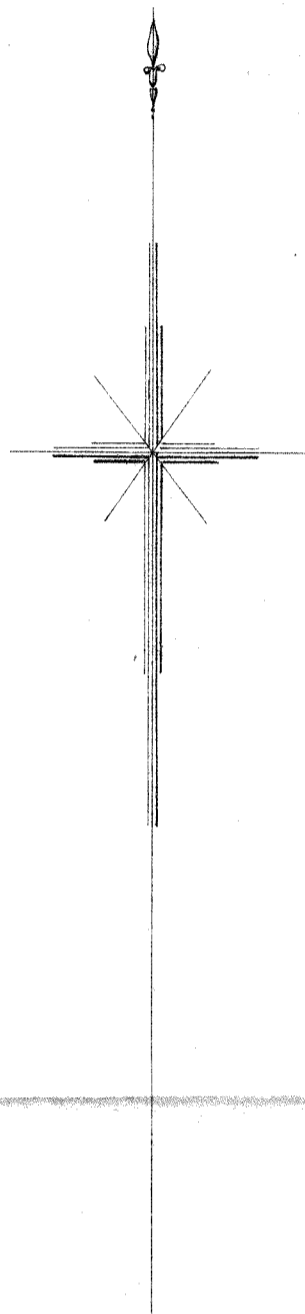
ELSWICK. J. Norton Esq.



# APPENDIX M.

## THE DRAINWELL ESTATE

INCLUDING  
THE EASTERN DIVISION OF  
PARRAMATTA SOUTH



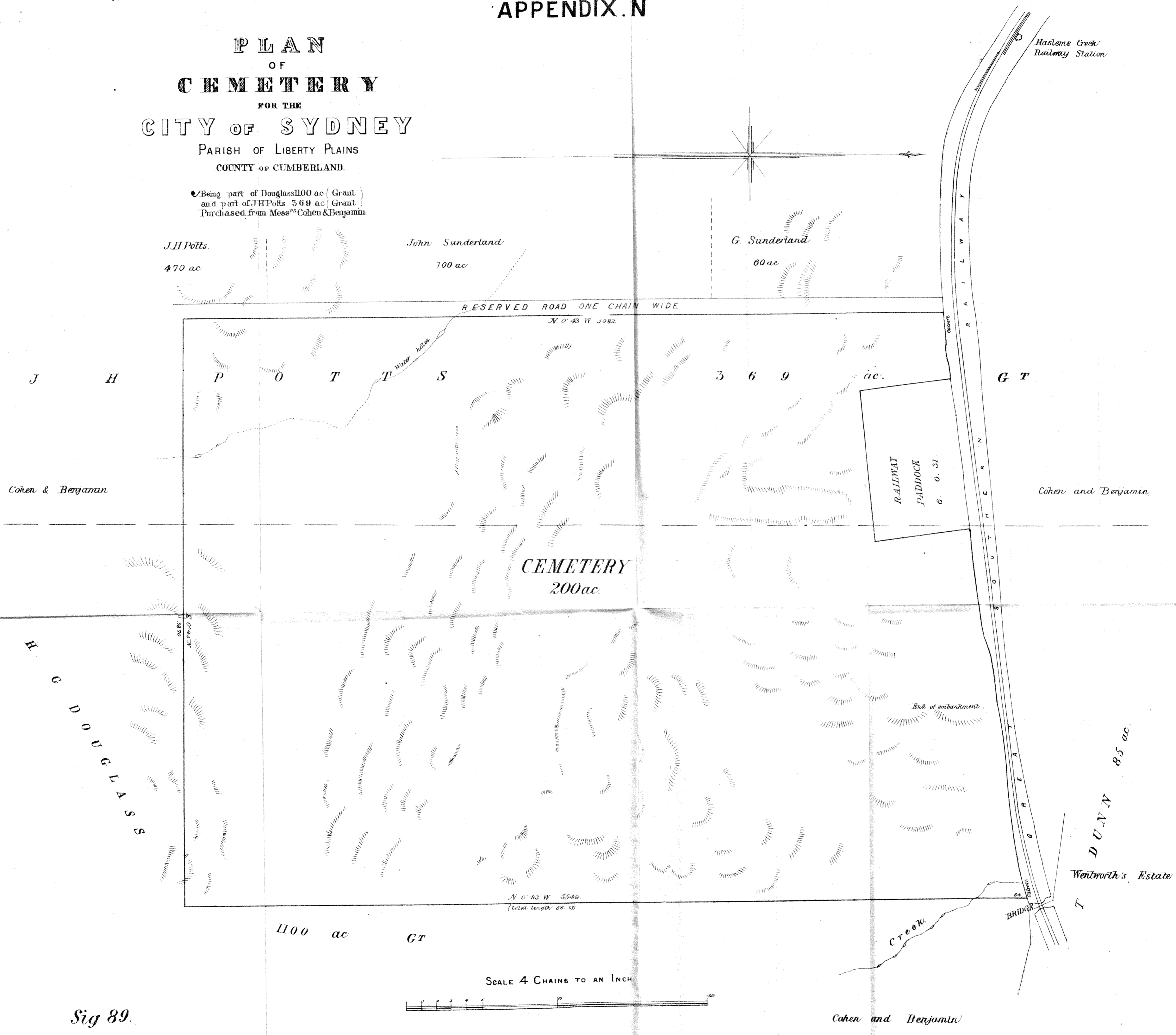
(Sig 89)

Scale 10 Chains to an inch

APPENDIX N

PLAN  
OF  
CEMETERY  
FOR THE  
CITY OF SYDNEY  
PARISH OF LIBERTY PLAINS  
COUNTY OF CUMBERLAND.

Being part of Douglass 1100 ac (Grant)  
and part of JH Polts 569 ac (Grant)  
Purchased from Messrs Cohen & Benjamin

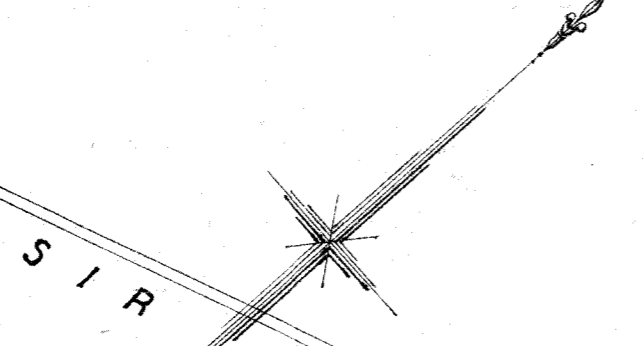
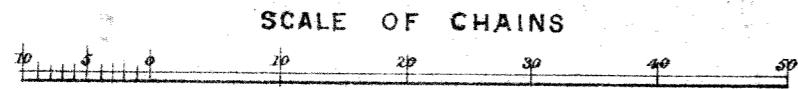


Sig 89.

Cohen and Benjamin

APPENDIX . O .

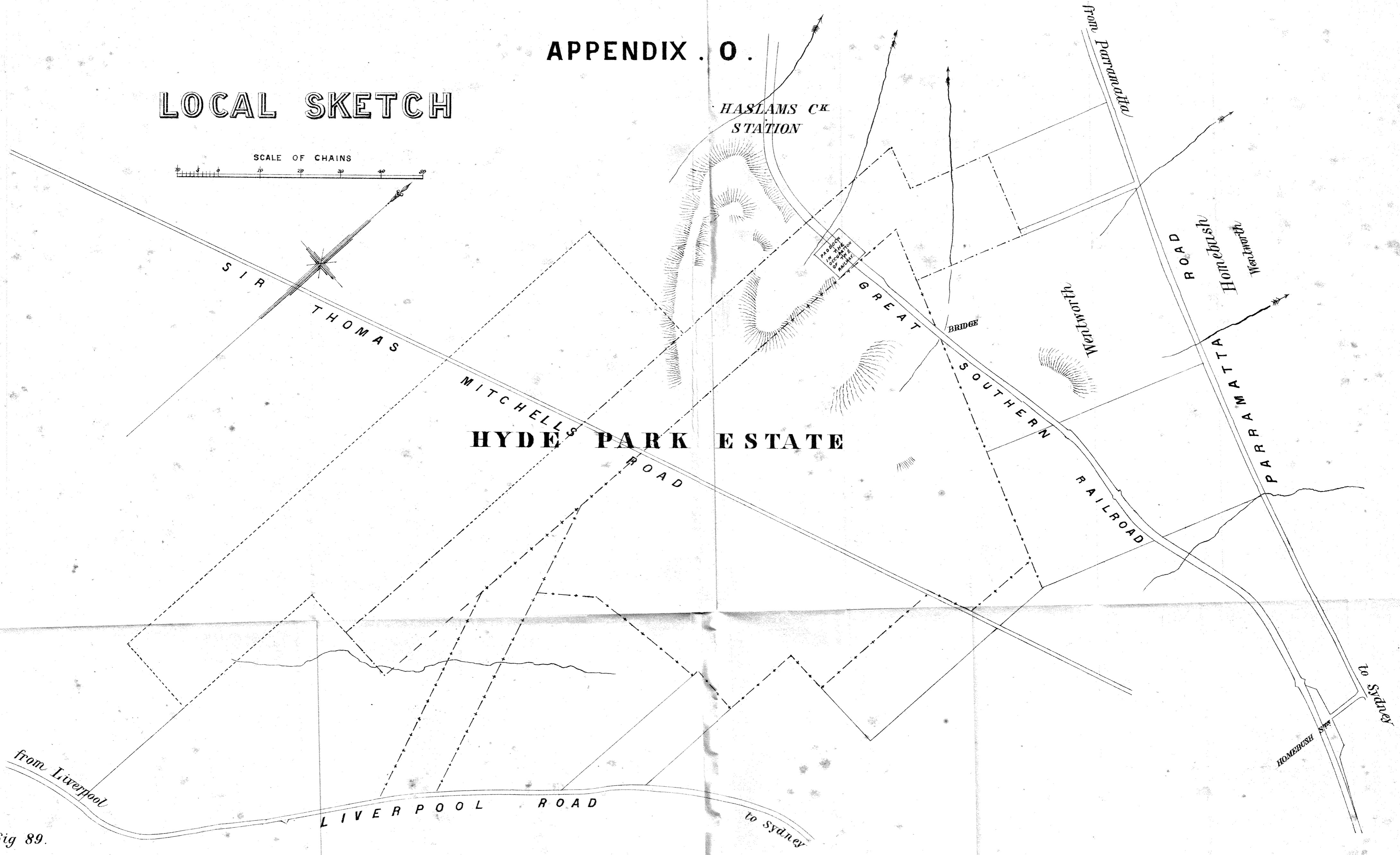
LOCAL SKETCH



HASLAMS CK STATION

PROBLY AN OLD SITE OF THE RAILWAY

HYDE PARK ESTATE



APPENDIX. P.

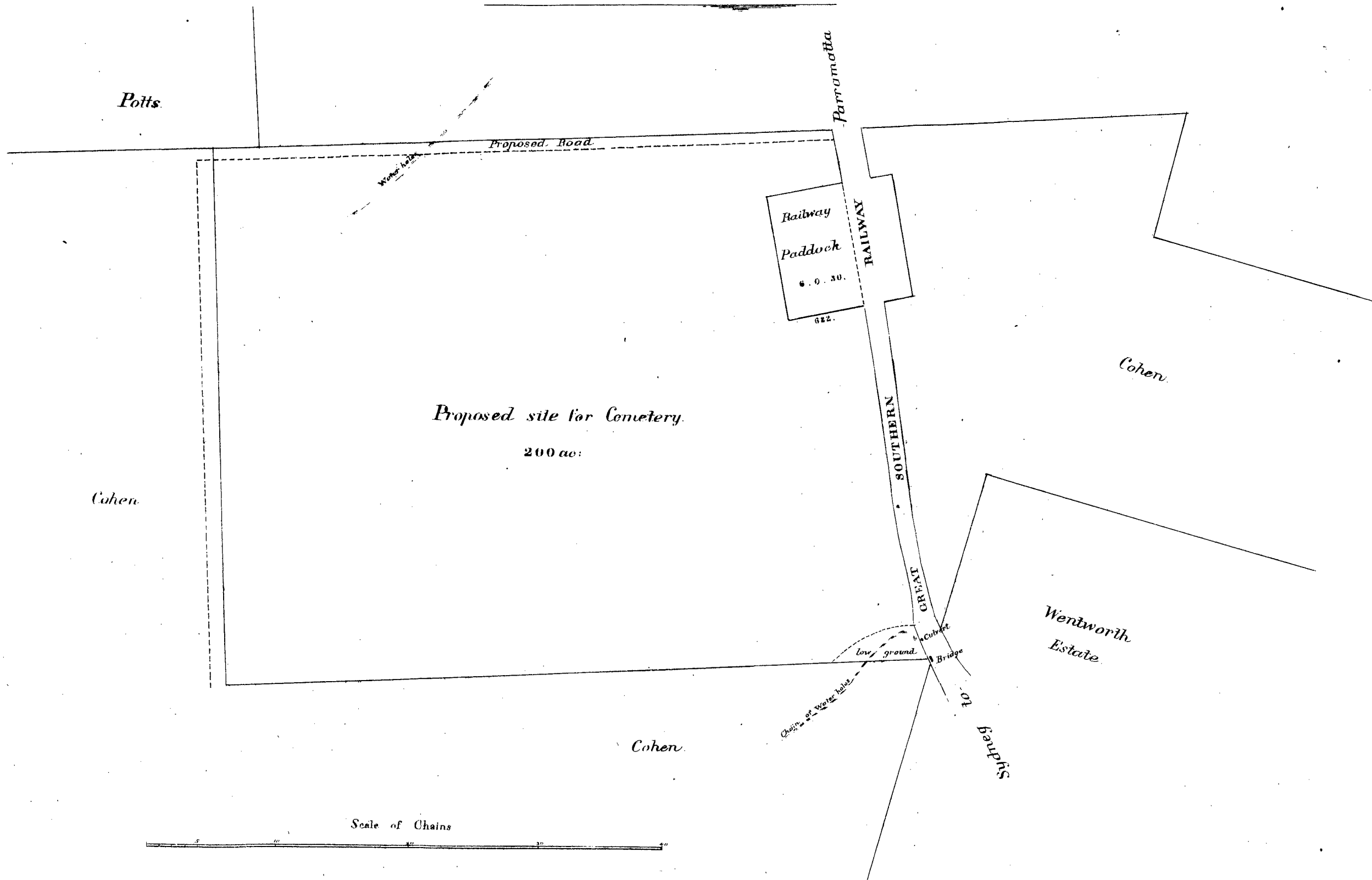


Fig. 89

1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

SYDNEY COMMON.

(NOTICE DATED 5 OCTOBER, 1811, RESPECTING.)

*Ordered by the Legislative Assembly to be Printed, 1 October, 1863.*

*Head Quarters, Sydney,  
5 October, 1811.*

GOVERNMENT PUBLIC NOTICE.

His Excellency the Governor, anxious for the accommodation of the inhabitants of Sydney, and in pursuance of the intention signified in his General Orders of the 6th October last, gives this public notice, that he has assigned and caused to be marked out and measured, a large Common in the immediate vicinity of Sydney, containing one thousand acres, for the common pasturage of the cattle belonging to the inhabitants of Sydney.

The public are to take notice that said Commonage is described by the Acting Surveyor in the following terms:—"Bounded on the west side by twenty-eight chains of Surrey Hill Farm and a south line of ninety-six chains; on the south side by an east line of ninety-seven chains; on the east side by a north line to the road leading from Sydney to the South Head; and on the north side by that road." For the purpose, however, of making said description and boundaries more clearly understood and known, the limits of said Commonage will be further marked by four posts, with suitable labels, which will be erected on the most conspicuous angles or parts thereof.

This land being thus assigned for the use of the public, no excuse can be made for persons in future turning their cattle at large to seek food where it may be most easily found, without considering whether they may not trespass on private property, and do material injury to the gardens and enclosures of other persons; and the public are therefore cautioned not to permit any horses, horned cattle, sheep, goats, or pigs, to stray in future either upon the grounds called Hyde Park, or on any private property belonging to other persons; as all cattle which may be thus found trespassing are to be taken up and put into the common pound of Sydney, until all damage done by them shall be fully discharged.

His Excellency thus communicates to the public that he will make a regular grant of said Common lands to the Judge Advocate and Magistrate of Sydney, for the time being, in trust for the benefit of the present and of all succeeding inhabitants of Sydney.

By Command of His Excellency the Governor,  
J. T. CAMPBELL,  
Secretary.

EXTRACT FROM GENERAL ORDERS OF 6TH OCTOBER, 1810.

In further view to the accommodation and convenience of the inhabitants of the town of Sydney, particularly of those who have horses or other cattle that they may wish to have grazing for within a short distance, it is His Excellency's intention to have a large Common marked out immediately, within as short a distance of the town as circumstances will admit, and which will be publicly notified as soon as the ground is measured and marked out.



1863.

---

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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## COOK'S RIVER DAM.

(ADDITIONAL FLOOD-GATES AT.)

---

*Ordered by the Legislative Assembly to be Printed, 26 November, 1863.*

---

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 29 September, 1863, That there be laid upon the Table of this House,—

“ Copies of the Plans and Specifications, shewing the  
“ manner in which the works were to be performed in the  
“ construction of additional Flood-gates at Cook's River  
“ Dam ; also, copies of the Tender and Agreement of the  
“ person who performed the works.”

*(Mr. Lucas.)*

---

## COOK'S RIVER DAM.

### *SPECIFICATION of work to be executed at Cook's River Dam.*

THE works to be performed under this contract will consist:—

- 1st.—In excavating that portion of the approach to the Cook's River Dam, adjoining the present outlet and flood-gates, to the width and depth shewn on the general plan and section.
- 2nd.—In building a retaining wall to land side of cutting.
- 3rd.—In building piers and face wall to the present retaining wall.
- 4th.—In constructing a timber bridge to connect the dam with the present approach.
- 5th.—In building flood-gates.

*Excavation.*—The extent of the cutting is shewn and marked on the general plan and sections. The sole of the cutting shall be 1 foot above low water-mark spring tides, or 8 ft. 5 in. below the top of eastern retaining wing wall, and the rock shall be worked perfectly level, and equal to hammer-dressed masonry. Some borings have been taken to ascertain the depth of rock below the surface approximately, and are marked in the sections, but the contractors are expected to satisfy themselves about the correctness of the borings as well as of the levels, as no extra allowance will be made on account of errors in these sections. The slope for the cutting shall be  $1\frac{1}{2}$  horizontal to 1 vertical, when in soil or other loose material, and if in rock, it shall be 1 horizontal to 6 vertical, which is the batter of the retaining wall. Excavate for the retaining wall to the solid rock, which shall be made perfectly level, and stepped in regular courses, to receive the footings. Chases to receive the bottom cills of pier and frame for flood-gates shall be chiselled, and the cutting in front of cill for flood-gates shall be excavated to the level of the bottom of this cill, as shewn in the detail drawings. The material excavated shall be used for filling up all holes in the dam caused by former floods; any more excavated material, beyond what is required for the filling up of the holes in the roadway, shall be deposited in any such close proximity to the works as will be directed or approved of by the Engineer-in-Chief for Harbours and Rivers, or his appointed Clerk of Works. The portion of retaining wall specified hereafter to be set in cement, shall be puddled 2 feet thick clay. The embankment on dam shewn on general plan is not to be included in this contract.

*Masonry.*—The whole of the wall shall be carried up of axed and drafted masonry, in regular perfectly level courses, of the hardest approved sandstone, cut to the proper batter, with perfectly square joints, laid on their natural or quarry bed, in mortar consisting of half fresh shell-lime, and half pure sharp sand, mixed in equal proportions. One portion of the retaining wall, to 1 foot above high water-mark, marked specially on detail plans, and the cut-waters to old wall, shall be laid in best Portland cement, mixed in small quantities with equal portions of sand; the cement will be required to set perfectly hard, and to fill up perfectly every joint throughout the whole thickness of the wall. The retaining wall shall be 3 ft. 6 in. thick at half-tide mark; to be carried up perpendicular at back, and with a batter of 2 inches to the foot in front and at the returns. All face stones shall be not less than 10 cubic feet; headers shall be used throughout the wall, in each course, at intervals not exceeding 8 feet; stretchers shall be not less than 18 inches in width, set close back to back, so that no spaces are required, or interstices of more than 1 inch left in the heart of the wall; the joints shall be properly broken, and not less than 9 inches bond will be allowed in any case.

The face wall to old wall shall consist entirely of headers to the height of the old wall, and bond stones shall be introduced, in each course, at intervals not exceeding 8 feet, to enter at least 1 foot in depth into old wall; these are to be laid in cement, well secured and wedged up in old wall. The cut-waters shall be formed of larger stones, in approved bond; no joint shall be made at the point. The coping courses, in all cases, shall be all headers, jointed with cement, and not less than 18 inches in height, nor less than 3 feet wide.

*Frame-work for Flood-gates*—shall be constructed of 12 in. x 12 in. ironbark, let into the stone at each end, in accordance with the detail drawings, secured together with 3 in. x  $\frac{1}{2}$  in. malleable iron straps, and  $\frac{7}{8}$ -in. screw-bolts, as shewn. The uprights shall be morticed into top cill, and notched into bottom cill; the centre upright shall be 9 in. x 16 in., secured at top with 3 in. x  $\frac{1}{2}$  in. iron angle straps, and three  $\frac{7}{8}$  screw-bolts, forked out at bottom for cill of wood pier, and secured with 3 in. x  $\frac{1}{2}$  in. angle strap, one  $\frac{3}{4}$  in. x 6 in. driving-bolt, and one  $\frac{7}{8}$  screw-bolt through fork and cill of pier, as shewn on plan; scarf in cill and head where shewn to be 4 feet long, the faces planed up, and secured with a key and two  $\frac{7}{8}$  screw-bolts each; the faces meeting the gates shall be planed up, so as to afford an even bedding for the flaps; the bottom cill shall be properly fitted and made water-tight, with oakum and tar well driven into the joints.

*Flaps*—shall be made of perfectly dry red baltic pine boards,  $1\frac{1}{2}$  inches thick, and not exceeding 8 inches in width, placed longitudinally and transversely; their faces and edges to be well planed up and wedged together previous to being screwed up; they shall receive two good coats of Stockholm tar on their internal as well as external faces, and shall be secured together with  $\frac{3}{8}$  in. x  $2\frac{1}{2}$  in. screws; there shall be two screws at every crossing of two planks, screwed from opposite sides, as shewn on plan; each flap shall



shall be hung on two substantial hinges, forged, 3 in. x  $\frac{5}{8}$  in. thick, on both sides of the flap, with as many bolts as there are longitudinal planks. The eyebolts to receive the hinges shall be  $1\frac{1}{2}$  in., forged with a shoulder, and screwed up securely with the nuts at the back of the frame.

*Pier to Bridge.*—The pier supporting centre of bridge is to be framed together, as shewn in section, of 12 in. x 12 in. ironbark, the uprights and diagonals shall be morticed and notched top and bottom, as shewn, and secured to the bottom cill at centre with 3 in. x  $\frac{1}{2}$  in. strap, and two  $\frac{7}{8}$ -in. screw-bolts and two 6 in. x  $\frac{1}{2}$  in. driving-bolts, the outer battening uprights are secured to bottom cill with two  $1\frac{1}{4}$ -in. screw-bolts and nuts each. The upper fastenings securing bridge to pier consists, for the outer girders, in  $1\frac{1}{4}$ -in. anchor-bolts, with 3 in. x  $\frac{5}{8}$  in. straps, secured with 1-in. screw-bolts and  $\frac{3}{4}$ -in. driving-bolts, and for the centre girder of 1-in. anchor-bolts, with 3 in. x  $\frac{1}{2}$  in. strap, two  $\frac{3}{4}$ -in. screw-bolts, and one  $\frac{3}{4}$ -in. driving-bolts.

The intermediate or 12 in. x 6 in. girders are bolted with 1-in. bolts to the top cills. The whole pier shall be let into a chase 3 in. deep, well fitted and secured with a  $1\frac{1}{4}$ -in. lewis bolt on end, four  $1\frac{1}{2}$ -in. iron bolts 3 ft. 6 in. long well driven diagonally into holes drilled carefully into the rock.

*Bridge.*—The principal girders of bridge are shewn on plan to be 12 in. x 12 in. square, scarfed together at the centre; but the contractor will be at liberty to use round timbers the full length of the bridge, adzed off on top to receive the planking, and notched over cills at bottom; and such round timbers shall be perfectly straight, and not be less than 15 inches diameter at the small end. The scarf, if of square timber, shall be as shewn on general plan, secured with a 6 in. x 12 in. piece at back, and four  $\frac{7}{8}$ -in. screw-bolts. The intermediate 12 in. x 6 in. girders may overlap 3 feet at the centre, and be bolted with two  $\frac{3}{4}$ -in. bolts each; and bolted to the top cill of wood pier with 1-in. screw-bolts. The girders shall be notched over 12 in. x 12 in. cills, resting on walls at both ends, and secured with  $1\frac{1}{4}$ -in. screw-bolts for principal girders, and 1-in bolts for 12 in. x 6 in. girders.

*Planking.*—On top of girders should be 20 ft. 6 in. wide of 9 in. x 4 in. Colonial hardwood, the whole to be closely and evenly laid and spiked down to the girders with  $\frac{1}{2}$ -in. bolts 8 inches long, one into each plank wherever it crosses a girder, and cut opening through planking where required for rain water to escape. A stringer or guard-piece of 9 in. x 9 in., hardwood, rounded on edge, shall be bolted down over the planking at each side, as shewn, with 1-in. screw-bolts, at distances not exceeding 6 feet. The handrail shall be constructed of 4 in. x 4 in. hardwood uprights, notched out 1 inch, and spiked securely to the girders and guard-piece, morticed on top into a 4 in. x 4 in. Oregon rail, planed smoothly, and rounded on top, secured with  $\frac{1}{2}$ -in. iron straps and screws to uprights. The handrails shall be returned to the parapets of the old bridge; the uprights being morticed 15 inches into the solid stone, and wedged up. The battens, where shewn, shall be 3 in. x 2 in. let  $\frac{1}{2}$  inch into uprights secured with screws. The ends of rail on land side shall be finished as shewn on elevation.

The whole of the handrail shall be painted with three good coats of oil paint, of such colour as may be selected.

All materials or workmanship used in any part of this work shall be of the very best of their respective kinds; the timber shall be quite sound, perfectly straight, and, where shewn, truly squared; of ironbark, spotted or blue gum, blackbutt or other approved Colonial hardwood; free from knots, pipes, shakes, sap, and all other defects; all butts and joints to be neatly and closely worked, tenons to fit their mortices, planks to fit fair on their supports, and to be set up close at their edges, &c.; all bolts, nuts, spikes, nails, &c., to be of the best crown bar or cable iron, well and neatly forged; all screw-bolts and nuts to have clean and well cut threads; nuts to be  $1\frac{1}{2}$  times the diameter of the bolts in depth; washers of boiler-plate 4 in. x 4 in. x  $\frac{1}{4}$  in. to be placed under all nuts and heads.

*Tarring.*—The whole of the timber work to receive two good coats of Stockholm or Archangel tar, boiled with a little pitch, and laid on hot; all joints to be well tarred before they are put together; the ironwork to be coated, while hot, with pitch or black varnish.

*Position of bridge.*—The plans shew the bridge to be a construction on one side of the dam, but, if desired, the contractor shall construct the same in the centre of the dam, as shewn by green lines on the plans; the position of the retaining wall altering, of course, correspondingly, without any extra allowance being made on that account.

*Accommodation of traffic.*—The contractor shall not in any way interfere with the traffic in the dam, and shall retain a fair approach and roadway to and over the dam, the latter to be at least 20 feet wide. The gate, lodge-gates, &c., shall be carefully taken up and removed to where will be directed by the Clerk of Works.

*Discrepancy in plans and specification.*—Should any discrepancy be found either in the plans or specification, or the written dimensions, or should there be any ambiguity between them the same shall be referred to the Engineer-in-Chief for Harbours and Rivers, or the appointed Clerk of Works, whose decision shall be final; anything contained in the specification or in the drawings shall be considered as binding upon the contractor as if it had been contained in both.

## SCHEDULE.

Contractors shall state in their tender a lump sum for which they intend to carry out the whole of the works, according to the plans and specification, complete, and to the entire satisfaction of the Engineer-in-Chief for Harbours and Rivers, and also to state, in detail, the cost of different parts of the work; all such prices being for their respective items, tarred, fixed, and fastened in place, to the entire satisfaction of the Engineer-in-Chief for Harbours and Rivers.

*Schedule to state cost of—*

- 1st. Excavation of soil or other loose material and carrying into embankment, @ per cubic yd.
- 2nd. Excavation of rock dressed to a fair surface, @ per cubic yard, including carriage into embankment.
- 3rd. Masonry, per perch of 24 cubic feet, as specified, set in cement, including puddling.
- 4th. " " " " including mortar.
- 5th. Girders, 12 in. x 12 in. square, scarf included, or round timbers in one length, as specified, @ per foot running.
- 6th. Girders, 12 in. x 6 in., laps included, @ per foot run.
- 7th. 12 in. x 12 in. timbers in pier frame cills, &c., @ per foot run.
- 8th. 9 in. x 9 in. stringers over planking, @ per foot run.
- 9th. Planking 4 inches thick, as specified, including spikes or bolts, @ per square of 100 feet super.
- 10th. Handrail complete, including painting, @ per foot run.
- 11th. Flood-gates complete, including screws, &c., @ per square 100 feet super.
- 12th. Malleable iron, in straps, bolts, nuts, hinges, &c., @ per lb.

*Minor matters.*—Should it appear that any minor matters have been omitted in the plans and specification, but the intention to include which is obviously necessary for the completion and stability of the works herein specified, all such additional parts or things are to be provided by the contractor, and shall be considered as included in the contract sum, or the rates stated in the schedule.

*Time of completion.*—The contractor shall state in his tender the time within which he shall complete the whole of the work; and in the event of its non-completion to the satisfaction of the Engineer-in-Chief within such specified time, he shall forfeit and pay the sum of £20 sterling per week for every week that shall elapse from such specified time till its completion.

*Measurement and payments.*—The work shall be measured at the end of every four weeks, and payments made at the rate of 75 per centum on the value of the work actually executed and certified to by the Engineer and his Clerk of Works, estimated according to the schedule of prices to be furnished by the contractor, the balance to be retained by the Government till the work shall be finally taken off his hands, which will be in two months after its final completion, if all its parts shall then be found to be in proper and perfect condition.

The contractor will be bound to maintain the works for a period of two months after its final completion and use by the public; and if any parts should within that period shew any sign of weakness or of giving way, or should any defective workmanship or materials be detected, the contractor when called upon to do so shall make good the same at his own cost, to the satisfaction of the Engineer, before the reserved balance will be paid. Any material or workmanship the Engineer-in-Chief or his Clerk of Works may disapprove of shall be immediately removed, or if not done so within seven days after receiving notification so to remove them, the Engineer may cause the same to be removed, and deduct the cost thereof from the contractor's next instalment.

E. O. MORIARTY,  
Engineer-in-Chief for Harbours and Rivers.

No. 1.

Two tenders in all, opened this 25th instead of 24th instant.

E.O.M.

J.R.

E.O.M.,

7/10/63.

Sydney, 24 June, 1863.

SIR,

I beg to tender for the repairs to Cook's River Dam, according to plans and specifications, for the sum of eight hundred and twenty-nine pounds (£829), and complete same in five months:—

	£	s.	d.
1st. Excavating soil, including carting into bank, at per cubic yard	0	2	0
2nd. Excavating rock, including trimming, &c., at per cubic yard	0	3	6
3rd. Masonry, including puddle and cement, at per perch, 24 feet	1	8	0
			4th.

	£	s.	d.
4th. Masonry, including puddle and mortar, at per perch, 24 feet	1	8	0
5th. Girders, 12 x 12, or round timbers, at per foot run	0	4	0
6th. Do. do. do.	0	2	2
7th. 12 x 12 timbers in pier, framed, &c.	0	4	6
8th. 9 x 9 stringers over planking	0	2	3
9th. Planking, including spikes, at per square of 100 feet super., 4 inches thick	6	10	0
Smith work, at per lb.	0	0	7
Handrail complete...	12	0	0

H. P. MUSSON,  
Ashfield.  
W. DOUGLASS,  
George-street,  
Merchant.  
W. E. BLANCHARD,  
Woolloomooloo.

COOK'S RIVER DAM.

KNOW all men by these presents that we, Henry Posthumus Musson, of Ashfield, in the Colony of New South Wales, contractor, William Douglass, of Sydney, in the Colony aforesaid, merchant, and William Earle Blanchard, of Woolloomooloo, in the Colony aforesaid, are held and firmly bound unto our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith, in the sum of three hundred pounds sterling, to be paid to our said Lady the Queen, Her Heirs or Successors, to which payment, well and truly to be made, we bind ourselves, and each and every of us, jointly and severally for and in the whole our and each of our heirs, executors, and administrators, and every of them, firmly by these presents.

Sealed with our Seals, dated the twenty-third day of July, in the year of our Lord one thousand eight hundred and sixty-two.

WHEREAS the above bounden Henry Posthumus Musson made the tender hereunto annexed, under the terms and conditions of a notice dated the ninth day of June now last past, and published in the *New South Wales Government Gazette* of the tenth day of June (of which notice a copy signed by the said Henry Posthumus Musson, William Douglass, and William Earl Blanchard is also hereunto annexed), and at the prices and under the stipulations in the said tender mentioned, provide the materials for and perform the various works required in extending certain repairs required at the Cook's River Dam, according to the plans, specifications, and general conditions, marked with the letters A, B, C, and D, to which the said parties have set their hands, at the time of executing these presents, and to complete the same within five months from the date of acceptance of the tender, for the sum of eight hundred and twenty-nine pounds: And whereas the above bounden William Douglass and William Earl Blanchard have severally agreed to become and be bound to Her Majesty, Her Heirs and Successors, for the due performance and fulfilment of the said tender within the time mentioned in that behalf, according to the terms and conditions of the said notice; and whereas the said tender has been duly accepted by His Excellency the Governor of the said Colony, on condition that this bond should be entered into by them the said Henry Posthumus Musson, William Douglass, and William Earl Blanchard: Now the condition of the above written bond and obligation is such, that if the said Henry Posthumus Musson shall and do well and truly perform and fulfil the said tender, and the contract arising out of such tender, and the acceptance thereof as aforesaid, and all and every the terms, conditions, and stipulation thereof, within the time hereinbefore in that behalf mentioned, then this obligation will be void and of none effect, otherwise to remain in full force and virtue.

Signed, sealed, and delivered by the above-named }  
Henry P. Musson, in the presence of— } H. P. MUSSON.  
J. J. LEE.

Signed, sealed, and delivered by the above-named }  
William Douglass, in the presence of— } W. DOUGLASS.  
J. J. LEE.

Signed, sealed, and delivered by the above-named }  
William Earl Blanchard, in the presence of— } W. E. BLANCHARD.  
J. J. LEE.

E.O.M., 7/10/63.



1863-4.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

ABATTOIRS AT GLEBE ISLAND.  
(AMENDED ORDERS AND REGULATIONS OF.)

*Ordered by the Legislative Assembly to be Printed, 8 January, 1864.*

THE accompanying copy of the Orders and Regulations concerning the Public Abattoirs at Glebe Island, made by His Excellency the Governor, with the advice of the Executive Council, is laid upon the Table of the Honorable the Legislative Assembly, in terms of the Act of Council, 14 Victoria, No. 36.

*The Treasury, New South Wales,  
8 December, 1863.*

PUBLIC ABATTOIRS AT GLEBE ISLAND.

HIS Excellency the Governor having been pleased, with the advice of the Executive Council, further to amend the Orders and Regulations concerning the Public Abattoirs at Glebe Island, as published in Treasury notice of 23rd ultimo, directs it to be notified that, in lieu thereof, the following shall be enforced from and after the 1st of January next.

GEOFFREY EAGAR.

1. The slaughter-houses shall, with the exception of six beef and six mutton slaughter-houses, be retained in the hands of the Government, for the use of persons slaughtering therein.
2. The six beef and six mutton slaughter-houses thus retained, shall be submitted to public competition by lease, at an upset price of £150 per annum for the beef, and £100 per annum for the mutton slaughter-houses.
3. An inspection fee of 3d. per head shall be charged upon every head of cattle slaughtered in the leased houses.
4. Parties desirous of using the slaughter-houses reserved by the Government, shall be permitted to do so in priority of application to the Inspector of Abattoirs, or to the Assistant Inspector of Abattoirs, and on payment of the following fees :—

	s.	d.
For every ox, cow, bull, heifer, or steer (including an inspection fee of 3d.)	1	0
For every calf (including inspection fee)	0	6
For every sheep or lamb	0	1½
For every head of swine	0	6

5. No person or persons shall slaughter or attempt to slaughter in any of the houses, without the sanction of the Inspector or Assistant Inspector of Abattoirs.
6. All fees shall be paid to the Inspector or Assistant Inspector of Abattoirs on demand, who shall pay the same into the Colonial Treasury under such directions as he or they shall from time to time receive from the Secretary of Finance and Trade.
7. Printed receipts shall be demanded by, and given to all parties paying any fees.
8. All horned cattle shall be driven in and yarded before 8 a.m.
9. All animals driven into the yards shall be counted as driven in, and the fees be payable on such computation.

10. Sheep and cattle will not be permitted to remain in the Abattoir pens for more than forty-eight hours from the time of being brought in.

11. No person shall refuse or neglect, when ordered by the Inspector of Abattoirs, to remove and destroy at once diseased cattle, or shall slaughter for food diseased cattle, or expose for sale diseased meat.

12. All blood, filth, and offal shall be removed, and each slaughter-house be thoroughly cleansed to the satisfaction of the Inspector of Abattoirs, daily, before 8 a.m.

13. The premises attached to, and the roadways in front and rear of each slaughter-house shall be kept clean by the Lessee of each slaughter-house to the satisfaction of the Inspector of Abattoirs.

14. No hide of horned cattle, if slaughtered without previous inspection by the Inspector or Assistant Inspector of Abattoirs, or spleen of horned cattle or carcase of any animal, whether inspected before slaughtered or not, shall be removed from any slaughter-house until after inspection by the Inspector or Assistant Inspector of Abattoirs.

15. No meat shall be blown in any slaughter-house; and if any meat be found blown in any slaughter-house, the owner of such meat shall be held to be the person liable.

16. No cattle, sheep, or pig, or other animal shall be slaughtered, nor shall any meat be exposed for sale between midnight of any Saturday and midnight of any Sunday, between the 1st of May and 31st of October in any year; nor shall any cattle, sheep, or pig, or other animal be slaughtered, nor shall any meat be exposed for sale between the hours of 10 a.m. and 5 p.m. upon any Sunday, between the 1st of November and the 30th of April in any year.

17. The lease of the tank to contain the blood of the slaughtered animals and the washings of the slaughter-houses, shall be sold annually, or for a term of years, by public auction; if not so disposed of, the contents shall be removed in such other manner as may be deemed expedient.

18. The Lessee shall remove the contents of the tank once in every twenty-four hours, and, if taken off the Island, the contents must be removed in covered carts or covered casks.

19. The Lessee shall also keep clean the roadway in front of, over, and immediately around the tank, to the satisfaction of the Inspector of Abattoirs.

20. The Inspector or Assistant Inspector of Abattoirs may examine the tank whenever either he or they may think fit, and no person shall obstruct, delay, or hinder his or their so doing, or shall otherwise obstruct, delay, or hinder him or them in the execution of their duty.

21. Any person or persons offending against any of the orders and regulations contained in paragraphs 5, 8, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20, shall, for each and every offence, forfeit and pay a sum not exceeding £5.

1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

REGISTERED LIENS ON YEARLY CROPS.  
(RETURN SHEWING.)

*Ordered by the Legislative Assembly to be Printed, 13 August, 1863.*

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 4 August, 1863, That there be laid upon the Table of this House,—

“ A Return of the number of Liens on Yearly Crops, which  
“ have been registered under the Act 26 Victoria, No. 10,  
“ with the amounts severally secured thereby, and the names  
“ of the Districts in which such Liens have been effected, for  
“ the Half-year commencing 1st January, and ending 30th  
“ June, 1863.”

(Mr. Walker.)

RETURN of Liens on Crops, from 1st January to 30th June, 1863.

NUMBER.	AMOUNT.	DISTRICT.
	£ s. d.	
1	300 0 0	Near Goulburn, County Argyle.
2	150 0 0	Shoalhaven.
3	60 0 0	Same.
4	62 0 0	Windsor.
5	100 0 0	Lochinvar.
6	259 3 7	Deniliquin.
7	200 0 0	Same.
8	16 18 11	Macleay River.
9	200 0 0	Inverell.
10	200 0 0	Same.
Total.....£	1,548 2 6	

13 August, 1863.

CHRIS. ROLLESTON,  
Registrar General.





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**LEGISLATIVE ASSEMBLY.**  
**NEW SOUTH WALES.**

—  
**LICENSES.**

(ISSUED UNDER ACT 26 VIC., No. 16.)

—  
*Ordered by the Legislative Assembly to be Printed, 15 January, 1864.*

**RETURN** shewing the number of Licenses issued, the Districts in which issued, and the Amounts received thereon, under the provisions of the Act 26 Vic., No. 16.

No. OF LICENSES ISSUED.	DISTRICTS IN WHICH ISSUED.	AMOUNT PAID.
		£ s. d.
1	Albury ... ..	1 0 0
2	Berrima ... ..	2 0 0
3	Binalong ... ..	3 0 0
3	Braidwood ... ..	3 0 0
1	Broulee ... ..	1 0 0
1	Cassilis ... ..	1 0 0
2	Goulburn ... ..	2 0 0
2	Macleay ... ..	2 0 0
3	Maitland ... ..	3 0 0
4	Meroo ... ..	4 0 0
2	Murrurundi ... ..	2 0 0
1	Mudgee ... ..	1 0 0
1	Muswellbrook ... ..	1 0 0
1	Newcastle ... ..	1 0 0
1	Paterson ... ..	1 0 0
1	Port Macquarie ... ..	1 0 0
1	Scone ... ..	1 0 0
18	Sydney ... ..	18 0 0
1	Tumut ... ..	1 0 0
49		£ 49 0 0

*Treasury, 14 January, 1864.*



1863-4.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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## DEFAULTING CONTRACTORS.

(NOMINAL RETURN RELATIVE TO.)

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*Ordered by the Legislative Assembly to be Printed, 23 March, 1864.*

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RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1 September, 1863, That there be laid upon the Table of this House,—

“ A Nominal Return of all Public Contractors who have  
 “ abandoned or failed to fulfil their Contracts for the last  
 “ three years; specifying in each case, those who have become  
 “ Insolvent, the names of Sureties, the loss (if any) sustained  
 “ in consequence by the Government, and the extent to  
 “ which the Contract was carried out.”

(*Mr. Dangar.*)

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## DEFAULTING CONTRACTORS.

RETURN of all Public Contractors who have abandoned or failed to fulfil their Contracts.

*Railway Department—Engineer's Branch.*

Name.	Work.	Names of Sureties.	Whether Insolvent.	Extent to which Contract was carried out.	Loss sustained.	Remarks.
Shuttleworth and Wallis.	Contract No. 2, Great Southern Railway.	None .. ..	No ..	About one-fourth	Nil. .. ..	Carried on at same prices.
John Heritage ..	Bridge over the River Hunter at Singleton.	Henry Hewitt and Henry Lound.	Yes ..	„ one-seventh	Nil. .. ..	Do. do.
Joseph Martindale ..	Laying and ballasting the permanent way of the Morpeth Extension.	None .. ..	Yes ..	„ one-fifth ..	Nil.	
G. F. Davidson ..	Fencing the Morpeth Extension	None .. ..	No ..	„ one-half ..	£4 3s. 9d.	
Randle and Gibbons	Contract No. 3, Great Southern Railway.	George Doyle and Charles Beauchamp.	Yes ..	„ one-fifth ..	£18,468 9s. 3d.	
Do. do ..	Contract No. 1, Great Northern Railway.	James Macnamara and J. P. Edwards.	Yes ..	„ one-fourteenth.	Nil. .. ..	Carried on at same prices by the sureties.
Alexander Graham	Goods Warehouse, Penrith ..	Archibald Graham and Donald Kell.	No ..	No return ..	Nil. .. ..	Do. do.
W. F. Matthews ..	Fencing Contract No. 1, Great Northern Railway.	Contract not signed	Yes ..	About one-fiftieth	Nil.	
Do. .. ..	Do. No. 2, do. ..	John Matthews and W. P. Musson.	Yes ..	„ one-tenth ..	Nil.	
Ambrose Croshaw ..	Contract No. 1, Great Southern Railway.	J. M'Laughlin and Wm. Douglass.	Yes ..	„ five-eighths	Nil. .. ..	Carried on at same prices.

*Railway Department, Engineer's Office,  
Sydney, 19 February, 1864.*

JOHN WHITTON.

RETURN, so far as this Branch is concerned, of Contractors who have abandoned or failed to fulfil their Contracts for the last three years, &c. (Moved for by Mr. Dangar.)

Localities.	Names.	Sureties.	Insolvent or not.	Loss.	Extent to which the Contract was carried out.	
Northern Road ..	John Garbutt ..	M. M'Laren and H. Hewitt ..	Not.. ..	£ s. d. Nil.	Nil.	
	Peter Keilly ..	W. Hickey and J. M'Cameron ..	Not.. ..	82 10 0	About one-ninth.	
	J. M'Gowan ..	No bond .. ..	Not.. ..	19 13 4	Nil.	
	Jas. A. Tulloch ..	Do. .. ..	Not.. ..	Nil.	Nil.	
	W. C. Clements ..	Do. .. ..	Not.. ..	38 0 0	Nil.	
	A. M'Donald ..	A. Whitehead and R. Doyle ..	Not.. ..	248 15 0	Nil.	
	J. Martindale ..	G. Sydney and W. Wightman ..	Insolvent ..	Nil.	Commenced by contractor, to be carried out by sureties.	
	P. Glover ..	A. Brodie and A. Gordon ..	Not.. ..	Nil.	Completed by sureties.	
	M. Meagher ..	No bond .. ..	Not.. ..	108 6 8	Nil.	
	Fox and Co. ..	W. Wightman and S. Stephen ..	Not.. ..	Nil.	Nil.	
Southern Road ..	R. Haswell ..	F. Williams and W. Rotton ..	Not.. ..	Nil.	Nil.	
	J. Martindale ..	T. Ashcroft and W. Enever ..	Insolvent ..	Nil.	Commenced by contractor, to be carried out by sureties.	
Western Road ..	A. Pollock ..	J. White and T. H. Wiseman ..	Not.. ..	50 0 0	About one-third.	
	G. H. B. Gilbert ..	F. W. Holland and E. Leavenworth ..	Not.. ..	309 7 0	Nil.	
	Keith and Eagles ..	Bond mislaid in Crown Solicitor's Office.	Not.. ..	243 0 0	About one-third.	
	Joseph Fletcher ..	P. Maroney and J. Wade ..	Insolvent ..	Nil.	Commenced.	
	Spencer Sivyer ..	T. Larkin and J. Pooley ..	Do. ..	Nil.	Completed by sureties.	
	Prior, Hawkins & Co.	J. Jones and J. Beattie ..	Do. ..	About £500	About one-tenth.	
	James French ..	T. Golby and W. Brown ..	Not.. ..	Nil.	Commenced only, completed by Golby.	
	John M'Donald ..	No bond .. ..	Not as far as can be ascertained	Nil.	About three-fourths.	
	Hill and Fox ..	M. Moore and G. Murdoch ..	Not.. ..	Nil.	Work completed, but badly executed.	
	T. Frost ..	J. Sheringham and G. Jarvis ..	Not.. ..	Nil.	Nil.	
Mudgee Road ..	G. Cockram ..	E. Walton and E. Norris ..	Not.. ..	Nil.	About nine-tenths.	
	Hill and Fox ..	M. Moore and G. Murdoch ..	Not.. ..	Nil.	Nil.	
	Stone and M'Atear ..	G. Vidler and M. M'Atear ..	Insolvent ..	Nil.	About one-fourth.	
	Grimes and Billing ..	Cash deposit (£6 10s. forfeited)	Not.. ..	Nil.	Nil.	
	J. S. Johnstone ..	R. P. Raymond and H. Monk ..	Insolvent ..	Nil.	About two-thirds.	
	Long Bay Road ..	Owen Nolan ..	E. Fowler and J. Connor ..	Not.. ..	Nil.	Nil.

NOTE.—The losses to the Government shewn on this return, though losses so far as the contracts were not carried out in their entirety by contractors, were not actually so, but merely the result of tenders having been accepted at prices lower than those at which the works could possibly be completed. In all cases the works were finished at reasonable rates.

WILLIAM C. BENNETT,  
Commissioner and Engineer.

## DEFAULTING CONTRACTORS.

3

RETURN of Contractors, Colonial Architect's Department, who have abandoned their Contracts, &c., during the last three years.

Name.	Work.	Whether Insolvent.	Sureties.	Extent of work performed.	Loss sustained.
Josiah Barlow..	Telegraph and Post Office, Murrurundi.	.....	E. Gould, builder, Singleton, and H. Lound, store-keeper, Singleton.	Walls carried up about 11 feet.	£187.
Peter Graham..	Telegraph and Post Office, Forbes.	.....	D. Kell and P. Graham ..	Completed. Work of very inferior description—portion required to be rebuilt.	£2 1s. 6d.
N. Welham ..	Tank, Light-house, Newcastle.	Insolvent ..	F. J. Shaw .. ..	Completed by surety .....	None.
Wm. Hinton ..	Bricklayers' work, 1863 ..	.....	J. Copp and J. Collins ..	Nil .....	7 per cent. on amount expended, 1863.
J. Partridge ..	Plumbers' work, 1863 ..	.....	W. Penny, blacksmith, Glebe, and Mrs. Jas. Wright, lady, Elizabeth and Liverpool Streets.	Performed the work for one quarter.	1 per cent. ditto.
Arundel Everett	Court and Watch House, Ballina.	Insolvent ..	T. Taylor, Sydney, and S. Graham, Sydney.	Foundation laid and framework partly erected.	Cannot yet be ascertained—building not finished.
Same.....	Telegraph and Post Office, Orange.	Do. ..	T. Taylor, Sydney, and C. Dyson, Sydney.	Walls erected, part of roof on, and out-buildings nearly completed.	£133.

Sydney, 9 February, 1864.

[Price, 3d.]

Sydney: Thomas Richards, Government Printer.—1864.



1863-4.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

**DEFAULTING CONTRACTORS.**

(FURTHER RETURN RELATIVE TO.)

*Ordered by the Legislative Assembly to be Printed, 12 April, 1864.*

FURTHER RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1 September, 1863, That there be laid upon the Table of this House,—

“ A Nominal Return of all Public Contractors who have  
“ abandoned or failed to fulfil their Contracts for the last  
“ three years; specifying in each case those who have  
“ become Insolvent, the names of Sureties, the loss (if any)  
“ sustained in consequence by the Government, and the  
“ extent to which the Contract was carried out.”

(*Mr. Dangar.*)

LIST of Contractors who have abandoned or failed to fulfil their Contracts for the last three years.

Names of the Contractors.	Whether he has become insolvent or not.	Names of Sureties.	Nature of the Contract.	Loss sustained by the Government.	Extent to which the Contract was carried out.
James Arthur ..	Not insolvent ..	None ..	Trenching at Haslem's Creek Cemetery.	Nil.	1 9 6
W. Wallace ....	" ..	" ..	" .....	"	3 2 6
R. Cather .....	" ..	" ..	" .....	"	5 9 3
Walter Bennett..	" ..	" ..	Erection of Camp buildings at Forbes.	"	670 0 0





1863-4.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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DEFAULTING CONTRACTORS.

(FURTHER RETURN RELATIVE TO.)

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*Ordered by the Legislative Assembly to be Printed, 21 April, 1864.*

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FURTHER RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1 September, 1863, That there be laid upon the Table of this House,—

“ A Nominal Return of all Public Contractors who have  
“ abandoned or failed to fulfil their Contracts for the last three  
“ years; specifying in each case those who have become  
“ Insolvent, the names of the Sureties, the loss (if any) sus-  
“ tained in consequence by the Government, and the extent  
“ to which the Contract was carried out.”

(*Mr. Dangar.*)

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A NOMINAL RETURN of all Public Contractors who have abandoned or failed to fulfil their Contracts for the last three years; specifying in each case those who have become Insolvent, the names of the Sureties, the loss (if any) sustained in consequence by the Government, and the extent to which the Contract was carried out.

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NIL.

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*Colonial Secretary's Office,  
Sydney, 21 April, 1864.*

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1863-4.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

QUARTZ-CRUSHING MACHINE—MINOR KING'S  
PATENT.  
(CORRESPONDENCE RESPECTING.)

*Ordered by the Legislative Assembly to be Printed, 13 April, 1864.*

D. C. DALGLEISH, Esq., M.P., to COLONIAL SECRETARY.

307, *Sussex-street, Sydney,*  
17 December, 1863.

SIR,

I have the honor to intimate to you that a patent, granted to Mr. Minor King, dated the 8th day of December, 1858, for improvements in machinery for crushing quartz and other ores, and which, with the necessary specifications and drawings, was duly registered according to law, and by a deed, dated 21st November, 1863, made between the said Minor King and myself, was assigned by him to me. It has come to my knowledge that the patent rights so secured have been infringed by the Government in a machine erected by them, without the consent of the patentee, at the Sydney Branch of the Royal Mint, in the following respects, that is to say:—

- 1st.—The cylindrical stamps or pestles fitted with a disc on the stem, which being set in motion by a cam, causes the pestle to rotate as it is raised. The pestle is also made in two parts, the lower part or shoe being made to remove when worn. This pestle is described in the specification, and shewn in the drawings accompanying the letter of registration, and distinguished by the letters J and K respectively.
- 2nd.—The screens and drip-flange arranged relatively with each other and with the mortar and pestles, as shewn and described in the said drawings and specification.
- 3rd.—The circular loose die, placed in a recess in the bed plate of the mortar, and marked I in the drawings and specification.

I have taken the earliest opportunity of communicating with you, in order that the necessary steps may be taken to protect my rights.

I have, &c.,

D. C. DALGLEISH.

MINUTES ON ABOVE.

Transmitted to the Under Secretary for Finance and Trade, for reference to Captain Ward. B.C., 19 Dec., /63.—W.E.

Captain Ward. 21st.—H.L.

Returned with remarks attached.—E. W. WARD. 24.

*Remarks on Mr. Dalgleish's letter, dated 17th December, to the Colonial Secretary, in respect to the infringement of Minor King's Patent by Government.*

THE Quartz-crushing Machine at the Mint was erected after a model furnished by a mechanic, and some modifications suggested by my inspection of the machines in use on the Gold Fields of Victoria. It consists of, amongst others, the following elements:—

A cylindrical stamper, fitted on a stem, on which is fixed a disc; a cam which acts on the disc, and causes the stamper to rotate whilst being raised; stampers made in two parts, the lower part or shoe being made to remove when worn; screens and a lip or flange underneath it, arranged in respect to the stampers in a manner somewhat similar to the screen and drip-flange employed in Mr. King's machine.

Circular loose dies, placed on the bed of the mortar, though not in a recess, as in Mr. King's machine.

The above may therefore be admitted, in reply to Mr. Dalgleish's letter. It is, however, a question whether the use of these details is an infringement of Mr. King's patent rights.

My impression is, that Mr. King does not claim, in the specification attached to his patent, to be the inventor of any of the details; but rather of the combination or arrangement, as set out in his specification and drawings, of things previously known. In this case his rights have not been infringed at the Mint.

If, however, he claims a right in the rotatory stamper, it is a question whether it was not in use within the British Dominions previous to the date of the patent obtained by Mr. King in this Colony; and if it was, whether the patent obtained here can be maintained at law. (See Coryton on Patent Law, p. 132). The enclosed circular shews that it was in use in Victoria previous to the introduction *there* of Mr. King's machine, and for some period before that.

I have been informed by Messrs. P. N. Russell & Co., that rotatory stampers, screens, drip-flanges, and dies, have for some years past been manufactured in this Colony, and that they are now extensively used on the diggings; also, that though Mr. King has from the first been aware of this, he has made no claim in vindication of his position. Is not this sufficient to render Mr. King's right void against persons who have already adopted these details? (See Coryton on Patent Law, p. 325 and 326.) Would not any admission by the Government, of their having infringed a patent right, prejudice the case of all the many who are using machines fitted with any of these appliances, if Mr. Dalgleish should take legal proceedings against them?

Under these circumstances, I recommend that the opinion of the Crown Law Officers be taken, before any further admission be made than that which I have suggested.

E. W. WARD.

24 December, 1863.

The Honorable  
The Colonial Secretary.

[Urgent.]—The Crown Law Officer.—G.E., 28/12/63.

*D. C. Dalgleish, M.P., respecting infringement of Mr. Minor King's Patent, by the Government.*

I HAVE perused the papers submitted to me, also copies of Mr. Minor King's letters of registration, and the specification accompanying them; and on a full consideration of the case, I am of opinion that there has been an infringement of Mr. King's Patent by the authorities at the Sydney Branch of the Royal Mint. To use the language of Lord Chief Justice Tindal, in the case of *Crane v. Price*, 5 Scott, N. R. 388—"There are numerous cases of patents which have been granted, where the invention consisted in no more than in the use of things already known, the acting with them in a manner already known, the producing effects already known, but producing these effects so as to be more economically or beneficially enjoyed by the public."

The essential parts of Mr. King's invention have, it appears to me, been adopted at the Mint, and that, on the authority of the case *Sellers v. Dickinson*, 5 Ex. 323, is enough to constitute an infringement. An infringement, on the authority of that case, will arise not only when there is a complete adoption of all the details of any patented invention, but also where there has been a substantial adoption of it. I see nothing to lead to the conclusion that Mr. King's invention was in public use before he obtained his patent, and I cannot recommend, on the evidence before me, that the Government should litigate the matter with Mr. King or his Assignee.

JAMES MARTIN,  
Attorney General.

The Under Secretary  
for Finance and Trade.

B.C., 5 January, 1864.

## MINUTES ON THE ATTORNEY GENERAL'S OPINION.

[Immediate.]—Refer to Captain Ward, requesting him, if possible, to arrange the matter, and report.—W.F. B.C., Jan. 8, 1864.

The Under Secretary for Finance and Trade.

The Master of the Mint. [Urgent.] H.L. 8/1/64.

See further correspondence herewith.—E. W. WARD. 11/1/64.

D. C. DALGLEISH, ESQ., M.P., to DEPUTY MASTER OF THE MINT.

307, *Sussex-street, Sydney,*  
9 January, 1864.

SIR,

With reference to the infringement of Mr. Minor King's Patent in Quartz-crushing Machinery at the Sydney Branch of the Royal Mint, and my demands on the Government on account of such infringement, I, in the first instance, require a written acknowledgment that the Quartz-crushing Machine in use at the Mint is in the following particulars an infringement of Mr. Minor King's Patent, viz.:—By having cylindrical stamps fitted on stems on which are fixed discs, acted upon by cams, which cause the stamps to rotate as they are raised—the stamps being made in two parts, the lower part or shoe being made to remove when worn; by having the screen and drip-flange as described by King's specification and shewn in drawings attached thereto; by having the loose dies on the bed of the mortar. These being the essential parts of Mr. Minor King's Patent, I also require a name-plate, with the following inscription in raised letters, one inch in length, "*King's Patent, Dalgleish Assignee*", and fixed upon a conspicuous part of the machine. I do not intend to make any charge for the use of my patent at the Mint, my sole object being to assert my right as Assignee of Mr. Minor King's Patent.

You have therefore my sanction to use, at your pleasure, all of the improvements in Quartz-crushing Machinery within the Sydney Mint, for which letters of registration were granted to Mr. King, and which are fully set forth in the drawings and specifications registered in the Supreme Court Office, Sydney.

I have &c.,

D. C. DALGLEISH.

*Minute by Deputy Master of Mint, on Mr. Dalgleish's letter of 9th January, 1864.*

THIS letter is the result of an interview I had with Mr. Dalgleish, with a view of arranging the matter, as requested in Colonial Secretary's minute of 8th instant on Attorney General's opinion of 5th instant on this case.

The acknowledgment of the infringement should, I presume, be made by the Government, under the advice of the Attorney General.

There is no mechanical objection to the fixing of the "name-plate." If the Government approve, I will see that it is affixed as requested.

E. W. WARD.

The Hon. Colonial Secretary.

B.C., 11 January, /64.

*Minute by Honorable Colonial Secretary, on Mr. Dalgleish's letter of 9th January, 1864.*

THE Government will be prepared to acknowledge the infringement of the patent, if Mr. Dalgleish will suggest the form in which such acknowledgment would be satisfactory to himself. The fixing of a "name-plate" may be at once carried out. Inform Mr. Dalgleish and Colonial Treasurer, for Captain Ward's information.

W.F.

Jan. 12, 1864.

The Deputy Master of the Mint.—H.L. 13/1/64. To be returned.

The "name-plate" has been affixed.—E. W. WARD. 28/1/64.



1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

**RIVERINE DISTRICT.**

(PETITION, TO THE GOVERNOR, RELATIVE TO.)

*Ordered by the Legislative Assembly to be Printed, 2 September, 1863.*

To His Excellency the Right Honorable SIR JOHN YOUNG, Baronet, Knight Commander of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice Admiral of the same.

The humble Petition of the Inhabitants of the Pastoral Districts, and others interested in that part of the Colony of New South Wales known as "The Riverine District,"

HUMBLY SHEWETH:—

That your Petitioners inhabit that portion of the Colony of New South Wales lying to the north of the Murray River, and bounded as follows, viz.:—On the north commencing at a point where the Culgoa River intersects the Queensland boundary, by a line forming the southern boundary of Queensland, and running due west to the South Australian boundary; on the west by a line at right angles to the last-mentioned line, being the 141st degree of longitude, and forming the eastern boundary of South Australia, to its intersection with the Murray River; on the south by the Murray River; and on the east, commencing at a point on the Murray River, a few miles east of Howlong, at or about 146 degrees 40 minutes east longitude, by a line to the junction of Houlahan's Creek with the Murrumbidgee River; thence by Houlahan's Creek to a point on that creek, and then by a line to the nearest point on the Narraburra Creek; thence by the Narraburra Creek and Cowal Lake to the junction of Bullock Creek and the Bogan River; thence by that river to its confluence with the Darling River; thence by the Culgoa River to the commencing point on the Queensland boundary:—sometimes called, "The Riverine District."

That your Petitioners have, for many years, suffered such inconvenience and hardship from the effect of legislative and administrative neglect, the result of their present practical political disability, that they humbly approach your Excellency to pray for relief; and your Petitioners would respectfully point out that the distance of Sydney from Deniliquin is 478 miles, with a twelve days' course of post, from Wentworth by course of post 740 miles, and from Perry by course of post 848 miles; that the nearest Assize Court is held at Goulburn, distant from Deniliquin 370 miles, from Moama 420 miles, from Wentworth 600 miles, from Menindie 800 miles; and that the majority of witnesses attending this Court, travel those distances on foot over trackless plains and bridgeless rivers, with considerable risk and not unfrequent loss of life, while those who can afford to do so proceed by Melbourne and Sydney, a distance to and fro of about 2,400 miles, at an expense of nearly £100; convictions are, consequently, so difficult that felonies are often compounded or silently submitted to, and even undoubted murderers have escaped through the absence of witnesses.

That your Petitioners suffer the greatest inconvenience in respect to transactions connected with the transfer and mortgage of real property, stations, stock, sheep, and wool, it being next to an impossibility to complete any such transactions within a shorter period than from six to eight weeks. Many negotiations with respect to such transactions in consequence of such delay, fall through, and entail in many instances ruinous consequences on the parties intimately connected therewith. The delay arises from the long time which elapses before the result of the usual and necessary searches in the Registry and Supreme Court Offices for incumbrances and charges on such properties can possibly be made known to the interested parties in this district, and from the long time which again elapses before such transactions can themselves be registered.

That your Petitioners are subject to great injustice in all civil actions and suits in consequence of the proceedings in such actions and suits having to be initiated and carried on in Sydney at a cost, owing to the heavy expenses connected with the attendance and loss of time of witnesses, which practically amounts to a denial of justice.

Debtors are frequently leaving the Riverine district for other colonies, but as it takes at the least three weeks to obtain from Sydney a common writ of summons, and from four to five weeks to obtain a writ of *capias* or *ne exeat* to prevent the departure of such debtors, your Petitioners are in reality without any redress, and in many instances they suffer actual and heavy loss.

That the sheep of this district amount in number to not less than 3,000,000, the cattle 100,000, and the horses 25,000; which, with stations and improvements, represent a capital of not less than five millions sterling, besides the capital invested in the towns, villages, and local trade.

That the produce sent from the district in wool and fat stock alone, amounting to more than one million sterling per annum, with an extensive and rapidly increasing return trade, gives rise to innumerable business transactions, many of them large and intricate, and your Excellency cannot fail to see that the establishment of a branch of the Supreme Court, with branches of all other Government offices in Deniliquin, has become not only an act of justice but of absolute necessity.

That this district is of a peculiar nature with peculiar requirements, consisting of immense level arid plains (sometimes 200 miles across), without surface water. This immense tract of plains (400 miles long by 350 miles broad) is intersected by five great watercourses, of which two are in summer only lines of precarious water-holes, and the remainder full of serious impediments to navigation.

That the efforts and capital of the flockmasters have hitherto been confined to the country in the neighbourhood of the watercourses, but that they would occupy the entire area, capable of carrying 20,000,000 of sheep, were the country opened up for them.

That to canalize and clear these rivers, so as to obtain at once lines of communication and a permanent supply of water, besides opening up, by means of wells and tanks, &c., 1,000 miles of public road across the great plains, very large sums of money must be expended.

That the inhabitants of the eastern portion of the Colony will naturally have strong objections to pay interest upon a debt of some millions sterling, for works from which they will derive no benefit whatever.

That your Petitioners have equal objections to paying for railways which they can never use, as they neither export nor import nor transact any business whatever through the New South Wales seaboard. That your Petitioners are conscious that the debt and expenses of Government of 20,000 inhabitants of this district will be much greater in proportion than those of the 350,000 inhabitants of the seaboard, and they respectfully propose that each be charged with the interest of the future debt incurred for their particular benefit, and that a retrospective account may be taken, as in the case of Queensland, to ascertain upon what amount of the present debt this district should pay interest.

That your Petitioners would respectfully point out that a Government Resident will be required to communicate with the central Government to overlook the branch departments of public money, also that it will be necessary to define the district under his jurisdiction and liable for the local debt, and your petitioners would respectfully point out the expediency of establishing this as a distinct district with defined boundaries, on the same footing as Port Phillip before separation, with a Superintendent, possessing however sufficient power to prevent the constant reference to head-quarters which caused so much delay and discontent.

That while the property of your petitioners is so large, their annual produce being more than one million sterling, their population is under 20,000, and their representation being in the ratio of 20,000 to 350,000, they are practically disfranchised. Your petitioners would respectfully submit that, taking into consideration their isolation and distance from the seat of Government, and their large property, ten members would not be more than a fair amount of representation.

That the Riverine district is at present principally occupied by pastoral tenants of the Crown, and while pre-eminently adapted for grazing purposes, is almost totally unfit for agriculture, consisting, as it does, of immense plains subject to severe droughts and hot winds, which set in so early in summer, and are of such a scorching nature and of such frequent recurrence, that only the hardiest of the native herbs are able to survive their withering influence, and all attempts to cultivate the ordinary crops are rendered abortive; indeed it is now an axiom of universal recognition here that where the salt-bush grows there cereals will not flourish.

That notwithstanding these facts, legislation has regarded these lands as equally adapted to agricultural settlement as those of the more favoured portions of the Colony. That your Petitioners, having had two years experience of the Crown Lands Act of 1861, while admitting that they may be admirably adapted for developing the resources of other regions of the Colony, beg respectfully and advisedly to state that they are in many of their provisions so prejudicial to the Riverine District that unless some few, but most important amendments, are speedily made, the pastoral interest will be so materially damaged, that the prosperity of the district will be destroyed, and all classes of the community will be involved in one common ruin.

That your Petitioners would wish that every opportunity should be given to the cultivators, and that they should have the most ample scope for selecting lands for any purpose which they may imagine would be profitable; but your Petitioners would point out that there are thousands of miles of salt bush plains which can be turned to account as pasture only. That to throw these open for conditional purchase would be no benefit whatever to the *bonâ fide* agricultural settler, but would lay the pastoral tenant open to such extortion and persecution as was practised lately at the Tataila run, on the Murray,

by



by a pretended agriculturist. He took up forty acres of land, at an expense of £10, and at once impounded the imported bulls and other stock belonging to the lessee, as they passed between his pegs to water, levying the sum of £35 2s. 6d., as the amount of damage he had sustained thereby.

That your Excellency will find that the amendments in the said Lands Acts, as craved by your Petitioners in their prayer hereto, are calculated not only to increase the security of the tenure of the pastoral tenant of the Crown, but also to place in a far better position the *bonâ fide* conditional purchaser, giving him a pre-emptive right of purchase over land twice the size of that conditionally purchased, thereby securing to him exclusive occupation thereof, in lieu of a pre-emptive right of lease over three times the area of the land conditionally purchased, which has proved nothing but a delusion and a snare—because within twenty-four hours of acquiring the pre-emptive lease, the land over which such lease extends may be conditionally purchased by another free selector, who in his turn would be deprived of his pre-emptive lease as soon as he had the misfortune to have a conterminous neighbour.

THEREFORE YOUR PETITIONERS HUMBLY PRAY—

That the Riverine province may be defined by the following metes and bounds, viz.:—On the north, commencing at a point where the Culgoa River intersects the Queensland boundary, by a line forming the southern boundary of Queensland, and running due west to the South Australian boundary; on the west by a line at right angles to the last-mentioned line, being also the 141st degree of longitude, and forming the eastern boundary of South Australia, to its intersection with the Murray River; on the south by the Murray River; and on the east commencing at a point on the Murray River, a few miles east of Howlong, at or about 146 degrees 40 minutes east longitude, by a line to the junction of Houlahan's Creek with the Murrumbidgee River; thence by Houlahan's Creek to a point on that creek, and then by a line to the nearest point on the Narraburra Creek; thence by the Narraburra Creek and Cowal Lake to the junction of Bullock Creek and the Bogan River; thence by that river to its confluence with the Darling River; thence by the Culgoa River to the commencing point on the Queensland boundary; and that the same be proclaimed a district of New South Wales.

That a Government Superintendent may reside at Deniliquin.

That a branch of the Supreme Court, with judge, officers, and all its appendages, may be established at Deniliquin.

That a Registrar's office may be established at Deniliquin.

That a branch Land and Survey office and Commissioner of Crown Lands office, and all other public offices may be opened there also.

That a sufficient loan may be at once raised for canalizing and clearing the Darling, and clearing the Murrumbidgee and Murray Rivers (precedence being given to the clearing and canalizing of the Darling), and for erecting necessary public offices and other improvements.

That after providing for the support of local government and judicial institutions, &c., and the payment of the fair quota of the cost of the postal service, and of the expense of the general government, and of the interest on the Colonial debt, the balance of the revenue of the Riverine province, as well as the money borrowed in behoof thereof, may be expended therein upon public works under the supervision of local boards.

That the Riverine province may be divided into ten electoral districts, each returning one member to the Legislative Assembly.

That in lieu of a pre-emptive lease of an area thrice that of the land conditionally bought, the conditional purchaser may be granted an indefeasible lease for fourteen years, with an absolute pre-emptive right over an area of twice that of the land conditionally bought; but that the land, purchased by the conditional purchaser, and held by such pre-emptive lease, shall be securely fenced within two years from the date of such selection, and that until such fencing be made and completed no power of impounding off such land by such purchaser shall exist or be allowed.

That the leases to which holders of runs are entitled under the Crown Lands Occupation Act of 1861, may be made renewable leases at the expiration of the term granted by said Act, and that the rent payable during such renewed term may be fixed by appraisalment to be made periodically by arbitration, until the lands are required for sale or for any other public purpose; and that the power of making reserves within which free selection, as it is now known, will apply, should be continued undisturbed, provided that all such reserves so made shall be submitted to Parliament within one month, if the same be in session; if not in session, within one month of the assembling of the House; and that no permissive occupation may be allowed until the sanction of Parliament be obtained; and that such sanction may not be given until three months after the matter has been brought under the notice of Parliament, and three months' notice has been given to the lessee or lessees on whose run or runs the proposed reserves are to be made.

That upon reserves made upon any of the said runs becoming conditionally occupied by free selection, or otherwise alienated, the lessee of such runs shall receive compensation, by appraisalment of its market value as pasture, for the loss of the portions so occupied from an assurance fund to be raised by general assessment on all station holders, on the same plan as the Scab Assessment is raised.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 1261 Signatures.]

[REPLY.]

*Colonial Secretary's Office,  
Sydney, 1 September, 1863.*

GENTLEMEN,

I am directed by the Colonial Secretary to acquaint you that the petition which was presented by you, on the 3rd ultimo, as a deputation from the inhabitants of the District of Deniliquin and the surrounding country, has been carefully considered by the Government, and that the following decision has been arrived at, upon the various matters referred to in that document.

2. With reference to the first proposition, I am to inform you that the Government is not prepared to recognize the necessity of defining any portion of the existing Colony of New South Wales as a separate Province.

3. As regards the second proposition, the Government is of opinion that the appointment of a Government Superintendent, to reside at Deniliquin, would rather impede than expedite the transaction of the public business by the Government departments.

4. In respect to the desire expressed that a branch of the Supreme Court with judge, officers, and all its appendages, may be established at Deniliquin, I am to acquaint you that the question of increased facilities for the administration of justice in the more remote districts has for some time engaged the attention of the Government, and a proposal with that object will shortly be submitted to Parliament; but the establishment of a Registrar's office, separate and distinct from that at Sydney, besides being surrounded with difficulties which seem insuperable, would be likely to complicate transactions which it is intended to assist.

5. In reply to your request that a branch Land and Survey Office, and Commissioner of Crown Lands Office, and other public offices may be opened at Deniliquin, I am also instructed to intimate that the Government has already provided District Survey Offices for the more important divisions of the Colony, and there will be no objection to extend the number of such offices to other districts from time to time, if it be shewn that the expense of such establishments can be justified.

6. The Government has already directed its attention to the improvement of the navigation of the Darling, Murrumbidgee, and Murray Rivers; and Parliament will be invited to make further appropriations from time to time, as such expenditure may be considered expedient after proper surveys and investigation.

7. The Government is also prepared to recognise the justice of a fair distribution of the General Revenue of the Colony, throughout its various districts.

8. In the event of any re-adjustment of the representation of the Colony being necessary, by its increased population, due consideration will be given to those districts whose claims may be established to the satisfaction of Parliament.

9. With respect to the remaining portions of the Petition, I am directed to add, that there do not seem to be sufficient reasons set forth to induce the Government to ask the Legislature, at present, to sanction alterations in the Land Laws of the Colony, these laws appearing to have met a most difficult and complicated question, in a manner calculated to give the greatest amount of advantage to each class interested, at the least amount of inconvenience or impediment to any other class. The Government entertains no doubt that the request for continuous renewals of leases will be accorded on a re-appraisal of the rental for each five years; a course the less objectionable from the fact that under the present law, all lands the leases or renewals of leases of which may have been, or may be promised subsequently to the 22nd February, 1858, are notwithstanding such leases, open to sale conditionally or unconditionally.

10. The Colonial Secretary further directs me to assure the inhabitants of the district of Deniliquin, and the surrounding country, that the Government is at all times prepared to give the fullest consideration to any representations having for their object the attaining of redress for any grievances under which they may be suffering. Differing from the Petitioners as to the character of the country described by them, and not admitting that that country is totally unfit for agriculture, and that all attempts to cultivate the ordinary crops must be abortive, the Colonial Secretary begs to assure them that the Government will be ready, cheerfully, and to the extent of its power, to afford every facility for increasing the population, and for developing the resources of this valuable part of the Colony.

I have, &amp;c.,

W. ELYARD.

GIDEON S. LANG, ESQ.,  
and the other Gentlemen of the Deputation,  
from the District of Deniliquin, and the  
surrounding Country.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## RIVERINE DISTRICT.

(PETITION FROM.)

*Ordered by the Legislative Assembly to be Printed, 4 September, 1863.*

To the Honorable the Members of the Legislative Assembly of the Colony of New South Wales, in Parliament assembled.

The humble Petition of the Inhabitants of the Pastoral Districts, and others interested in that part of the Colony of New South Wales known as "The Riverine District,"

HUMBLY SHEWETH:—

That your Petitioners inhabit that portion of the Colony of New South Wales lying to the north of the Murray River, and bounded as follows, viz.:—On the north commencing at a point where the Culgoa River intersects the Queensland boundary, by a line forming the southern boundary of Queensland, and running due west to the South Australian boundary; on the west by a line at right angles to the last-mentioned line, being the 141st degree of longitude, and forming the eastern boundary of South Australia, to its intersection with the Murray River; on the south by the Murray River; and on the east, commencing at a point on the Murray River, a few miles east of Howlong, at or about 146 degrees 40 minutes east longitude, by a line to the junction of Houlahan's Creek with the Murrumbidgee River; thence by Houlahan's Creek to a point on that creek, and then by a line to the nearest point on the Nurraburra Creek; thence by the Nurraburra Creek and Cowal Lake to the junction of Bullock Creek and the Bogan River; thence by that river to its confluence with the Darling River; thence by the Culgoa River to the commencing point on the Queensland boundary:—sometimes called the "Riverine District."

That your Petitioners have, for many years, suffered such inconvenience and hardship from the effect of legislative and administrative neglect, the result of their present practical political disability, and they humbly approach your Honorable House to pray for relief; and your Petitioners would respectfully point out that the distance of Sydney from Deniliquin is 478 miles, with a twelve days' course of post, from Wentworth by course of post 740 miles, and from Perry by course of post 848 miles; that the nearest Assize Court is held at Goulburn, distant from Deniliquin 370 miles, from Moama 420 miles, from Wentworth 600 miles, from Menindie 800 miles; and that the majority of witnesses attending this Court, travel those distances on foot over trackless plains and bridgeless rivers, with considerable risk and not unfrequent loss of life, while those who can afford to do so proceed by Melbourne and Sydney, a distance to and fro of about 2,400 miles, at an expense of nearly £100; convictions are consequently so difficult, that felonies are often compounded or silently submitted to, and even undoubted murderers have escaped through the absence of witnesses.

That your Petitioners suffer the greatest inconvenience in respect to transactions connected with the transfer and mortgage of real property, stations, stock, sheep, and wool, it being next to an impossibility to complete any such transactions within a shorter period than from six to eight weeks. Many negotiations with respect to such transactions, in consequence of such delay, fall through, and entail in many instances ruinous consequences on the parties intimately connected therewith. The delay arises from the long time which elapses before the result of the usual and necessary searches in the Registry and Supreme Court Offices, for incumbrances and charges on such properties, can possibly be made known to the interested parties in this district, and from the long time which again elapses before such transactions can themselves be registered.

That your Petitioners are subject to great injustice in all civil actions and suits, in consequence of the proceedings in such actions and suits having to be initiated and carried on in Sydney, at a cost, owing to the heavy expenses connected with the attendance and loss of time of witnesses, which practically amounts to a denial of justice.

Debtors are frequently leaving the Riverine District for other Colonies, but as it takes at the least three weeks to obtain from Sydney a common writ of summons, and from four to five weeks to obtain a writ of *capias* or *ne exeat* to prevent the departure of such debtors, your Petitioners are in reality without any redress, and in many instances they suffer actual and heavy loss.

That the sheep of this district amount in number to not less than 3,000,000, the cattle 100,000, and the horses 25,000; which, with stations and improvements, represent a capital of not less than five millions sterling, besides the capital invested in the towns, villages, and local trade.

That the produce sent from the district in wool and fat stock alone, amounting to more than one million sterling per annum, with an extensive and rapidly increasing return trade, gives rise to innumerable business transactions, many of them large and intricate; and your Honorable House cannot fail to see that the establishment of a branch of the Supreme Court, with branches of all other Government offices, in Deniliquin, has become not only an act of justice but of absolute necessity.

That this district is of peculiar nature with peculiar requirements, consisting of immense level arid plains (sometimes 200 miles across), without surface water. This immense tract of plains (400 miles long by 350 miles broad) is intersected by five great watercourses, of which two are in summer only lines of precarious water-holes, and the remainder full of serious impediments to navigation.

That the efforts and capital of the flockmasters have hitherto been confined to the country in the neighbourhood of the watercourses, but that they would occupy the entire area, capable of carrying 20,000,000 of sheep, were the country opened up for them.

That to canalize and clear these rivers, so as to obtain at once lines of communication and a permanent supply of water, besides opening up, by means of wells and tanks, &c., 1,000 miles of public road across the great plains, very large sums of money must be expended.

That the inhabitants of the eastern portion of the Colony will naturally have strong objections to pay interest upon a debt of some millions sterling, for works from which they will derive no benefit whatever.

That your Petitioners have equal objections to paying for railways which they can never use, as they neither export nor import nor transact any business whatever through the New South Wales seaboard. That your Petitioners are conscious that the debt and expenses of government of 20,000 inhabitants of this district will be much greater in proportion than those of the 350,000 inhabitants of the seaboard; and they respectfully propose that each be charged with the interest of the future debt incurred for their particular benefit, and that a retrospective account may be taken, as in the case of Queensland, to ascertain upon what amount of the present debt this district should pay interest.

That your Petitioners would respectfully point out that a Government Resident will be required, to communicate with the central Government, to overlook the branch departments of public offices, also that it will be necessary to define the district under his jurisdiction and liable for the local debt; and your Petitioners would respectfully point out the expediency of establishing this as a distinct district, with defined boundaries, on the same footing as Port Phillip before separation, with a Superintendent, possessing however sufficient power to prevent the constant reference to head-quarters which caused so much delay and discontent.

That while the property of your Petitioners is so large, their annual produce being more than one million sterling, their population is under 20,000, and their representation being in the ratio of 20,000 to 350,000, they are practically disfranchised. Your petitioners would respectfully submit that, taking into consideration their isolation and distance from the seat of Government, and their large property, ten Members would not be more than a fair amount of representation.

That the Riverine District is at present principally occupied by pastoral tenants of the Crown, and while pre-eminently adapted for grazing purposes, is almost totally unfit for agriculture, consisting, as it does, of immense plains subject to severe droughts and hot winds, which set in so early in summer, and are of such a scorching nature and of such frequent recurrence, that only the hardiest of the native herbs are able to survive their withering influence, and all attempts to cultivate the ordinary crops are rendered abortive; indeed it is now an axiom of universal recognition here, that where the salt-bush grows there cereals will not flourish.

That notwithstanding these facts, legislation has regarded these lands as equally adapted to agricultural settlement as those of the more favoured portions of the Colony. That your Petitioners, having had two years experience of the Crown Lands Acts of 1861, while admitting that they may be admirably adapted for developing the resources of other regions of the Colony, beg respectfully and advisedly to state that they are in many of their provisions so prejudicial to the Riverine District, that unless some few but most important amendments are speedily made, the pastoral interest will be so materially damaged, that the prosperity of the district will be destroyed, and all classes of the community will be involved in one common ruin.

That your Petitioners would wish that every opportunity should be given to the cultivators, and they should have the most ample scope for selecting lands for any purpose which they may imagine would be profitable; but your Petitioners would point out that there are thousands of miles of salt bush plains which can be turned to account as pasture only. That to throw these open for conditional purchase would be no benefit whatever to the *bonâ fide* agricultural settler, but would lay the pastoral tenant open to such extortion and persecution as was practised lately at the Tataila run, on the Murray,  
by

by a pretended agriculturist. He took up forty acres of land, at an expense of £10, and at once impounded the imported bulls and other stock belonging to the lessee, as they passed between his pegs to water, levying the sum of £35 2s. 6d. as the amount of damage he had sustained thereby.

That your Honorable House will find that the amendments in the said Land Acts, as craved by your Petitioners in their prayer hereto, are calculated not only to increase the security of the tenure of the pastoral tenant of the Crown, but also to place in a far better position the *bonâ fide* conditional purchaser, giving him a pre-emptive right of purchase over land twice the size of that conditionally purchased, thereby securing to him exclusive occupation thereof, in lieu of a pre-emptive right of lease over three times the area of the land conditionally purchased, which has proved nothing but a delusion and a snare—because within twenty-four hours of acquiring the pre-emptive lease, the land over which such lease extends may be conditionally purchased by another free selector, who in his turn would be deprived of his pre-emptive lease as soon as he had the misfortune to have a conterminous neighbour.

THEREFORE YOUR PETITIONERS HUMBLY PRAY—

That the Riverine Province may be defined by the following metes and bounds, viz. :—On the north, commencing at a point where the Culgoa River intersects the Queensland boundary, by a line forming the southern boundary of Queensland, and running due west to the South Australian boundary; on the west by a line at right angles to the last-mentioned line, being the 141st degree of longitude, and forming the eastern boundary of South Australia, to its intersection with the Murray River; on the south by the Murray River; and on the east commencing at a point on the Murray River, a few miles east of Howlong, at or about 146 degrees 40 minutes east longitude, by a line to the junction of Houlahan's Creek with the Murrumbidgee River; thence by Houlahan's Creek to a point on that creek, and then by a line to the nearest point on the Nurraburra Creek; thence by the Nurraburra Creek and Cowal Lake to the junction of Bullock Creek and the Bogan River; thence by that river to its confluence with the Darling River; thence by the Culgoa River to the commencing point on the Queensland boundary; and that the same be proclaimed a District of New South Wales.

That a Government Superintendent may reside at Deniliquin.

That a branch of the Supreme Court, with Judge, officers, and all its appendages, may be established at Deniliquin.

That a Registrar's office may be established at Deniliquin.

That a branch Land and Survey office and Commissioner of Crown Lands office, and all other public offices may be opened there also.

That immediate and efficient steps may be taken for canalizing and clearing the Darling, and clearing the Murrumbidgee and Murray Rivers (precedence being given to the clearance and canalizing the Darling), and for erecting necessary public offices and other improvements.

That after providing for the support of local government and judicial institutions, &c., and the payment of the fair quota of the cost of the postal service, and of the expense of the general government, and of the interest on the Colonial debt, the balance of the revenue of the Riverine Province may be expended therein, upon public works, under the supervision of local boards.

That the Riverine Province may be divided into ten Electoral Districts, each returning one Member to the Legislative Assembly.

That in lieu of a pre-emptive lease of an area thrice that of the land conditionally bought, the conditional purchaser may be granted an indefeasible lease for fourteen years, with an absolute pre-emptive right over an area of twice that conditionally bought; but that the land purchased by the conditional purchaser, and held by such pre-emptive lease, shall be securely fenced within two years from the date of such selection, and that until such fencing be made and completed, no power of impounding off such land by such purchaser shall exist or be allowed.

That the leases to which holders of runs are entitled under the Crown Lands Occupation Act of 1861, may be made renewable leases at the expiration of the term granted by said Act, and that the rent payable during such renewed term may be fixed by appraisement to be made periodically by arbitration, until the lands are required for sale or for any other public purpose; and that the power of making reserves within which free selection, as it is now known, will apply, should be continued undisturbed, provided that all such reserves so made shall be submitted to Parliament within one month, if the same be in session; if not in session, within one month of the assembling of your Honorable House; and that no permissive occupation may be allowed until the sanction of Parliament be obtained; and that such sanction may not be given until three months after the matter has been brought under the notice of Parliament, and three months' notice has been given to the lessee or lessees on whose run or runs the proposed reserves are to be made.

That upon reserves made upon any of the said runs becoming conditionally occupied by free selection, or otherwise alienated, the lessee of such runs shall receive compensation, by appraisement of its market value as pasture, for the loss of the portions so occupied, from an assurance fund to be raised by general assessment on all station-holders, on the same plan as the scab assessment is raised.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 1,511 Signatures.]



1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

---

WEIGHT OF BREAD SOLD BY BAKERS.

(PETITION [No. 1.]—CERTAIN BAKERS, &c.)

---

*Ordered by the Legislative Assembly to be Printed, 26 November, 1863.*

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To the Honorable the Members of the Legislative Assembly, in Parliament assembled,  
&c., &c.

We, the undersigned Bakers and others, Inhabitants of Sydney and environs, to the number of sixty-eight, most humbly approach your Honorable House, praying that you will take into your consideration such parts of the existing law affecting the baking trade as inflicts a penalty in cases where bread is found under the statute weights of two pounds and four pounds to the loaf respectively, and so modify or repeal such law as to relieve the trade in such cases as constantly arise, from the nature of the climate and its effects upon the process of baking, whereby penalties are incurred highly oppressive to your Petitioners, from causes over which they have no control.

Your Petitioners, therefore, pray your Honorable House to modify and assimilate the law of this Colony to the law as it exists in England, whereby the baker has the opportunity of supplying his customers by weight, and is not restricted, as now, in this Colony, to the weight of the individual loaf, and thereby relieve your Petitioners from a grievance which frequently presses most heavily upon them, and, at the same time, protects the public, by insuring them, at all times, full value for their money.

And your Petitioners, as in duty bound, will ever pray.

10 September, 1863.

[Here follow 65 Signatures.]

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1863.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

---

WEIGHT OF BREAD SOLD BY BAKERS.

(PETITION [No. 2]—CERTAIN BAKERS, &c.)

---

*Ordered by the Legislative Assembly to be Printed, 26 November, 1863.*

---

To the Honorable the Members of the Legislative Assembly, in Parliament assembled,  
&c., &c.

We, the undersigned Bakers and others, inhabitants of Sydney and environs, to the number of 111, most humbly approach your Honorable House, praying that you will take into your consideration such parts of the existing law affecting the baking trade, as inflicts a penalty in cases where bread is found under the statute weights of two pounds and four pounds to the loaf respectively, and so modify or repeal such law as to relieve the trade in such cases as constantly arise, from the nature of the climate and its effects upon the process of baking, whereby penalties are incurred highly oppressive to your Petitioners, from causes over which they have no control.

Your Petitioners therefore pray your Honorable House to modify and assimilate the law of this Colony to the law as it exists in England, whereby the baker has the opportunity of supplying his customers by weight, and is not restricted, as now in this Colony, to the weight of the individual loaf, and thereby relieve your Petitioners from a grievance which frequently press most heavily upon them, and at the same time protects the public by insuring them at all times full value for their money.

And your Petitioners, as in duty bound, will ever pray.

10 September, 1863.

[Here follow 110 Signatures.]

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1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

SUNDAY SELLING BY BUTCHERS.  
(PETITION—BUTCHERS OF SYDNEY.)

*Ordered by the Legislative Assembly to be Printed, 29 September, 1863.*

To the Honorable the Speaker, and Members of the House of Assembly of the Colony  
of New South Wales.

The humble Petition of the undersigned Butchers, of the City of Sydney and  
suburbs,—

SHEWETH :—

That formerly, and until very recently, it was the general practice of the  
trade to which your Petitioners belong, to open shops and carry on business during the  
early part of the Sabbath day.

That in pursuance and in consequence of proceedings which took place at two  
public meetings held in Sydney, one hundred and fourteen (114), being a large majority  
of all the butchers in the City and suburbs, agreed that, on and after the ninth day of  
May last past, they would close their places of business at 12 o'clock on each Saturday  
night, and would not resume business until the following Monday morning, and many  
others have since joined in the agreement.

That your Petitioners are convinced, from experience alone, it would highly  
conduce to the commercial, social, moral and religious advantage and benefit, not only of  
your Petitioners and those employed by them, but to the public at large, if the whole  
trade were, by legal enactment, prevented from carrying on business during the Sabbath  
day.

Your Petitioners therefore humbly pray that your Honorable House will be  
pleased to take the premises into your most favourable consideration, and give your  
Petitioners such relief as your Honorable House may deem expedient and proper.

And your Petitioners will ever pray.

*Sydney, 30 July, 1863.*

*[Here follow 135 Signatures.]*



1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

REGULATION OF CARRIAGE INTO THE INTERIOR.  
(PETITION—BATHURST.)

*Ordered by the Legislative Assembly to be Printed, 31 July, 1863.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the Storekeepers, Merchants, and Settlers of Bathurst,—

RESPECTFULLY SHEWETH:—

That the commercial interests of the Western District have long and grievously suffered, from numerous cases of dereliction on the part of carriers.

That the practice of carriers securing loading when rates rule high, and then detaining it at their homesteads whilst prosecuting farming operations, involves great loss to the owners, and is frequently ruinous in its effects.

That many instances could be adduced of bills arriving at maturity before the goods have reached their destination, and that recently carriers under fictitious names have obtained property to large amounts for transmission to the interior, and have successfully absconded with the same, notwithstanding the most strenuous efforts at discovery.

That breaking bulk, waste, and negligence by carriers, have now become an every-day occurrence, and that except in mere delivery of goods committed to their charge, the terms of any contract in reference to carriage are very rarely respected.

That furthermore, carriers practise systematic fraud with perfect impunity.

That the evils now referred to have become oppressive and alarming, and that the existing law affords neither protection nor redress.

Your Petitioners, therefore, humbly pray that your Honorable House will take the above premises into your favourable consideration, with a view to the enactment of some law for the better regulation of carriage into the interior.

And your Petitioners, as in duty bound, will every pray, &c.

[*Here follow 283 Signatures.*]



1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

SEAMEN'S LAWS AMENDMENT BILL.  
(PETITION RELATIVE TO.)

*Ordered by the Legislative Assembly to be Printed, 14 July, 1863.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned, James Shoobert, Henry Burns, and John Campbell, of the City of Sydney, in the Colony of New South Wales, ship-owners, &c.,—

HUMBLY SHEWETH :—

That at a public meeting of merchants, shipowners, captains, and others, held at the Sydney Exchange, on the 3rd July instant, your Petitioners were unanimously appointed to carry out the resolutions adopted at the said meeting.

Your Petitioners therefore most earnestly represent to your Honorable House,—

That in any amendment of the present Seamen's Laws, it is necessary and in accordance with the laws of England, that provision shall be made for allowing owners or masters to engage their crews on board ship, without reference to the Government Shipping Office.

That it is desirable that all seamen shall be discharged at the Government Shipping Office *only*, and that no seaman be engaged under any pretext without a properly certified discharge from such office.

Your Petitioners respectfully represent, that the stringent carrying out of a law indicated in the last paragraph will effectually prevent the engaging of runaway seamen.

Your Petitioners also respectfully represent, that clause five in the proposed Seamen's Laws Amendment Act, now before your Honorable House, will, if carried into effect, be productive of continual disputes, annoyances, and litigations.

Your Petitioners, therefore, humbly pray that your Honorable House will refuse to pass the said clause.

Your Petitioners humbly request that your Honorable House will be pleased to take this Petition into your consideration, and act in such manner as to your Honorable House may seem meet in granting the desires of your Petitioners.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

J. SHOOBERT.  
HENRY BURNS.  
JOHN CAMPBELL.

*Dated this 7th day of July, A.D. 1863.*





1863.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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MATRIMONIAL CAUSES BILL.  
(PETITION—SYDNEY.)

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*Ordered by the Legislative Assembly to be Printed, 4 August, 1863.*

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To the Honorable the Members of the Legislative Assembly of New South Wales, at present in Parliament assembled.

The humble Petition of the undersigned Inhabitants of the City of Sydney,—  
SHEWETH :—

That your Petitioners have noticed, with deep regret, the rejection of the Matrimonial Causes Bill by your Honorable House.

That your Petitioners beg to state, that although certain members of a religious body have opposed the Bill, on the ground of the injurious tendency which the passing of such Bill would have on the domestic condition of the inhabitants of this Colony, yet the benefit to accrue by the passing of this Bill, to many members of this community, has been entirely overlooked.

That your Petitioners beg most respectfully to state, that there are many persons, at present residents of this Colony, to whom the adoption of the Bill would have been a most beneficial measure, as by that means they would have been enabled to free themselves from the abject misery and degradation they at present have to encounter.

That your Petitioners would most respectfully urge on your Honorable House the immediate necessity and expediency of some legislation on this matter, so as to arrest the widely-spreading crime of adultery, which at present is striking so deeply at the root of the domestic happiness of many of your Petitioners, and causing our Police Reports to teem nearly every week with cases for "maintenance" to be settled by the authorities.

Your Petitioners, therefore, humbly pray that your Honorable House will take the premises under your favourable consideration, and pass such a Bill as your Honorable House may think fit.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 115 Signatures.]

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1863.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

---

HOMŒOPATHIC TREATMENT OF DISEASE IN PUBLIC  
INSTITUTIONS.

(PETITION RELATIVE TO.)

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*Ordered by the Legislative Assembly to be Printed, 15 September, 1863.*

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To the Honorable the Legislative Assembly of New South Wales, in Parliament  
assembled.

The Memorial of the undersigned Colonists of New South Wales,—

RESPECTFULLY SHEWETH :—

That your Memorialists have been favourably impressed with the arguments and facts urged by scientific medical writers and practitioners on Homœopathic treatment and cure of diseases in Great Britain, on the Continent of Europe, in the United States of America, and elsewhere.

That they have observed the successful introduction of the Homœopathic use of medicine in this Colony.

That there are several educated and properly qualified medical men, who practise Homœopathy, now residing in this Colony.

That there is not any accommodation provided in the hospitals, and other such places to which public money is granted, for the treatment of patients Homœopathically.

The prayer of your Memorialists therefore is—

That in those institutions to which public money is granted for the treatment and cure of disease, wards may be set apart for the use of such patients as may desire Homœopathic treatment, and that free access may be granted to such properly qualified Homœopathic practitioners as may be appointed to visit and prescribe for these patients.

And your Memorialists, as in duty bound, will ever pray, &c., &c.

[*Here follow 54 Signatures.*]

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1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

---

HOMŒOPATHIC TREATMENT OF DISEASE IN PUBLIC  
INSTITUTIONS.

(SECOND PETITION RELATIVE TO.)

---

*Ordered by the Legislative Assembly to be Printed, 6 October, 1863.*

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To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Memorial of the undersigned Colonists of New South Wales,—

RESPECTFULLY SHEWETH :—

That your Memorialists have been favourably impressed with the arguments and facts urged by scientific medical writers and practitioners on homœopathic treatment and cure of diseases, in Great Britain, on the Continent of Europe, in the United States of America, and elsewhere.

That they have observed the successful introduction of the homœopathic use of medicine in this Colony.

That there are several educated and properly qualified medical men who practise Homœopathy, now residing in this Colony.

That there is not any accommodation provided in the hospitals, and other such places to which public money is granted, for the treatment of patients homœopathically.

The prayer of your Memorialists, therefore, is—That in those Institutions to which public money is granted for the treatment and cure of disease, wards may be set apart for the use of such patients as may desire homœopathic treatment, and that free access may be granted to such properly qualified homœopathic practitioners as may be appointed to visit and prescribe for these patients.

And your Memorialists, as in duty bound, will ever pray, &c., &c.

[*Here follow 52 Signatures.*]

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1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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HOMŒOPATHIC TREATMENT OF DISEASE IN PUBLIC  
INSTITUTIONS.

(THIRD PETITION RELATIVE TO.)

---

*Ordered by the Legislative Assembly to be Printed, 6 October, 1863.*

---

To the Honorable the Legislative Assembly of New South Wales, in Parliament  
assembled.

The Memorial of the undersigned Colonists of New South Wales,—

RESPECTFULLY SHEWETH :—

That your Memorialists have been favourably impressed with the arguments and facts urged by scientific medical writers and practitioners on homœopathic treatment and cure of diseases in Great Britain, on the Continent of Europe, in the United States of America, and elsewhere.

That they have observed the successful introduction of the homœopathic use of medicine in this Colony.

That there are several educated and properly qualified medical men who practise Homœopathy now residing in this Colony.

That there is not any accommodation provided in the hospitals, and other such places to which public money is granted, for the treatment of patients homœopathically.

The prayer of your Memorialists, therefore, is—That in those Institutions to which public money is granted for the treatment and cure of disease, wards may be set apart for the use of such patients as may desire homœopathic treatment, and that free access may be granted to such properly qualified homœopathic practitioners as may be appointed to visit and prescribe for these patients.

And your Memorialists, as in duty bound, will ever pray, &c., &c.

[*Here follow 12 Signatures.*]

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1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TRAFFIC IN INTOXICATING LIQUORS.  
(PETITION—CITIZENS OF SYDNEY.)



*Ordered by the Legislative Assembly to be Printed, 22 April, 1864.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

We, your Petitioners, Citizens of Sydney, and Colony of New South Wales,—

HUMBLY SHEW:—

That the traffic in intoxicating liquors is a pernicious source of crime, immorality, pauperism, disease, insanity, and premature death; whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of the citizens generally. Whereas the aforesaid traffic is destructive of health, order, industry, and the welfare of the people, individually and collectively; the public rates and taxes greatly augmented; our resources wasted; colonization and progressive civilization retarded; our present and prospective anticipations clouded by an atmosphere of woe; and what limit, if any, can grapple with the fell cause of these evils, we implore your Honorable House to consider;—also to weigh whether considerations of private gain or public revenue justify the upholding of a system fraught with such disastrous results. Your Petitioners believe a “Legislative Permissive Liquor Traffic Bill” perfectly compatible with rational liberty and the claims of legitimate commerce; and humbly pray your Honorable House to take the premises into consideration, and grant relief.—And your Petitioners, as in duty bound, will ever pray.

[Here follow 12 Signatures.]



1863-4.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

---

SEED WHEAT AND OATS SUPPLIED BY GOVERNMENT.

(PETITION—FARMERS, COUNTY OF CUMBERLAND, ETC.)

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*Ordered by the Legislative Assembly to be Printed, 18 March, 1864.*

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To the Honorable the Legislative Assembly.

The Petition of the undersigned Farmers, in the County of Cumberland and District of Liverpool,—

HUMBLY SHEWETH:—

That your Petitioners having, in consequence of the dryness of the season in the year 1862, lost their crops and great numbers of their cattle, which formed the chief means of support, were unable to purchase Seed to sow their land in the year 1863.

That, in consequence of this, they have availed themselves of the liberality of the Government, in obtaining supplies of Seed Wheat and Oats on credit; the condition being that they should pay for the same in twelve months, or failing payment should incur heavy penalties.

That these payments fall due about May next; and that, in consequence of the disease known as "Rust" having destroyed the wheat crops of your Petitioners, and the continued dryness of the season having damaged their late crops, the condition of your Petitioners is little if at all better than in the year 1862.

That your Petitioners, although sincerely anxious to fulfil the obligations they have incurred, are utterly unable, in their present embarrassed circumstances, to do, being, with their families, in great distress; they therefore earnestly pray, that your Honorable House will be pleased to recommend the Government to afford such relief as it may deem expedient under the present circumstances.

And your Petitioners will ever pray.

[Here follow 51 Signatures.]

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1863-4.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

---

SEED WHEAT AND OATS SUPPLIED BY GOVERNMENT.  
(PETITION—FARMERS, BAULKHAM HILLS, &c.)

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*Ordered by the Legislative Assembly to be Printed, 21 April, 1864.*

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To the Honorable the Legislative Assembly.

The Petition of the undersigned Farmers, in the County of Cumberland and Districts of Baulkham Hills, Castle Hill, and Dural,—

HUMBLY SHEWETH :—

That your Petitioners having, in consequence of the dryness of the season in the year 1862, lost their crops and great numbers of their cattle, which formed the chief means of support, were unable to purchase seed to sow their land in the year 1863. That, in consequence of this, they have availed themselves of the liberality of the Government in obtaining supplies of Seed Wheat and Oats on credit, the condition being that they should pay for the same in twelve months, or, failing payment, should incur heavy penalties.

That these payments fall due about May next, and that, in consequence of the disease known as "Rust" having destroyed the wheat crops of your Petitioners, and the continued dryness of the season having damaged their late crops, the condition of your Petitioners is little if at all better than in the year 1862.

That your Petitioners, although sincerely anxious to fulfil the obligations they have incurred, are utterly unable in their present embarrassed circumstances to do so, being, with their families, in great distress; they therefore earnestly pray that your Honorable House will be pleased to recommend the Government to afford such relief as it may deem expedient under the present circumstances.

And your Petitioners will ever pray.

*[Here follow 31 Signatures.]*

*April 18th, 1864.*

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1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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## SEED WHEAT AND OATS.

(SUPPLIED BY GOVERNMENT.)

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*Ordered by the Legislative Assembly to be Printed, 2 December, 1863.*

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RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 30 June, 1863, That there be laid upon the Table of this House,—

“ (1.) A Return shewing the names and residences of the  
“ persons to whom Seed Wheat and Oats have been supplied  
“ by the Government, specifying the districts, the quantity  
“ supplied, and the prices charged.

“ (2.) Copy of the form of security or bond (if any) taken  
“ by the Government, from the persons to whom such Seed  
“ Wheat or Oats have been supplied.”

*(Mr. Macpherson.)*

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## SEED WHEAT AND OATS.

PARTICULARS of the delivery of Seed Wheat and Oats supplied by the Colonial Government of New South Wales, to Settlers in the District of Berrima.

NAMES.	RESIDENCES.	BUSHELS.	WHEAT.—COST.			BUSHELS.	OATS.—COST.		
			£	s.	d.		£	s.	d.
Bensley James .. ..	Wingecarribee .. ..	12	5	2	5	10	5	0	3
Bender Thadeus .. ..	Soapy Flats .. ..	16	6	17	1	10	5	0	3
Brosnahan Daniel .. ..	Joe Wild's Meadow .. ..	6	2	12	2	..	..	..	..
Bell William .. ..	Sutton Forest .. ..	..	..	..	..	25	12	12	3
Brennan James .. ..	Do. .. ..	25	10	12	1	25	12	12	3
Bogg John .. ..	Do. .. ..	20	8	15	5	10	5	0	3
Bennett James .. ..	Do. .. ..	20	8	15	5	4	2	0	2
Broadhurst William .. ..	Berrima .. ..	..	..	..	..	30	15	4	3
Broadhurst Joseph .. ..	Do. .. ..	20	8	15	5	..	..	..	..
Bragg Job .. ..	Do. .. ..	..	..	..	..	10	5	0	3
Biffin Thomas .. ..	Soapy Flats .. ..	..	..	..	..	25	12	12	3
Byrnes James .. ..	Sutton Forest .. ..	..	..	..	..	30	15	4	3
Charker James .. ..	Mittagong .. ..	20	8	11	2	30	15	4	3
Charker Daniel .. ..	Do. .. ..	30	12	16	3	10	5	0	3
Conlan Hugh .. ..	Sutton Forest .. ..	5	2	3	2	20	10	2	3
Clout William .. ..	Do. .. ..	..	..	..	..	30	15	4	3
Chant James .. ..	Jellore .. ..	40	21	14	3	..	..	..	..
Dwyer John .. ..	Wingecarribee .. ..	12	5	2	5	20	10	2	3
Dignam Patrick .. ..	Sutton Forest .. ..	20	8	11	2	20	10	2	3
Daly John .. ..	Bong Bong .. ..	..	..	..	..	10	5	0	3
Douglas James .. ..	Sutton Forest .. ..	30	12	16	3	5	2	12	0
Eldridge Daniel .. ..	Bong Bong .. ..	..	..	..	..	6	3	2	9
Flannery Angus .. ..	Sutton Forest .. ..	10	4	5	2	6	3	3	6
Farthing William .. ..	Do. .. ..	..	..	..	..	20	10	2	3
Freeman Ernond .. ..	Do. .. ..	10	5	8	9	10	5	0	3
Gascoigne William .. ..	Mittagong .. ..	14	6	1	3	12	6	2	0
Gordon John .. ..	Sutton Forest .. ..	..	..	..	..	12	6	2	0
Gough Thomas .. ..	Do. .. ..	20	8	11	2	10	5	0	3
Gabb William .. ..	Belanglo .. ..	20	8	11	2	10	5	0	3
Garbutt George .. ..	Sutton Forest .. ..	2	0	17	4	24	12	4	3
Hanrahan James .. ..	Tarrawa .. ..	6	2	11	2	10	5	0	3
Hayness Henry .. ..	Sutton Forest .. ..	10	4	5	2	10	5	0	3
Hines William .. ..	Mittagong .. ..	..	..	..	..	15	7	12	3
Hines Thomas .. ..	Do. .. ..	10	4	5	2	12	6	2	0
Henley Thomas .. ..	Do. .. ..	..	..	..	..	15	7	12	3
Jones Joseph .. ..	Sutton Forest .. ..	20	8	11	2	10	4	18	3
Jones John .. ..	Mittagong .. ..	..	..	..	..	50	25	7	8
Lake William .. ..	Soapy Flats .. ..	20	8	11	2	..	..	..	..
M'Rae Alexander .. ..	Mittagong .. ..	20	8	11	2	30	15	4	3
M'Glynn Thomas .. ..	Do. .. ..	20	8	11	2	20	10	2	3
Murphy Sylvester .. ..	Sutton Forest .. ..	20	11	9	0	20	10	2	3
Mould Augustin .. ..	Do. .. ..	..	..	..	..	7	3	8	0
Morris John, junior .. ..	Do. .. ..	..	..	..	..	30	15	4	3
Morris John, senior .. ..	Do. .. ..	20	8	11	2	30	15	4	3
Morris William .. ..	Do. .. ..	..	..	..	..	30	15	4	3
M'Neelly Thomas .. ..	Berrima .. ..	20	11	0	9	20	10	2	3
Meadley George .. ..	Bong Bong .. ..	..	..	..	..	20	10	2	3
Naylor John .. ..	Berrima .. ..	..	..	..	..	30	15	4	3
O'Keefe Michael .. ..	Sutton Forest .. ..	20	8	11	2	30	15	4	3
Parsons James .. ..	Oldbury .. ..	..	..	..	..	22	11	2	3
Roberts Joseph .. ..	Sutton Forest .. ..	10	4	5	2	20	10	2	3
Rudd Thomas .. ..	Mittagong .. ..	10	5	8	3	8	4	2	0
Sullivan Daniel .. ..	Do. .. ..	20	8	11	2	10	5	0	3
Swainston Felix .. ..	Sutton Forest .. ..	30	12	16	3	12	6	2	0
Sheppard James .. ..	Berrima .. ..	30	12	16	3	15	7	12	3
Synnot John .. ..	Yarrawa .. ..	..	..	..	..	8	4	2	0
Vogt Joseph .. ..	Berrima .. ..	3	1	5	2	..	..	..	..
Welsh William .. ..	Mittagong .. ..	20	8	11	2	20	10	2	3
Waite Thomas .. ..	Do. .. ..	..	..	..	..	50	25	8	3
Ward Henry .. ..	Bong Bong .. ..	9	4	18	6	..	..	..	..
Webb Robert .. ..	Do. .. ..	6	3	6	5	6	3	1	0
Walker William .. ..	Berrima .. ..	40	17	18	6	..	..	..	..
		716	£321	5	1	994	£503	1	7

## PRICES CHARGED:—

WHEAT.—601 bushels, at 5s. 9½d. per bushel, and 1s. 2d. for each bag.

115 " at 6s. 0d. " and 1s. 9d. " "

OATS.— 994 " at 8s. 0d. " and 1s. 9d. " "

To each of the recipients of grain a charge was made, to defray the expense of carriage from Campbelltown to Berrima, of £4 5s. per ton, or 4s. 3d. per cwt.

HENRY BADGERY, J.P.

(On behalf of the Bench of Magistrates, Berrima.)



## SEED WHEAT AND OATS.

3

RETURN shewing the Names and Residences of the Persons to whom Seed Wheat has been supplied by the Government, in the Camden portion of the Police District of Camden, Narellan, and Picton, (in 1863).

No.	NAMES.	RESIDENCES.	No. of Bushels Seed Wheat.	Price per Bushel.	TOTAL PRICE.
1	William Mann	Camden Estate	45		£ s. d.
2	Patrick Curry	Camden	45		14 12 6
3	Daniel Curry	Cobbitty Paddock	36		11 14 0
4	Ebenezer Bunker	Menangle	45		14 12 6
5	John Rigney, senior	Cobbitty Paddock	36		11 14 0
6	Elias Thorn	Do.	30		9 15 0
7	Peter Bermingham	Near Camden	30		9 15 0
8	Patrick Collins	Cobbitty Paddock	45		14 12 6
9	George Staggs	Mulgoa Forest	24		7 16 0
10	William Britt	Mount Hunter Creek	45		14 12 6
11	Robert Smart	Cobbitty Paddock	45		14 12 6
12	Edward Death	Theresa Park	39		12 13 6
13	Joseph Cole	Camperdown	39		12 13 6
14	Thomas Meale	Westwood	45		14 12 6
15	James Smith	Brownlow Hill	30		9 15 0
16	William Smith	Do.	18		5 17 0
17	Septimus Davis	Do.	15		4 17 6
18	Reuben White	Camperdown	24		7 16 0
19	Felix Hare	Mulgoa Forest	24		7 16 0
20	William Hilton	Do.	30		9 15 0
21	Edward Fitzgerald	Theresa Park	21		6 16 6
22	John Quin	Cobbitty Paddock	21		6 16 6
23	John Tickner	Razorback	45		14 12 6
24	Frederick Dengate	Do.	45		14 12 6
25	William Dowle	Do.	30		9 15 0
26	James Dowle	Do.	30		9 15 0
27	James Lysaught	Greenhills	45		14 12 6
28	John Veness	Brisbane Meadow	39		12 13 6
29	Thomas M'Cormack	Camden Estate	36		11 14 0
30	Aaron Biffin	Glendaruel	45		14 12 6
31	John Biffin	Do.	30		9 15 0
32	Joseph Wasson	Brownlow Hill	45		14 12 6
33	Herbert Shadforth	Mulgoa	45		14 12 6
34	Donald M'Leod	Glendaruel	30		9 15 0
35	Neil M'Leod	Do.	39		12 13 6
36	Archibald M'Leod	Do.	45		14 12 6
37	Richard Thubbron	Glendiver	21		6 16 6
38	John Moriarty	Cobbitty Paddock	45		14 12 6
39	Frederick Seckold	Do.	45		14 12 6
40	Joseph M'Covey	Mulgoa	45		14 12 6
41	James Wallace	Westwood	45		14 12 6
42	Samuel Morley	Theresa Park	21	s. d.	6 16 6
43	Thomas Wasson	Brownlow Hill	45	6 6	14 12 6
44	Joseph Wasson (2)	Westwood	45		14 12 6
45	William Warwood	Vermont	24		7 16 0
46	James Cudden	Wattle Creek	45		14 12 6
47	George Masters	Do.	30		9 15 0
48	Richard Randle	Do.	24		7 16 0
49	Michael King	Do.	30		9 15 0
50	Leonard Munk	Brownlow Hill	30		9 15 0
51	Lewis Meale	Westwood	45		14 12 6
52	Alexander Fury	Do.	45		14 12 6
53	Edward Fury	Do.	45		14 12 6
54	Abel Arnold	Camden Estate	30		9 15 0
55	Abraham Channon	Westwood	30		9 15 0
56	James Butler	Spotted Gum Range	39		12 13 6
57	Michael Buggy	Spring Creek	36		11 14 0
58	William Rolfe, senior	Cobbitty Paddock	30		9 15 0
59	James Cuthel	Mulgoa Forest	24		7 16 0
60	William Rolfe	Mount Hunter Creek	36		11 14 0
61	Thomas Flanagan	Brownlow Hill	36		11 14 0
62	Henry Morris	Cobbitty Paddock	30		9 15 0
63	Thomas Bryant	Wattle Creek	15		4 17 6
64	John Roberts	Oaks	30		9 15 0
65	John O'Mulvaney	Glendaruel	45		14 12 6
66	Nicholas Carney	Do.	45		14 12 6
67	Matthew Roberts	Brownlow Hill	45		14 12 6
68	Thomas Flint	Greenhills	39		12 13 6
69	David Nicholson	Do.	30		9 15 0
70	James Hilder	Razorback	30		9 15 0
71	Isaac Reed	Menangle	45		14 12 6
72	William Apps, junior	Do.	36		11 14 0
73	William Apps, senior	Razorback	45		14 12 6
74	Edward Sheehy	Greenhills	30		9 15 0
75	Leonard Meale	Westwood	45		14 12 6
76	Thomas Donohoe	Oaks	45		14 12 6
77	James Scott	Theresa Park	21		6 16 6
78	Francis Owens	Do.	36		11 14 0
79	Thomas Dawson	Mulgoa Forest	12		3 18 0
80	Jacob Jayer	Theresa Park	9		2 18 6
81	David Hopper	Camperdown	15		4 17 6
82	William Linn	Mulgoa Forest	9		2 18 6
83	James Stevens	Do.	18		5 17 0

## SEED WHEAT AND OATS.

No.	NAMES.	RESIDENCES.	No. of Bushels Seed Wheat.	Price per Bushel.	TOTAL PRICE.
					£ s. d.
84	Joseph Earl .. ..	Greenhills .. ..	12		3 18 0
85	Benjamin Proctor .. ..	Do. .. ..	24		7 16 0
86	William Gittoes .. ..	Hardwick .. ..	39		12 13 6
87	James Bradford .. ..	Wattle Creek .. ..	21		6 16 6
88	William Simpson .. ..	Theresa Park .. ..	30		9 15 0
89	William Tiddyman .. ..	Brownlow Hill .. ..	45		14 12 6
90	James Campbell .. ..	Westbrook .. ..	30		9 15 0
91	William Cottrell .. ..	Glendaruel .. ..	45		14 12 6
92	Anthony Rogers .. ..	Mount Hunter Creek .. ..	21		6 16 6
93	Francis Revel .. ..	Brownlow Hill .. ..	18		5 17 0
94	Amos Miller .. ..	North Camden .. ..	45		14 12 6
95	James Martin, senior .. ..	Razorback .. ..	39		12 13 6
96	Joseph Nash .. ..	Cawdor .. ..	30		9 15 0
97	Frances Ottery .. ..	Do. .. ..	30		9 15 0
98	John Walters .. ..	Brownlow Hill .. ..	30		9 15 0
99	Joseph Aldridge .. ..	Spring Creek .. ..	45		14 12 6
100	Patrick Dillon .. ..	Brownlow Hill .. ..	24		7 16 0
101	James Sams .. ..	Do. .. ..	30		9 15 0
102	Shadrac Williams .. ..	Glendaruel .. ..	45		14 12 6
103	John Caunt .. ..	Mulgoa Forest .. ..	18		5 17 0
104	Cornelius Wholohan .. ..	Do. .. ..	30		9 15 0
105	John Beckhaus .. ..	Wattle Creek .. ..	21		6 16 6
106	Michael Huolohan .. ..	Do. .. ..	45		14 12 6
107	Joseph Dunbar .. ..	Mulgoa Forest .. ..	12		3 18 0
108	John Dunbar .. ..	Do. .. ..	12		3 18 0
109	William Britt .. ..	Theresa Park .. ..	30		9 15 0
110	Samuel Hall .. ..	Mulgoa Forest .. ..	15		4 17 6
111	William Offord .. ..	Do. .. ..	15		4 17 6
112	William Gale .. ..	Theresa Park .. ..	30		9 15 0
113	Patrick Geerin .. ..	Wattle Creek .. ..	30		9 15 0
114	William Fairall .. ..	Razorback .. ..	42		13 13 0
115	Thomas Geerin .. ..	Wattle Creek .. ..	18		5 17 0
116	Thomas Healy .. ..	Vanderville .. ..	12		3 18 0
117	George Howard .. ..	Brownlow Hill .. ..	45		14 12 6
118	Catherine Whalan .. ..	Moreton Park .. ..	24		7 16 0
118-2	William Loomes .. ..	Hardwick .. ..	39		12 13 6
119	Peter Harcourt .. ..	Glendiver .. ..	12		3 18 0
120	William Jones, senior .. ..	Menangle .. ..	45		14 12 6
121	James Gardiner .. ..	Mount Hunter Creek .. ..	24		7 16 0
122	Patrick Cummins .. ..	Menangle .. ..	45		14 12 6
123	William Knox .. ..	Wattle Creek .. ..	30		9 15 0
124	James Drennan .. ..	Glendiver .. ..	30		9 15 0
125	Daniel Riley .. ..	Menangle .. ..	45		14 12 6
126	Kenneth M'Lennon .. ..	Westbrook .. ..	24	s. d.	7 16 0
127	John Anderson .. ..	Mulgoa Forest .. ..	30	6 6	9 15 0
128	Alexander M'Leod .. ..	Brownlow Hill .. ..	45		14 12 6
129	Henry Longhurst .. ..	Mulgoa Forest .. ..	20		9 15 0
130	George Reed .. ..	Glendiver .. ..	12		3 18 0
131	David Booth .. ..	Do. .. ..	21		6 16 6
132	Henry Smith .. ..	Do. .. ..	18		5 17 0
133	William Butchers .. ..	Hardwick .. ..	33		10 14 6
134	Stephen Kelloway .. ..	Westbrook .. ..	30		9 15 0
135	Joseph Comyns, senior .. ..	Glendaruel .. ..	45		14 12 6
136	Joseph Comyns, junior .. ..	Do. .. ..	30		9 15 0
137	William Jenkins .. ..	Mount Hunter Creek .. ..	45		14 12 6
138	Michael Crow .. ..	Menangle .. ..	45		14 12 6
139	James Rochford .. ..	Moreton Park .. ..	45		14 12 6
140	William Jones, junior .. ..	Menangle .. ..	45		14 12 6
141	John Jones .. ..	Do. .. ..	45		14 12 6
142	Isaac Jones .. ..	Do. .. ..	45		14 12 6
143	Benjamin Cummins .. ..	Do. .. ..	45		14 12 6
144	Martin M'Namara .. ..	Moreton Park .. ..	39		12 13 6
145	John Quirke .. ..	Camden Estate .. ..	45		14 12 6
146	John M'Dermott .. ..	Menangle .. ..	45		14 12 6
147	John Bridgetts .. ..	Mount Hunter Creek .. ..	24		7 16 0
148	Conrad Aarzt .. ..	Glendaruel .. ..	39		12 13 6
149	John Schneider .. ..	Glendiver .. ..	36		11 14 0
150	William Channel .. ..	Near Camden .. ..	30		9 15 0
151	John Spice .. ..	Near Camden .. ..	21		6 16 6
152	Benjamin Weeks .. ..	Do. .. ..	45		14 12 6
153	Edward Johnson .. ..	Cawdor .. ..	36		11 14 0
154	Edward Whybrow .. ..	Wattle Creek .. ..	36		11 14 0
155	Edward Fitzpatrick .. ..	Do. .. ..	21		6 16 6
156	Mary Dawson .. ..	Moreton Park .. ..	30		9 15 0
157	George Smart .. ..	Cawdor .. ..	36		11 14 0
158	James Lodge .. ..	Menangle .. ..	45		14 12 6
159	Patrick Madden .. ..	Do. .. ..	21		6 16 6
160	Joseph Fuller .. ..	Reedy Ponds .. ..	15		4 17 6
161	John Norton .. ..	Moreton Park .. ..	30		9 15 0
162	Phillip Wheeler .. ..	Mulgoa Forest .. ..	15		4 17 6
163	James Jones .. ..	Camperdown .. ..	6		1 19 0
164	Thomas Quirke .. ..	Moreton Park .. ..	45		14 12 6
165	Austin Slattery .. ..	Do. .. ..	30		9 15 0
166	Timothy Lacy .. ..	Oaks .. ..	30		9 15 0
167	Patrick Martin .. ..	Do. .. ..	21		6 16 6
168	James Small .. ..	Glendaruel .. ..	45		14 12 6
169	John Whalan .. ..	Menangle .. ..	45		14 12 6
170	Walter Hilder .. ..	Do. .. ..	36		11 14 0

SEED WHEAT AND OATS.

No.	NAMES.	RESIDENCES.	No. of Bushels Seed Wheat.	Price per Bushel.	TOTAL PRICE.
					£ s. d.
171	William Albury	Mulgoa Forest..	21		6 16 6
172	Joseph Lynam..	Menangle	45		14 12 6
173	James M'Evoy	Vanderville	12		3 18 0
174	William Channel, junior	Menangle	18		5 17 0
175	George Skinner	Marshdale	30		9 15 0
176	John Brooks	Hardwick	30		9 15 0
177	George Street	Glendaruel	45		14 12 6
178	James Davis	Near Camden	18		5 17 0
179	William Kilfoyle	Menangle	45		14 12 6
180	Thomas Rudd	Brownlow Hill	30		9 15 0
181	James Herbert	Mulgoa Forest..	9		2 18 6
182	Austin Bugden	Mount Hunter Creek..	30		9 15 0
183	Lewis Bugden	Menangle	30		9 15 0
184	Thomas Bugden	Mount Hunter Creek..	30		9 15 0
185	Richard Mitchell	Vanderville	21		6 16 6
186	John Dabmet	Greenhills	30		9 15 0
187	William Littlewood	Oaks	27		8 15 6
188	John O'Donnell	Glendaruel	45		14 12 6
189	Thomas O'Brien	Greenhills	30		9 15 0
190	John English, senior	Do.	30		9 15 0
191	Philip Dunphy	Menangle	45		14 12 6
192	Adam Haffner	Razorback	21		6 16 6
193	William Rapley	Theresa Park	30		9 15 0
194	Martin Maher	Moreton Park	45		14 12 6
195	Jeremiah Quirke	Do.	45		14 12 6
196	Timothy Kane	Menangle	30		9 15 0
197	John Maher	Do.	45		14 12 6
198	John Scully	Do.	45		14 12 6
199	Philip Quirke	Do.	45		14 12 6
200	David Hennessy	Moreton Park	45		14 12 6
201	James Rideout	Mulgoa Forest..	21		6 16 6
202	William Lannan	Theresa Park	21		6 16 6
203	James Kerby	Razorback	30		9 15 0
204	Henry Brown	Camperdown	12		3 18 0
205	John Brown	Do.	18		5 17 0
206	Thomas Hennessy	Moreton Park	45		14 12 6
207	William Day	Do.	21		6 16 6
208	Isaac Roberts	Theresa Park	45		14 12 6
209	Daniel Croke	Moreton Park	45		14 12 6
210	Thomas Donohoe	Menangle	30		9 15 0
211	Bernard M'Carney	Moreton Park	21		6 16 6
212	John Rigney	Spring Creek	30		9 15 0
213	William Starr	Moreton Park	45		14 12 6
214	John Carrol	Menangle	45		14 12 6
215	John Devitt	Oaks	21	s. d. 6 6	6 16 6
216	Richard Young	Menangle	24		7 16 0
217	Martin Payton	Do.	30		9 15 0
218	John Coulon	Do.	36		11 14 0
219	Michael Riguey	Theresa Park	30		9 15 0
220	Henry Grigg	Do.	30		9 15 0
221	Thomas Stapleton	Moreton Park	45		14 12 6
222	Henry Small, senior	Bob's Range	45		14 12 6
223	Hannah Bensley	Cobbitty Paddock	27		8 15 6
224	Stephen Clifton	Do.	27		8 15 6
225	Samuel Wright	Near Camden	18		5 17 0
226	Robert A. Gillies	Spring Creek	27		8 15 6
227	George Pencen	Near Camden	21		6 16 6
228	John Robbins	Cobbitty Paddock	21		6 16 6
229	Thomas Stratten	Camden	24		7 16 0
230	Jesse Rideout	Glendaruel	45		14 12 6
231	William Murray	Spring Creek	21		6 16 6
232	John Sheather	Near Camden	45		14 12 6
233	George Bellingham	Kirkham	45		14 12 6
234	Thomas Baldwin	Theresa Park	15		4 17 6
235	Donald Miller	Cawdor	36		11 14 0
236	James Gray	Vanderville	12		3 18 0
237	Andrew Doren	Elderslie	12		3 18 0
238	Henry Pettet	Westbrook	45		14 12 6
239	Henry Sharp	Near Camden	21		6 16 6
240	John Shoemark	Cawdor	30		9 15 0
241	George Clout	Do.	39		12 13 6
242	Michael Fitzgerald	Cobbitty	15		4 17 6
243	Donald Campbell	Cawdor	45		14 12 6
244	Henry Gumbleton	Camden	21		6 16 6
245	Rufus White	Cawdor	30		9 15 0
246	Stephen Dunford	Do.	24		7 16 0
247	John Wheeler	Near Camden	30		9 15 0
248	Charles Baker	Glendiver	24		7 16 0
249	Henry Shoemark	Cawdor	36		11 14 0
250	William Reynolds	Do.	21		6 16 6
251	Edmund Watman	Mulgoa Forest..	9		2 18 6
252	William Lewis	Glendiver	24		7 16 0
253	William Truscott	Camden	30		9 15 0
254	William Chapman	Cawdor	30		9 15 0
255	Thomas Dunk	Do.	30		9 15 0
256	Edward Knox	Wattle Creek	36		11 14 0
257	William Boardman	Camden	39		12 13 6
258	Thomas Fallon	Bob's Range	24		7 16 0

## SEED WHEAT AND OATS.

No.	NAMES.	RESIDENCES.	No. of Bushels Seed Wheat.	Price per Bushel.	TOTAL PRICE.
259	William Holdsworth ..	Spring Creek ..	33	} s. d. 6 6	£ s. d. 10 14 6
260	Thomas Baxter ..	Do. ..	42		13 13 0
261	Henry James ..	Do. ..	24		7 16 0
262	William Hopson ..	Cawdor ..	36		11 14 0
263	Henry Hopson ..	Do. ..	12		3 18 0
264	Daniel Cate ..	Moreton Park ..	21		6 16 6
265	John Geerin ..	Wattle Creek ..	15		4 17 6
266	Stephen Starr ..	Moreton Park ..	21		6 16 6
267	James Clark ..	Brownlow Hill ..	18		5 17 0
268	James Watman ..	Mulgoa Forest..	9		2 18 6
269	Patrick M'Mahon ..	Westbrook ..	36		11 14 0
270	John Baldwin ..	Bringelly ..	21		6 16 6
271	John Grundy ..	Brownlow Hill ..	21		6 16 6
272	John Baldwin (2) ..	Shancamore ..	24		7 16 0
273	Edward Fisher ..	Bringelly ..	30		9 15 0
274	James New ..	Camden ..	30		9 15 0
275	Orlando Haddon ..	Cawdor ..	30		9 15 0
276	James Fitzgerald ..	Theresa Park ..	30		9 15 0
277	Thomas Knight ..	Hardwick ..	18		5 17 0
278	George Knight ..	Do. ..	24		7 16 0
279	Samuel Smart ..	Cawdor ..	36		11 14 0
280	Joseph Doust ..	Do. ..	18		5 17 0
281	James Kiddle ..	Westbrook ..	9		2 18 6
282	John Dominie ..	Razorback ..	30		9 15 0
283	Robert Plows ..	Menangle ..	30		9 15 0
284	George H. Cranfield ..	Spring Creek ..	30		9 15 0
285	Slyver Rootes ..	Cawdor ..	21		6 16 6
286	Thomas Watson ..	Cobbitty Paddock ..	24		7 16 0
287	Henry Tickner ..	Razorback ..	39		12 13 6
288	Peter Rapley ..	Theresa Park ..	21	6 16 6	
289	Robert Roberts ..	Gledswood ..	21	6 16 6	
290	Thomas Maulsbury ..	Cobbitty ..	12	3 18 0	
			9,066		£ 2,946 9 0

(For the Camden Bench.)

J. N. OXLEY, J.P.

## LIST of the Names, &amp;c., of Persons supplied by the Colonial Government with Seed Wheat, for the District of Campbelltown.

No.	Names.	Residences.	Number of Bushels, and price per Bushel.	Amount.	Bond.
			At 6s. 6d.	£ s. d.	£ s. d.
1	John Hayden ..	Sugar Loaf, near Menangle ..	39	12 13 6	25 7 0
2	Samuel Banfield ..	Mount Gilead ..	27	8 15 6	17 11 0
3	Bridget Fitzgerald ..	Sugar Loaf, near Menangle ..	27	8 15 6	17 11 0
4	Patrick Ward ..	Do. do. ..	30	9 15 0	19 10 0
5	George Johnson ..	Appin Road, near Campbelltown ..	15	4 17 6	9 15 0
6	Patrick Kane ..	Near Campbelltown ..	39	12 13 6	25 7 0
7	John Webster ..	Lagart Fields, nr. Campbelltown ..	42	13 13 0	27 6 0
8	Timothy Fitzgibbons ..	Devine's Run, do. ..	30	9 15 0	19 10 0
9	Thomas Armstrong ..	Appin Road, do. ..	21	6 16 6	13 13 0
10	William Croft ..	Eagle Vale, do. ..	18	5 17 0	11 14 0
11	Dennis Hallahan ..	Appin ..	39	12 13 6	25 7 0
12	Thomas O'Brien ..	Sugar Loaf, Menangle ..	18	5 17 0	11 14 0
13	Andrew M'Lellan ..	Packer's Hill, near Campbelltown ..	18	5 17 0	11 14 0
14	Thomas Tayler ..	Glebe, near Campbelltown ..	24	7 16 0	15 12 0
15	Thomas Reynolds ..	Appin ..	30	9 15 0	19 10 0
16	John Luck ..	Do. ..	39	12 13 6	25 7 0
17	John Luck ..	Do. ..	21	6 16 6	13 13 0
18	John Percival ..	Do. ..	21	6 16 6	13 13 0
19	Samuel Man ..	Do. ..	3	0 19 6	1 19 0
20	Job Gregory ..	Narellan ..	21	6 16 6	13 13 0
21	Thomas Lenton ..	Do. ..	30	9 15 0	19 10 0
22	Dennis Carroll ..	Appin ..	30	9 15 0	19 10 0
23	Patrick M'Mahon ..	Elderslie, near Camden ..	21	6 16 6	13 13 0
24	Michael Flaherty ..	Do. do. ..	18	5 17 0	11 14 0
25	Daniel Flaherty ..	Do. do. ..	15	4 17 6	9 15 0
26	Patrick Kelly ..	Eagle Vale, near Campbelltown ..	21	6 16 6	13 13 0
27	Euphemia Grant ..	Do. do. ..	18	5 17 0	11 14 0
28	Timothy Sweeney ..	Campbelltown ..	15	4 17 6	9 15 0
29	Frederick Simpson ..	Appin Road, near Campbelltown ..	15	4 17 6	9 15 0
30	William Broker ..	Near Campbelltown ..	39	12 13 6	25 7 0
31	Thomas Rixon ..	Appin Road ..	18	5 17 0	11 14 0
32	John Larkin ..	Do. ..	21	6 16 6	13 13 0
33	William Boyton ..	Eagle Vale, near Campbelltown ..	21	6 16 6	13 13 0
34	Thomas Marooney ..	Do. do. ..	21	6 16 6	13 13 0
35	Thomas Bourke ..	Mount Erin, near Campbelltown ..	15	4 17 6	9 15 0
36	James Anthony Clark ..	Epping Forest, do. ..	27	8 15 6	17 11 0

SEED WHEAT AND OATS.

No.	Names.	Residences.	Number of Bushels, and price per Bushel.	Amount.	Bond.
			At 6s. 6d.	£ s. d.	£ s. d.
37	James Fahey ..	Brook's Point, near Appin ..	48	15 12 0	31 4 0
38	John Eagles ..	Lachlan Vale, do. ..	12	3 18 0	7 16 0
39	Elizabeth Eagles ..	Do. do. ..	39	12 13 6	25 7 0
40	Catherine Fahey ..	Brook's Point, do. ..	48	15 12 0	31 4 0
41	Henry Eagles ..	Do. do. ..	30	9 15 0	19 10 0
42	John Moon ..	Do. do. ..	42	13 13 0	27 6 0
43	Bridget Ryan ..	Appin .. ..	6	1 19 0	3 18 0
44	John Simpson ..	Macquarie Dale, do. ..	21	6 16 6	13 13 0
45	Timothy Fahey ..	Brook's Point, do. ..	48	15 12 0	31 4 0
46	Edward Fahey ..	Do. do. ..	48	15 12 0	31 4 0
47	Thomas Maloney ..	Do. do. ..	21	6 16 6	13 13 0
48	John Stanton ..	Lachlan Dale, do. ..	42	13 13 0	27 6 0
49	George Klein ..	Brook's Point, do. ..	39	12 13 6	25 7 0
50	John Dwyer ..	Kildare Farm, do. ..	42	13 13 0	27 6 0
51	Thomas Dwyer ..	Near Appin .. ..	39	12 13 6	25 7 0
52	John Windsor ..	Lachlan Vale, do. ..	27	8 15 6	17 11 0
53	Thomas Harvey ..	Do. do. ..	21	6 16 6	13 13 0
54	John Gilliss ..	Appin .. ..	15	4 17 6	9 15 0
55	David Graham ..	Spring Creek, near Campbelltown ..	21	6 16 6	13 13 0
56	William Graham ..	Lawrence Hill, do. ..	24	7 16 0	15 12 0
57	Thomas Howlett ..	Cobbity, near Narellan ..	30	9 15 0	19 10 0
58	Joseph Lenton ..	Orielton, do. ..	30	9 15 0	19 10 0
59	Francis Sneider ..	Elderslie, near Campbelltown ..	24	7 16 0	15 12 0
60	Martin Thurn ..	Do. do. ..	36	11 14 0	23 8 0
61	Anthony Biger ..	Do. do. ..	12	3 18 0	7 16 0
62	Thomas Friend ..	Spring Hill Farm, Narellan ..	9	2 18 6	5 17 0
63	John Lodge ..	Narellan .. ..	15	4 17 6	9 15 0
64	William Cooper ..	Do. .. ..	39	12 13 6	25 7 0
65	Lawrence Darcy ..	Appin .. ..	48	15 12 0	31 4 0
66	Patrick Brennan ..	Do. .. ..	48	15 12 0	31 4 0
67	George Nicolls ..	Macquarie Dale, near Appin ..	30	9 15 0	19 10 0
68	Philip Collett ..	Do. do. ..	18	5 17 0	11 14 0
69	James M'Grath ..	Summer Hill, near Appin ..	30	9 15 0	19 10 0
70	Edward Rudd ..	Glebe, near Campbelltown ..	48	15 12 0	31 4 0
71	John Herrick ..	Near Campbelltown ..	15	4 17 6	9 15 0
72	William Fowler, on behalf of Joseph Terry ..	Do. .. ..	30	9 15 0	19 10 0
73	Charles Doran ..	Do. .. ..	15	4 17 6	9 15 0
74	Frederick Warner ..	Gledswood, near Campbelltown ..	21	6 16 6	13 13 0
75	James Blane ..	Layard Fields, do. ..	6	1 19 0	3 18 0
76	John Cullen ..	Eagle Vale, do. ..	15	4 17 6	9 15 0
77	Henry Robinson ..	Gledswood, do. ..	12	3 18 0	7 16 0
78	John Frost, senior ..	Appin Road .. ..	9	2 18 6	5 17 0
79	John O'Brien ..	Sugar Loaf, do. ..	30	9 15 0	19 10 0
80	John Roberts ..	Glebe, near Campbelltown ..	15	4 17 6	9 15 0
81	John Molloy ..	Appin .. ..	42	13 13 0	27 6 0
82	John Frost, junior ..	Appin Road .. ..	18	5 17 0	11 14 0
83	Robert Sack ..	Do. .. ..	18	5 17 0	11 14 0
84	Henry Prin ..	Macquarie Dale, near Appin ..	39	12 13 6	25 7 0
85	Thomas Court ..	Eagle Vale, near Campbelltown ..	24	7 16 0	15 12 0
86	Samuel Clark, on behalf of Henry Mulholland ..	Appin .. ..	30	9 15 0	19 10 0
87	James Whitehead ..	Sugar Loaf, near Campbelltown ..	15	4 17 6	9 15 0
88	Thomas Collins ..	Eagle Vale, do. ..	9	2 18 6	5 17 0
89	Patrick Bourke ..	Mount Erin, do. ..	15	4 17 6	9 15 0
90	Kenneth M'Kenzie ..	Near Campbelltown ..	12	3 18 0	7 16 0
91	Sophia Monehouse ..	Do. .. ..	12	3 18 0	7 16 0
92	William Coousen senior ..	East Bargo, near Appin ..	21	6 16 6	13 13 0
93	Henry Oxenbridge ..	Do. do. ..	24	7 16 0	15 12 0
94	Edward Oxenbridge ..	Do. do. ..	24	7 16 0	15 12 0
95	John Achroyd ..	Do. do. ..	12	3 18 0	7 16 0
96	Peter Cook ..	Park Hall, do. ..	39	12 13 6	25 7 0
97	Thomas Kelly ..	East Bargo, do. ..	48	15 12 0	31 4 0
98	Louis Almada ..	Do. do. ..	42	13 13 0	27 6 0
99	John Buckley ..	Do. do. ..	42	13 13 0	27 6 0
100	William Mulholland ..	Do. do. ..	48	15 12 0	31 4 0
101	John Bourke ..	Mount Erin, near Campbelltown ..	15	4 17 6	9 15 0
102	Thomas Barter ..	Camden Road, do. ..	21	6 16 6	13 13 0
103	Patrick Moon ..	East Bargo, near Appin ..	48	15 12 0	31 4 0
104	James Best ..	Do. do. ..	45	14 12 6	29 5 0
105	Joseph Coousen ..	Do. do. ..	30	9 15 0	19 10 0
106	William Coousen ..	Do. do. ..	43	15 12 0	31 4 0
107	Benjamin Speering ..	Do. do. ..	21	6 16 6	13 13 0
108	Francis Keller ..	Do. do. ..	39	12 13 6	25 7 0
109	William Coousen, on behalf of Elizabeth Hewitt ..	Do. do. ..	48	15 12 0	31 4 0
110	John Brailsford ..	Elderslie, near Campbelltown ..	30	9 15 0	19 10 0
111	William Clynch ..	Appin .. ..	21	6 16 6	13 13 0
112	Michael Laughlan ..	Do. .. ..	21	6 16 6	13 13 0
113	William Butterley ..	Do. .. ..	21	6 16 6	13 13 0
114	Henry Stiles ..	Elderslie, near Campbelltown ..	12	3 18 0	7 16 0
115	William Roberts ..	Denley, near Narellan ..	27	8 15 6	17 11 0
116	Patrick Joyce ..	Liverpool Road ..	24	7 16 0	15 12 0
117	Thomas Sharman ..	Do. .. ..	15	4 17 6	9 15 0
118	Levi White ..	East Bargo, near Appin ..	9	2 18 6	5 17 0
119	James English ..	Rock Ponds, near Campbelltown ..	24	7 16 0	15 12 0

## SEED WHEAT AND OATS.

No.	Names.	Residences.	Number of	Amount.		Bond.	
			Bushels, and price per Bushel.	£	s.	d.	£
			At 6s. 6d.				
120	William Reach ..	Mount Gilead, near Campbelltown .. .. .	39	12	13	6	25 7 0
121	William Gately ..	Do. .. .. .	30	9	15	0	19 10 0
122	John Scott ..	Elderslie, near Campbelltown ..	30	9	15	0	19 10 0
123	Charles Scott ..	Do. do. .. .. .	12	3	18	0	7 16 0
124	Joseph Scott ..	Do. do. .. .. .	30	9	15	0	19 10 0
125	Jackson Morrow ..	Freshfield, near Narellan ..	39	12	13	6	25 7 0
126	John Sharman ..	Near Campbelltown .. .. .	9	2	18	6	5 17 0
127	John Curtis ..	Appin .. .. .	21	6	16	6	13 13 0
128	Charles Cox ..	Newstead, near Narellan ..	45	15	12	0	31 4 0
129	William Boulton ..	Do. do. .. .. .	30	9	15	0	19 10 0
130	James Curtain ..	Appin .. .. .	33	10	14	6	21 9 0
131	Jesse Johnson ..	Glebe, near Campbelltown ..	30	9	15	0	19 10 0
132	John Bourke ..	Ousedale, near Appin .. .. .	30	9	15	0	19 10 0
133	Lanty Ryan ..	Appin .. .. .	6	1	19	0	3 18 0
134	George Simpson ..	Appin Road .. .. .	21	6	16	6	13 13 0
135	William M'Gregor ..	Boxhill, near Gledswood ..	7	7	16	0	15 12 0
136	Thomas Hickey ..	Glebe, near Campbelltown ..	9	2	18	6	5 17 0
137	Joseph Tripp ..	Rock Ponds, near Campbelltown	9	2	18	6	5 17 0
138	George Sells ..	Gledswood, do. .. .. .	21	6	16	6	13 13 0
139	Henry Harney ..	Macquarie Dale, near Appin ..	39	12	13	6	25 7 0
140	James Cummins ..	Menangle .. .. .	18	5	17	0	11 14 0
141	Philip Elliott ..	Stanhope, near Appin .. .. .	12	3	18	0	7 16 0
142	Michael Kinnear ..	Gledswood, near Campbelltown	9	2	18	6	5 17 0
143	Michael Sweeney ..	Camden Road .. .. .	21	6	16	6	13 13 0
144	Jabez Roots ..	Cobbity, near Narellan .. .. .	48	15	12	0	31 4 0
145	Terence O'Brien ..	Mount Gilead, near Campbelltown.	48	15	12	0	31 4 0
146	Benjamin Clayton ..	Rockwood, near Campbelltown	21	6	16	6	13 13 0
147	John Croft ..	Davis' Flats, do. .. .. .	18	5	17	0	11 14 0
148	William Marsh ..	Cobbity, near Narellan .. .. .	21	6	16	6	13 13 0
149	John Parker ..	Gledswood, near Campbelltown	15	4	17	6	9 15 0
150	Bridget Madden ..	Menangle .. .. .	3	0	19	6	1 19 0
151	Patrick O'Brien ..	Bringelly .. .. .	24	7	16	0	15 12 0
152	Enten Stein ..	Elderslie, near Campbelltown ..	24	7	16	0	15 12 0
153	George Fieldhouse ..	Narellan .. .. .	15	4	17	6	9 15 0
154	Michael Brest ..	Appin .. .. .	18	5	17	0	11 14 0
155	Mary Ann Winton ..	Near Appin .. .. .	24	7	16	0	15 12 0
156	Thomas Byrne ..	Ousedale Farm, near Appin ..	39	12	13	6	25 7 0
157	Edward Haughey ..	Blossom Lodge, do. .. .. .	21	6	16	6	13 13 0
158	Edward Peachey ..	Bringelly .. .. .	48	15	12	0	31 4 0
159	Joseph Simpson ..	Do. .. .. .	48	15	12	0	31 4 0
160	Charles Myalls ..	Do. .. .. .	30	9	15	0	19 10 0
161	John Poland ..	Appin .. .. .	21	6	16	6	13 13 0
162	William Oliver ..	Do. .. .. .	6	1	19	0	3 18 0
163	George Grant ..	Do. .. .. .	9	2	18	6	5 17 0
164	Joseph Martin ..	Do. .. .. .	12	3	18	0	7 16 0
165	Jeremiah Sullivan ..	Menangle Road .. .. .	9	2	18	6	5 17 0
166	John Antonio ..	East Bargo, near Appin .. .. .	39	12	13	6	25 7 0
167	Charles Green ..	Do. .. .. .	42	13	13	0	27 6 0
168	Patrick Lysaught ..	Mount Huon, near Campbelltown	21	6	16	6	13 13 0
169	Patrick Farrell ..	East Bargo, near Appin .. .. .	39	12	13	6	25 7 0
170	Michael Lough ..	Do. .. .. .	48	15	12	0	31 4 0
171	Henry Walker ..	Do. .. .. .	42	13	13	0	27 6 0
172	William Jeffery ..	Do. .. .. .	39	12	13	6	25 7 0
173	John Voch ..	Do. .. .. .	30	9	15	0	19 10 0
174	Isabella Duross ..	Campbell Fields .. .. .	48	15	12	0	31 4 0
175	Dennis Riley ..	Kirkham, near Narellan .. .. .	39	12	13	6	25 7 0
176	James Murray Shiels ..	East Bargo, near Appin .. .. .	48	15	12	0	31 4 0
177	Isaac Douse ..	Near Campbelltown .. .. .	12	3	18	0	7 16 0
178	Robert Roberts ..	Glebe, near Campbelltown ..	9	2	18	6	5 17 0
179	Solomon Ellis ..	Orielton, near Narellan .. .. .	12	3	18	0	7 16 0
180	Thomas Shiels ..	East Bargo, near Appin .. .. .	48	15	12	0	31 4 0
181	Francis Sheils ..	Do. .. .. .	48	15	12	0	31 4 0
182	George Donnelly ..	Do. .. .. .	6	1	19	0	3 18 0
183	John Stanford ..	Do. .. .. .	12	3	18	0	7 16 0
184	Colin M'Intosh ..	Ray's Farm, near Campbelltown	6	1	19	0	3 18 0
185	Thomas Smith ..	Near Campbelltown .. .. .	6	1	19	0	3 18 0
186	Edmond King ..	Near Macquarie Fields .. .. .	6	1	19	0	3 18 0
187	James M'Evoy ..	Appin .. .. .	12	3	18	0	7 16 0
188	Margaret Sutherland ..	East Bargo, near Appin .. .. .	21	6	16	6	13 13 0
189	George Oldfield ..	Campbelltown .. .. .	9	2	18	6	5 17 0
		TOTALS .. .. .	4,872	1,583	8	0	3,166 16 0

JOHN BRAY, J.P.

I certify that the within list contains a true account of the several particulars herein set forth.

GEORGE WHITE, C.P.S.

Police Office, Campbelltown,  
9 July, 1863.

## SEED WHEAT AND OATS.

9

LIST of the Names, &c., of Persons supplied by the Colonial Government, with Seed Oats, in the District of Campbelltown.

No.	NAMES.	RESIDENCES.	Number of Bushels, and price per Bushel.	AMOUNT.			BOND.		
				£	s.	d.	£	s.	d.
1	Mary Ann Winton ..	Upchurch Farm, near Appin ..	24	10	10	0	21	0	0
2	Patrick O'Brien ..	Cobbitty Farm, near Cobbitty ..	24	10	10	0	21	0	0
3	Patrick Kelly ..	Eagle Vale, near Campbelltown.	21	9	3	9	18	7	6
4	Solomon Ellis ..	Orielton, near Narellan ..	27	11	16	3	23	12	6
5	Thomas Hickey ..	Gledswood, near Campbelltown.	18	7	17	6	15	15	0
6	Charles M'Intosh ..	Catherine Fields, near Narellan.	9	3	18	9	7	17	6
7	John Scott ..	Narellan, near Camden ..	15	6	11	3	13	2	6
8	Joseph Scott ..	Do. do.	18	7	17	6	15	15	0
9	Elizabeth Scott ..	Do. do.	12	5	5	0	10	10	0
10	Thomas Howlett ..	Cobbitty, near Narellan ..	12	5	5	0	10	10	0
11	Michael Kinnear ..	Gledswood, near Campbelltown.	9	3	18	9	7	17	6
12	Peter Keshler ..	Near Campbelltown ..	6	2	12	6	5	5	0
13	William Croft ..	Eagle Vale, near Campbelltown.	30	13	2	6	26	5	0
14	John Haydon ..	Sugar Loaf, near Menangle ..	9	3	18	9	7	17	6
15	Patrick Lysaught ..	Mount Huon, near Campbelltown ..	9	3	18	9	7	17	6
16	Thomas Armstrong ..	Appin Road, near Campbelltown	9	3	18	9	7	17	6
17	George Simpson ..	Do. do.	27	11	16	3	23	12	6
18	Thomas Harvey ..	Lachlan Vale, near Appin ..	6	2	12	6	5	5	0
19	John Croft ..	Davis Flats, near Campbelltown	30	13	2	6	26	5	0
20	John Bourke ..	Mount Erin, near Campbelltown	15	6	11	3	13	2	6
21	Patrick Joyce ..	Liverpool Road ..	9	3	18	9	7	17	6
22	George Selms ..	Eagle Vale, near Campbelltown.	9	3	18	9	7	17	6
23	Thomas Collins ..	Do., do.	15	6	11	3	13	2	6
24	Andrew M'Lellan ..	Packer's Hill, near Campbelltown ..	30	13	2	6	26	5	0
25	George Johnson ..	Appin Road, near Campbelltown	30	13	2	6	26	5	0
26	William Gately ..	Mount Gilead, near Campbelltown ..	12	5	5	0	10	10	0
27	David Graham ..	Spring Creek Farm, near Campbelltown ..	9	3	18	9	7	17	6
28	John Cullen ..	Eagle Vale, near Campbelltown.	30	13	2	6	26	5	0
29	John Larkin ..	Appin Road, near Campbelltown	12	5	5	0	10	10	0
30	William Bayton ..	Eagle Vale, near Campbelltown.	27	11	16	3	23	12	6
31	James Blane ..	Lagart Fields, near Campbelltown ..	21	9	3	9	18	7	6
32	Thomas Barter ..	Kenney's Hill, near Campbelltown ..	27	11	16	3	23	12	6
33	Thomas Court ..	Eagle Vale, near Campbelltown.	18	7	17	6	15	15	0
34	Timothy Sweeney ..	Near Campbelltown ..	12	5	5	0	10	10	0
35	Euphemia Grant ..	Eagle Vale, near Campbelltown.	30	13	2	6	26	5	0
36	Charles Doran ..	St. Andrew's, near Campbelltown ..	27	11	16	3	23	12	6
37	William M'Gregor ..	Boxhill Farm, Gledswood ..	24	10	10	0	21	0	0
38	John Eagles ..	Appin ..	36	15	15	0	31	10	0
39	John Percival ..	Lachlan Vale, near Appin ..	15	6	11	3	13	2	6
40	Francis Schneider ..	Elderslie, near Narellan ..	6	2	12	6	5	5	0
41	John Luck ..	Lachlan Vale, near Appin ..	9	3	18	9	7	17	6
42	John Luck, junior ..	Do. do.	9	3	18	9	7	17	6
43	Amelia Bulger ..	Denham Court ..	15	6	11	3	13	2	6
44	Henry Harvey ..	Macquarie Dale, near Appin ..	9	3	18	9	7	17	6
45	Philip Collett ..	Do. do.	30	13	2	6	26	5	0
46	Patrick Kane ..	Near Campbelltown ..	9	3	18	9	7	17	6
47	James M'Grath ..	Summer Hill, near Appin ..	15	6	11	3	13	2	6
48	James Whitehead ..	Sugar Loaf, near Menangle ..	18	7	17	6	15	15	0
49	Edward Haughey ..	Blossom Lodge, near Appin ..	9	3	18	9	7	17	6
50	Denis Carroll ..	Appin Lodge, near Appin ..	18	7	17	6	15	15	0
51	John Poland ..	Blossom Lodge, near Appin ..	9	3	18	9	7	17	6
52	George Nicol ..	Macquarie Dale, near Appin ..	18	7	17	6	15	15	0
53	Henry Prior ..	Do. do.	9	3	18	9	7	17	6
54	John Windser ..	Lachlan Dale, near Appin ..	15	6	11	3	13	2	6
55	Bridget Fitzgerald ..	Sugar Loaf, near Campbelltown.	9	3	18	9	7	17	6
56	Job Greggery ..	Narellan, near Camden ..	18	7	17	6	15	15	0
57	Henry Mullholland ..	Leving Park, near Appin ..	9	3	18	9	7	17	6
58	John Molloy ..	Mount Britain, near Appin ..	6	2	12	6	5	5	0
59	George Sels ..	Gledswood, near Campbelltown.	18	7	17	6	15	15	0
60	William Marsh ..	Cobbitty, near Narellan ..	15	6	11	3	13	2	6
61	William Roberts ..	Denbeigh, near Narellan ..	12	5	5	0	10	10	0
62	Timothy Fitzgibbons ..	Devine's Run, near Narellan ..	18	7	17	6	15	15	0
63	Thomas Reynolds ..	Do. do.	18	7	17	6	15	15	0
64	Thomas Rixon ..	Appin Road ..	21	9	3	9	18	7	6
65	Joseph Lowe ..	Bringelly, near Narellan ..	39	17	1	3	34	2	6
66	Thomas Taylor ..	Glebe, near Campbelltown ..	9	3	18	9	7	17	6
67	William Reach ..	Mount Gilead, near Campbelltown ..	9	3	18	9	7	17	6
68	Michael O'Flaherty ..	Elderslie, near Narellan ..	6	2	12	6	5	5	0
69	James Curtin ..	Near Appin ..	15	6	11	3	13	2	6
70	John Curtis ..	Riley Estate, near Appin ..	9	3	18	9	7	17	6
71	Michael Laughlan ..	Appin ..	21	9	3	9	18	7	6
72	Patrick Bourke ..	Mount Erin, near Campbelltown	15	6	11	3	13	2	6
73	Thomas Friend ..	Spring Hill, near Narellan ..	30	13	2	6	26	5	0
74	Colin M'Intosh ..	Kay's Farm, near Campbelltown	30	13	2	6	26	5	0
75	Thomas Linton ..	Orielton, near Narellan ..	12	5	5	0	10	10	0

## SEED WHEAT AND OATS.

No.	NAMES.	RESIDENCES.	Number of Bushels, and Price per Bushel.		AMOUNT.			BOND.		
			6s.	9d.	£	s.	d.	£	s.	d.
76	William Cooper ..	Narellan Grange, near Narellan.	9		3	18	9	7	17	6
77	Margaret Sutherland ..	East Bargo, near Appin ..	9		3	18	9	7	17	6
78	William Kearns ..	Epping Forest, near Campbelltown ..	21		9	3	9	18	7	6
79	William Clynych ..	Appin ..	21		9	3	9	18	7	6
80	John Frost, senior ..	Appin Road ..	9		3	18	9	7	17	6
81	Thomas O'Brien ..	Sugar Loaf, near Campbelltown ..	12		5	5	0	10	10	0
82	Thomas Dwyer ..	Doom Farm, near Appin ..	12		5	5	0	10	10	0
83	Thomas Sharman ..	Liverpool Road ..	6		2	12	6	5	5	0
84	Patrick M'Mann ..	Elderslie, near Narellan ..	9		3	18	9	7	17	6
85	Thomas Byrnes ..	Appin ..	9		3	18	9	7	17	6
86	Thomas Bourke ..	Mount Erin, near Campbelltown ..	15		6	11	3	13	2	6
87	James English ..	Rock Ponds, near Campbelltown ..	6		2	12	6	5	5	0
88	Patrick Pendergast ..	Lagart Fields, near Campbelltown ..	21		9	3	9	18	7	6
89	William Jeffery ..	East Bargo, near Appin ..	9		3	18	9	7	17	6
90	George Taber ..	Menangle ..	21		9	3	9	18	7	6
91	John Webster ..	Lagart Fields, near Campbelltown ..	9		3	18	9	7	17	6
92	John Pendergast ..	Campbell's Fields, near Campbelltown ..	15		6	11	3	13	2	6
93	Lanty Ryan ..	Appin ..	6		2	12	6	5	5	0
TOTALS ..			1,479		£647	1	3	1,294	2	6

HENRY ROSE, J.P.

I certify that the within list contains a true account of the several particulars herein set forth.

Police Office, Campbelltown,  
9th July, 1863.

GEORGE WHITE, C.P.S.

## LIST of the Names, &amp;c., of Persons supplied by the Colonial Government with Seed Wheat in the District of Liverpool.

No.	Names.	Residences.	Number of Bushels, and price per Bushel.		Amount.			Bond.		
			6s.	6d.	£	s.	d.	£	s.	d.
1	Stephen Peters ..	Cabramatta, near Liverpool ..	30		9	15	0	19	10	0
2	Bridget Venable ..	Do. do. ..	15		4	17	6	9	15	0
3	William Dixon ..	Camp's Creek, near Liverpool ..	18		5	17	0	11	14	0
4	Peter Miller ..	Cabramatta Creek ..	24		7	16	0	15	12	0
5	George Alderson ..	Do. ..	21		6	16	6	13	13	0
6	James Andrews ..	Do. ..	12		3	18	0	7	16	0
7	Thomas Byrnes ..	Cecil Hills, Cabramatta ..	21		6	16	6	13	13	0
8	James Ritchie ..	Cabramatta, near Liverpool ..	6		1	19	0	3	18	0
9	William M'Kinley ..	Do. do. ..	18		5	17	0	11	14	0
10	Isaac Game ..	Do. do. ..	12		3	18	0	7	16	0
11	Thomas Carey ..	Do. do. ..	30		9	15	0	19	10	0
12	Peter Meers ..	Hoxton Park, Cabramatta ..	15		4	17	6	9	15	0
13	Jesse Butler ..	Moorebank, near Liverpool ..	6		1	19	0	3	18	0
14	Laughlan Buggy ..	Cabramatta, near Liverpool ..	18		5	17	0	11	14	0
15	James Curry ..	South Creek, near Liverpool ..	9		2	18	6	5	17	0
16	John Duke, senior ..	Holdsworthy, near Liverpool ..	6		1	19	0	3	18	0
17	James Kennedy ..	Moorebank, near Liverpool ..	3		0	19	6	1	19	0
18	Isaac Dawson ..	Denham Court ..	36		11	14	0	23	8	0
19	John Clavin ..	Hoxton Park, near Liverpool ..	9		2	18	6	5	17	0
20	John Campbell ..	Greenhills, Moorebank ..	12		3	18	0	7	16	0
21	John Neville ..	Do. do. ..	15		4	17	6	9	15	0
22	Robert Gray ..	Holdsworthy, near Liverpool ..	6		1	19	0	3	18	0
23	William Shepherd ..	Moorebank, near Liverpool ..	9		2	18	6	5	17	0
24	Charles Blinman ..	Minto, Macquarie Fields ..	9		2	18	6	5	17	0
25	Thomas Pye ..	Holdsworthy, near Liverpool ..	6		1	19	0	3	18	0
26	Edward Dowling ..	Do. do. ..	3		0	19	6	1	19	0
27	C. Hutchison Roberts ..	Exeter Farm, South Creek ..	24		7	16	0	15	12	0
28	Charles Johnston ..	Holdsworthy, near Liverpool ..	6		1	19	0	3	18	0
29	James Davis ..	Mary Hill Farm, near Liverpool ..	27		8	15	6	17	11	0
30	John Simpson ..	Mount Pleasant, near Liverpool ..	15		4	17	6	9	15	0
31	Thomas Smith ..	Bringelly, near Liverpool ..	15		4	17	6	9	15	0
32	Thomas Wade ..	Lansdown, near Liverpool ..	12		3	18	0	7	16	0
33	James Whitney ..	Moorebank, near Liverpool ..	6		1	19	0	3	18	0
34	Andrew Crain ..	Bankstown, near Liverpool ..	6		1	19	0	3	18	0
35	Charlotte Healey ..	Coole Farm, South Creek ..	12		3	18	0	7	16	0
36	Patrick Scanlan ..	Greenhills, near Liverpool ..	12		3	18	0	7	16	0
37	Thomas O'Brien ..	Do. do. ..	9		2	18	6	5	17	0
38	John Smith ..	Moorebank, near Liverpool ..	3		0	19	6	1	19	0
39	H. W. M'Kaughan ..	Hackney Farm, South Creek ..	9		2	18	6	5	17	0
TOTALS ..			525		£170	12	6	341	5	0

JERH. LINDE JONES, J.P.

I certify that the within list contains a true account of the several particulars herein set forth.

Police Office, Liverpool,  
11 July, 1863.

GEORGE WHITE, C.P.S.



## SEED WHEAT AND OATS.

11

LIST of the Names, &c., of Persons supplied by the Colonial Government with Seed Oats in the District of Liverpool.

No.	Names.	Residences.	Number of	Amount.			Bond.		
			Bushels, and price per Bushel.	£	s.	d.	£	s.	d.
			Ss. 9d.						
1	Sydney Davis ..	Moorebank, near Liverpool ..	21	9	3	9	18	7	6
2	John Kane ..	Holdsworth, near Liverpool ..	21	9	3	9	18	7	6
3	John Duke, senior ..	Do. do. ..	21	9	3	9	18	7	6
4	William Shepherd ..	Moorebank, near Liverpool ..	30	13	2	6	26	5	0
5	John Duke, junior ..	Holdsworth, near Liverpool ..	30	13	2	6	26	5	0
6	Andrew Cowan ..	Do. do. ..	30	13	2	6	26	5	0
7	John Napier ..	Moorebank, near Liverpool ..	39	17	1	3	34	2	6
8	Thomas Thorn ..	Holdsworth, near Liverpool ..	21	9	3	9	18	7	6
9	Robert Grey ..	Do. do. ..	30	13	2	6	26	5	0
10	Charles Thorn ..	Do. do. ..	21	9	3	9	18	7	6
11	John Thorn ..	Moorebank, near Liverpool ..	21	9	3	9	18	7	6
12	Robert Napier ..	Do. do. ..	30	13	2	6	26	5	0
13	John Smith ..	Do. do. ..	21	9	3	9	18	7	6
14	C. Hutchison Roberts ..	Exeter Farm, South Creek ..	24	10	10	0	21	0	0
15	James Davis ..	Mary Hill Farm, near Liverpool ..	21	9	3	9	18	7	6
16	Thomas Pye ..	Holdsworth, near Liverpool ..	39	17	1	3	34	2	6
17	Thomas Devaney ..	Moorebank, near Liverpool ..	21	9	3	9	18	7	6
18	Edward Dowling ..	Holdsworth, near Liverpool ..	12	5	5	0	10	10	0
19	James Kennedy ..	Moorebank, near Liverpool ..	9	3	18	9	7	17	6
20	John Neville ..	Greenhills, near Liverpool ..	33	14	8	9	29	17	6
21	Laughlan Buggy ..	Cabramatta, near Liverpool ..	21	9	3	9	18	7	6
22	Thomas Byrne ..	Do. do. ..	18	7	17	6	15	15	0
23	Patrick Devaney ..	Moorebank, near Liverpool ..	15	6	11	3	13	2	6
24	William Dixon ..	Kamp's Creek, Cabramatta ..	9	3	18	9	7	17	6
25	Thomas Carey ..	Cabramatta, near Liverpool ..	18	7	17	6	15	15	0
26	Charles Blinman ..	Lower Minto, near Liverpool ..	39	17	1	3	34	2	6
27	Thomas O'Brien ..	Greenhills, near Liverpool ..	39	17	1	3	34	2	6
28	Susan Meehan ..	Moorebank, near Liverpool ..	21	9	3	9	18	7	6
29	Dennis O'Brien ..	Greenhills, near Liverpool ..	39	17	1	3	34	2	6
30	James Whitney ..	Moorebank, near Liverpool ..	27	11	16	3	23	12	6
31	James Cullinane ..	Holdsworth, near Liverpool ..	48	21	0	0	42	0	0
32	Timothy Conlon ..	Cabramatta, near Liverpool ..	48	21	0	0	42	0	0
33	Hugh Knox ..	Moorebank, near Liverpool ..	24	10	10	0	21	0	0
34	Peter Meen ..	Oxton Park, near Liverpool ..	21	9	3	9	18	7	6
35	William Newman ..	Cabramatta, near Liverpool ..	21	9	3	9	18	7	6
36	Stephen Peters ..	Do. do. ..	15	6	11	3	13	2	6
37	William M'Kinley ..	Do. do. ..	30	13	2	6	26	5	0
38	John Clavin ..	Oxton Park, near Liverpool ..	39	17	1	3	34	2	6
39	Isaac Game ..	Cabramatta, near Liverpool ..	6	2	12	6	5	5	0
40	Thomas Wade ..	Lansdown Bridge, near Liverpool ..	30	13	2	6	26	5	0
41	George Alderson ..	Cabramatta, near Liverpool ..	6	2	12	6	5	5	0
42	Peter Miller ..	Do. do. ..	24	10	10	0	21	0	0
43	Paul Haynes ..	Do. do. ..	27	11	16	3	23	12	6
44	Jesse Butler ..	Moorebank, near Liverpool ..	9	3	18	9	7	17	6
45	Thomas Smith ..	Bringelly, near Liverpool ..	15	6	11	3	13	2	6
46	John Kennedy ..	Denham Court, near Liverpool ..	15	6	11	3	13	2	6
47	Isaac Dawson ..	Do. do. ..	12	5	5	0	10	10	0
48	Owen Barrett ..	Greenhills, near Liverpool ..	48	21	0	0	42	0	0
49	Patrick Scanlan ..	Do. do. ..	36	15	15	0	31	10	0
50	William Wallace ..	Bankstown ..	30	13	2	6	26	5	0
51	Thomas Sharpe ..	Macquarie Fields ..	42	18	7	6	36	15	0
52	William Joseph Ballard ..	Cabramatta, near Liverpool ..	12	5	5	0	10	10	0
53	Sydney John Brown ..	Smithfield, near Liverpool ..	12	5	5	0	10	10	0
54	Peter Jones ..	Eccles' Farm, near Liverpool ..	15	6	11	3	13	2	6
		TOTALS .. ..	1,326	£580	2	6	1,160	5	0

JERH. LINDE JONES, J.P.

I certify that the within list contains a true account of the several particulars herein set forth.

GEORGE WHITE, C.P.S.

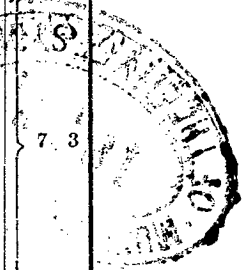
Police Office, Liverpool,  
11 July, 1863.

LIST of Farmers in the Police District of Penrith who have been supplied with Seed Wheat, in pursuance with instructions in Honorable Chief Secretary's letter of 4th March, 1863, No. 97, and subsequent letters.

No.	Names.	Residences.	Bushels.	Amount.			Price
				£	s.	d.	per Bushel.
1	Adams Edwards .. ..	Luddenham .. ..	6	2	3	6	s. d.
2	Allen James Hood .. ..	Erskine Park .. ..	21	7	12	3	
3	Buttenshaw James .. ..	Luddenham .. ..	21	7	12	3	
4	Buttenshaw Frederick .. ..	Do. .. ..	15	5	8	9	
5	Byrnes David .. ..	Mount Pleasant .. ..	15	5	8	9	
6	Byrne John .. ..	Mount Vernon .. ..	21	7	12	3	
7	Byrnes John .. ..	Nepean .. ..	21	7	12	3	
8	Byrnes Michael .. ..	Mount Vernon .. ..	21	7	12	3	
9	Cassidy Daniel .. ..	Regentville .. ..	9	3	5	3	
10	Childs Richard .. ..	Nepean .. ..	21	7	12	3	
11	Coagan William .. ..	Greendale .. ..	21	7	12	3	
12	Coffey William .. ..	Mount Pleasant .. ..	9	3	5	3	
13	Cole Thomas .. ..	Greendale .. ..	21	7	12	3	
14	Connelly Owen .. ..	Nepean .. ..	12	4	7	0	
15	Collins John .. ..	Cross Roads .. ..	21	7	12	3	
16	Cooper Richard .. ..	Penrith .. ..	6	2	3	6	
17	Dawson James .. ..	Shankamorie .. ..	6	2	3	6	
18	Dix Belcher .. ..	Greendale .. ..	21	7	12	3	
19	Dorahy William, senior .. ..	Do. .. ..	21	7	12	3	
20	Dorahy Patrick .. ..	Do. .. ..	21	7	12	3	
21	Doyle Thomas .. ..	Nepean .. ..	12	4	7	0	
22	Doyle James .. ..	Mount Vernon .. ..	21	7	12	3	
23	Dudley John .. ..	Erskine Park .. ..	9	3	5	3	
24	Duffy Thomas .. ..	Richmond Road .. ..	15	5	8	9	
25	Duncan John .. ..	Greendale .. ..	21	7	12	3	
26	Eaton George, senior .. ..	Luddenham .. ..	21	7	12	3	
27	Ebbs Michael .. ..	Greendale .. ..	21	7	12	3	
28	Ebbs Thomas .. ..	Do. .. ..	9	3	5	3	
29	English Patrick .. ..	Frogmore .. ..	21	7	12	3	
30	Fanning Edward .. ..	Mount Pleasant .. ..	21	7	12	3	
31	Field George .. ..	M'Henry's Estate .. ..	21	7	12	3	
32	Fitzgerald John .. ..	Greendale .. ..	21	7	12	3	
33	Fowler John .. ..	Mulgoa Winbourn .. ..	6	2	3	6	
34	Frazer John .. ..	Nepean .. ..	6	2	3	6	
35	Garvin Thomas .. ..	Agnes Banks .. ..	21	7	12	3	
36	Gibson George .. ..	Greendale .. ..	21	7	12	3	
37	Graham James .. ..	Do. .. ..	21	7	12	3	
38	Grey William .. ..	Do. .. ..	15	5	8	9	
39	Groves James .. ..	Do. .. ..	21	7	12	3	
40	Hayley Charlotte .. ..	Exeter Farm .. ..	9	3	5	3	
41	Hayes Joseph .. ..	Luddenham .. ..	21	7	12	3	
42	Hawkins Robert .. ..	Greendale .. ..	21	7	12	3	
43	Heavey Andrew .. ..	Woodriff's Estate .. ..	12	4	7	0	
44	Hefferan Patrick .. ..	M'Henry's Estate .. ..	12	4	7	0	7 3
45	Henderson Thomas .. ..	Luddenham .. ..	21	7	12	3	
46	Higgins Paul .. ..	Greendale .. ..	21	7	12	3	
47	Higgins John .. ..	Do. .. ..	21	7	12	3	
48	Hobby Thomas .. ..	Nepean .. ..	21	7	12	3	
49	Hogan Patrick .. ..	Greendale .. ..	21	7	12	3	
50	Holigan Patrick .. ..	Do. .. ..	21	7	12	3	
51	Holleran Thomas .. ..	Do. .. ..	21	7	12	3	
52	Holt Isaac .. ..	Luddenham .. ..	15	5	8	9	
53	Hovell Edward .. ..	Proctor's Lane, Penrith .. ..	9	3	5	3	
54	Howlett James, senior .. ..	Luddenham .. ..	21	7	12	3	
55	Howlett William .. ..	Greendale .. ..	21	7	12	3	
56	Howell George .. ..	Castlereagh .. ..	21	7	12	3	
57	Irwine James .. ..	Colyton .. ..	12	4	7	0	
58	Jackson John .. ..	Nepean .. ..	21	7	12	3	
59	Jennings John .. ..	Greendale .. ..	21	7	12	3	
60	Johnson Alexander .. ..	Lambridge Estate .. ..	21	7	12	3	
61	Kennedy Celia .. ..	Nepean .. ..	18	6	10	6	
62	King Thomas .. ..	Luddenham .. ..	21	7	12	3	
63	Maboney Henry .. ..	Do. .. ..	21	7	12	3	
64	Maloney Michael .. ..	Greendale .. ..	21	7	12	3	
65	Manning John .. ..	Frogmore .. ..	21	7	12	3	
66	Mann Thomas .. ..	Castlereagh .. ..	21	7	12	3	
67	March Conrad Henry .. ..	Grass Tree Hill .. ..	15	5	8	9	
68	Mills James .. ..	Mount Pleasant .. ..	21	7	12	3	
69	Morehead Arthur .. ..	Greendale .. ..	21	7	12	3	
70	Miller Stewart .. ..	Richmond Road .. ..	9	3	5	3	
71	Nelson Samuel .. ..	M'Henry's Estate .. ..	15	5	8	9	
72	Neville James .. ..	Mount Pleasant .. ..	15	5	8	9	
73	Norris James .. ..	Little Frogmore .. ..	21	7	12	3	
74	Peckham Henry .. ..	Nepean .. ..	21	7	12	3	
75	Perry John .. ..	Greendale .. ..	21	7	12	3	
76	Pidgeon Sarah .. ..	Sandillo .. ..	21	7	12	3	
77	Power James .. ..	Regentville .. ..	12	4	7	0	
78	Proctor Samuel .. ..	Frogmore .. ..	15	5	8	9	
79	Rees Richards .. ..	Nepean .. ..	12	4	7	0	
80	Rolston William .. ..	M'Henry's Estate .. ..	12	4	7	0	
81	Rooney Julia .. ..	Frogmore .. ..	15	5	8	9	
82	Ryan Edmund .. ..	Do. .. ..	21	7	12	3	
83	Salmon Michael .. ..	Colyton .. ..	21	7	12	3	
84	Smith William .. ..	Richmond Road .. ..	12	4	7	0	
85	Sullivan Morthay .. ..	Greendale .. ..	21	7	12	3	

SEED WHEAT AND OATS.

No.	Names.	Residences.	Bushels.	Amount.			Price per Bushel.	
				£	s.	d.	s.	d.
86	Taylor Robert..	Luddenham ..	21	7	12	3		
87	Wagner Peter ..	Do. ..	6	2	3	6		
88	Wakeling Benjn. ..	Greendale ..	21	7	12	3		
89	Wakeling Joseph ..	Grass Tree Hill ..	21	7	12	3		
90	Walker James..	Colyton ..	21	7	12	3		
91	Welsh James ..	Regentville ..	21	7	12	3		
92	Warren Joseph ..	Greendale ..	21	7	12	3		
93	Weavers Sarah ..	Castlereagh ..	15	5	8	9		
94	Wilkinson John, junior ..	Greendale ..	21	7	12	3		
95	Wilson Andrew ..	Luddenham ..	9	3	5	3		
96	Wright William ..	Nepean ..	21	7	12	3		
97	Anshaw Fras. Jos. ..	Luddenham ..	12	4	7	0		
98	Barton William ..	Castlereagh ..	21	7	12	3		
99	Beazley Charles ..	Lambridge Estate ..	21	7	12	3		
100	Brownlow William ..	Nepean ..	9	3	5	3		
101	Byrnes James ..	Do. ..	21	7	12	3		
102	Druitt Joseph ..	Do. ..	21	7	12	3		
103	Fisher John ..	Castlereagh ..	12	4	7	0		
104	Fletcher Henry ..	Agnes Banks ..	21	7	12	3		
105	Gusse Edward ..	Wentworth's Estate ..	12	4	7	0		
106	Hatley Robert..	Castlereagh ..	12	4	7	0		
107	Hogan Edmund ..	Regentville ..	12	4	7	0		
108	Hoy Charles ..	Castlereagh ..	21	7	12	3		
109	Irwine Thos. ..	Colyton..	15	5	8	9		
110	Lackey Patrick ..	Wentworth's Estate ..	21	7	12	3		
111	Morphett John..	Erskine Park ..	21	7	12	3		
112	O'Neil James ..	Agnes Banks ..	12	4	7	0		
113	Patmann William ..	Werrington ..	12	4	7	0		
114	Roberts Chas. Hutchinson	Exeter Farm ..	21	7	12	3		
115	Robinson Wm. ..	Colyton..	21	7	12	3		
116	Stanfield Joseph ..	Luddenham ..	21	7	12	3		
117	Turner Jesse ..	Rope's Creek ..	21	7	12	3		
118	Dorrington Hamob ..	Woodriff's Estate ..	21	7	12	3		
119	Field Henry ..	Nepean ..	21	7	12	3		
120	Gilligan Peter, junior ..	Regentville ..	6	2	3	6		
121	Hartley David..	Penrith ..	12	4	7	0		
122	Hogan Matthew ..	Landillo ..	12	4	7	0		
123	Lees Cornelius..	Nepean ..	15	5	8	9		
124	M'Gee Thos. ..	Luddenham ..	12	4	7	0		
125	Roach Martin ..	Mulgoa ..	21	7	12	3		
126	Morphett James ..	Erskine Park ..	21	7	12	3		
127	Rushton Thos. ..	Nepean ..	21	7	12	3		
128	Stanton James..	Exeter Farm ..	12	4	7	0		
129	Thompson James ..	Landillo ..	9	3	5	3		
130	Tubb Henry ..	Nepean ..	21	7	12	3		
131	Turner Thos. ..	Macquarie Hill, Western Road ..	6	2	3	6		
132	Vine Richard ..	Woodriff's Estate ..	12	4	7	0		
133	Weyman Henry ..	Piper's Farm ..	6	2	3	6		
134	Andrews Charles ..	Regentville ..	21	7	12	3		
135	Masters William ..	Dunheved ..	9	3	5	3		
136	Nash George ..	Landillo ..	12	4	7	0		
137	Shields William ..	Mount Pleasant ..	12	4	7	0		
138	Smith Charlotte ..	Near Mamrie ..	6	2	3	6		
139	Tomkins James ..	Castlereagh ..	12	4	7	0		
140	Wilson George ..	Greendale ..	21	7	12	3		
141	Wilson John ..	Do. ..	21	7	12	3		
142	Andrews Saml. ..	Werrington ..	21	7	12	3		
143	Bourke Margt... ..	Greendale ..	15	5	8	9		
144	Blowes David ..	Stonequarie Hill ..	18	6	10	6		
145	Carroll John ..	Shankamore ..	18	6	10	6		
146	Clarke Matthew ..	Nepean, Co. Cook ..	9	3	5	3		
147	Collis James ..	Nepean ..	12	4	7	0		
148	Greenhalgh Wm. ..	Castlereagh ..	9	3	5	3		
149	Jones James ..	Do. ..	21	7	12	3		
150	Peck James ..	Exeter Farm ..	9	3	5	3		
151	Turner George ..	Rope's Creek ..	9	3	5	3		
152	Blencowe Thos. ..	Dunheved ..	9	3	5	3		
153	Boots James ..	Do. ..	15	5	8	9		
154	Burrell John ..	Nepean ..	9	3	5	3		
155	Castledine Thos. ..	Do. ..	9	3	5	3		
156	Cook Emanuel..	Dunheved ..	15	5	8	9		
157	Croft Joseph ..	Nepean ..	6	2	3	6		
158	Jones Charles ..	Do. ..	6	2	3	6		
159	Lingard John ..	Dunheved ..	9	3	5	3		
160	Luxford James ..	Do. ..	15	5	8	9		
161	M'Phee Andrew ..	Do. ..	15	5	8	9		
162	Nott James ..	Nepean ..	6	2	3	6		
163	Payne James ..	Dunheved ..	21	7	12	3		
164	Shiels Alexander ..	Castlereagh ..	9	3	5	3		
165	Stutchbury Geo. ..	Dunheved ..	9	3	5	3		
166	Upton Jesse ..	Emu Plains ..	9	3	5	3		
167	Zolither Geo. ..	Frogmore ..	9	3	5	3		
168	Cooper William ..	Nepean ..	9	3	5	3		
169	Fletcher Frederick ..	Agnes Banks ..	21	7	12	3		
170	Haines George ..	Nepean ..	9	3	5	3		
171	Harden John ..	Erskine Park ..	15	5	8	9		
172	Joyce Edward ..	Regentville ..	6	2	3	6		
173	Moss John ..	Western Road ..	6	2	3	6		
174	Pugh Richard ..	Richmond Road ..	9	3	5	3		



## SEED WHEAT AND OATS.

No.	Names.	Residences.	Bushels.	Amount.	Price per Bushel.	
				£ s. d.	s. d.	
175	Beacroft John .. ..	Dunheved .. ..	6	2 3 6	} 7 3	
176	Doorey Alfred .. ..	Richmond Road .. ..	9	3 5 3		
177	Farbanks James .. ..	Woodriff's Estate .. ..	12	4 7 0		
178	Shaw Mary .. ..	Nepean .. ..	6	2 3 6		
179	Heaton Richard .. ..	O'Connell Estate .. ..	12	4 7 0		
180	Beacroft James .. ..	St. Mary's .. ..	21	7 12 3		
181	Mizen William .. ..	Do. .. ..	12	4 7 0		
182	Carroll Thomas .. ..	Shankamore .. ..	21	7 12 3		
183	Barlow Charles .. ..	Nepean .. ..	21	7 12 3		
184	Tolhurst Thos. .. ..	South Creek .. ..	15	5 8 9		
185	Cooper James .. ..	Luddenham .. ..	9	3 5 3		
186	Eaton George .. ..	Do. .. ..	21	7 12 3		
187	Smith John .. ..	Colyton .. ..	12	4 7 0		
188	Saird George .. ..	Mulgoa .. ..	12	4 7 0		
189	Elliott George.. ..	Regentville .. ..	9	3 5 3		
190	Gelday Thomas .. ..	Do. .. ..	18	6 10 6		
191	O'Connor Peter .. ..	Mulgoa .. ..	15	5 8 9		
TOTALS .. ..			3,000	1,087 10 0		

Dated at Penrith, this 27th day of April, A.D. 1863.

JOSEPH L. D. SINGLE, J.P.  
 J. KING LETHBRIDGE, J.P.  
 WILLIAM TINDALE.  
 T. U. SHEPHERD, J.P.  
 JAMES T. RYAN, M.P.

Correct.—RICHARD BROOKS, C.P.S.

RETURN of Recipients of Seed Oats, Penrith District, supplied by Bench of Magistrates and the gentlemen associated with them in the distribution of Seed to distressed Farmers.

No. of Bond.	NAMES.	ADDRESSES.	Bushels.	Amount.	Receipts of Wheat.	Price per Bushel.
				£ s. d.	bush.	s. d.
1	Anshaw, Fras. Joseph..	Luddenham .. ..	6	2 13 0	12	8 10
2	Allan James Hood .. ..	Erskine Park .. ..	6	2 13 0	21	"
3	Barlow John .. ..	Nepean .. ..	9	3 19 6	"	"
4	Brownlow William .. ..	Do. .. ..	9	3 19 6	9	"
5	Buttonshaw James .. ..	Luddenham .. ..	12	5 6 0	21	"
6	Byrne John .. ..	Mount Vernon .. ..	15	6 12 6	21	See bond 102.
7	Byrne David .. ..	Mount Pleasant .. ..	15	6 12 6	15	8 10
8	Coffey William .. ..	Do. do. .. ..	6	2 13 0	9	"
9	Collins John .. ..	Cross Roads .. ..	12	5 6 0	21	"
10	Cooper James .. ..	Luddenham .. ..	12	5 6 0	9	"
11	Doorey Alfred .. ..	Richmond Road .. ..	9	3 19 6	9	"
12	Dorahy William .. ..	Greendale .. ..	12	5 6 0	21	"
13	Durrington Hannah .. ..	Woodriff Estate .. ..	15	6 12 6	21	"
14	English Patrick .. ..	Frogmore .. ..	15	6 12 6	21	{ See bond 101 also.
15	Fowler John .. ..	Winbourne Estate .. ..	9	3 19 6	6	8 10
16	Gildea Thomas .. ..	Regentville .. ..	9	3 19 6	18	"
17	Gilligan Peter .. ..	Do. .. ..	12	5 6 0	6	"
18	Groves James .. ..	Greendale .. ..	9	3 19 6	21	"
19	Hatley Robert .. ..	Mount Pleasant .. ..	15	6 12 6	12	"
20	Hayes Joseph .. ..	Luddenham .. ..	12	5 6 0	21	"
21	Hefferan Patrick .. ..	M'Henry's Estate .. ..	9	3 19 6	12	"
22	Hogan Matthew .. ..	Landillo .. ..	6	2 13 0	12	"
23	Hogan Edmund .. ..	Regentville .. ..	12	5 6 0	12	"
24	Hoy Charles .. ..	Castlereagh .. ..	9	3 19 6	21	"
25	Irwine Thomas .. ..	Colyton .. ..	15	6 12 6	15	"
26	Johnson Alexander .. ..	Lambridge Estate .. ..	15	6 12 6	21	"
27	Joyce Edward .. ..	Regentville .. ..	6	2 13 0	6	"
28	Learment Alexander .. ..	Walgrove .. ..	15	6 12 6	"	"
29	M'Murray William .. ..	Regentville .. ..	15	6 12 6	"	"
30	Mills James .. ..	Mount Pleasant .. ..	6	2 13 0	21	"
31	Nash George .. ..	Landillo .. ..	15	6 12 6	12	"
32	Neilson Samuel .. ..	Nepean .. ..	15	6 12 6	15	"
33	Neville James .. ..	Mount Pleasant .. ..	15	6 12 6	15	"
34	Perkins Linu .. ..	Mount Capricorn .. ..	15	6 12 6	"	"
35	Perry John .. ..	Greendale.. ..	15	6 12 6	21	"
36	Power James .. ..	Regentville .. ..	15	6 12 6	12	"
37	Roach Martin .. ..	Winbourne .. ..	15	6 12 6	21	"
38	Rolston William.. ..	Lambridge Estate .. ..	9	3 19 6	12	"
39	Rolston John .. ..	Do. do. .. ..	15	6 12 6	"	"

SEED WHEAT AND OATS.

No. of Bond.	NAMES.	ADDRESSES.	Bushels.	Amount.	Recpt. cents of Wheat.	Price per Bushel.
				£ s. d.	bush.	s. d.
40	Rooney Julia ..	Frogmore ..	12	5 6 0	15	8 10
41	Salmon Michael ..	Colyton ..	15	6 12 6	21	"
42	Smith Charlotte ..	Mamrie ..	9	3 19 6	6	"
43	Thomson James ..	Landillo ..	6	2 13 0	9	"
44	Turner Thomas ..	M'Quarie Hill ..	12	5 6 0	6	"
45	Wakeling Benjamin ..	Greendale..	12	5 6 0	21	"
46	Wakeling Joseph ..	Grasstree Hill ..	12	5 6 0	21	"
47	Welsh James ..	Regentville ..	15	6 12 6	21	"
48	Dix Belcher ..	Greendale..	9	3 19 6	21	"
49	Doyle James ..	Mount Vernon ..	15	6 12 6	21	"
50	Eaton George ..	Luddenham ..	15	6 12 6	21	"
51	Gibson George ..	Greendale ..	12	5 6 0	21	"
52	Higgins John ..	Do. ..	12	5 6 0	21	"
53	Howlett James ..	Luddenham ..	6	2 13 0	21	"
54	Payne James, junior ..	Dunheved ..	15	6 12 6	..	"
55	Pugh Richard ..	Richmond Road ..	15	6 12 6	9	"
56	Hogan Patrick ..	Greendale ..	12	5 6 0	21	"
57	Hovell Edward ..	Nepean ..	6	2 13 0	9	"
58	O'Connor Peter ..	Mulgoa ..	15	6 12 6	15	"
59	Sullivan Morthy ..	Greendale ..	12	5 6 0	21	"
60	Wilson John ..	Greendale..	9	3 19 6	21	"
61	Wilson George ..	Do. ..	12	5 6 0	21	"
62	Beazley Charles ..	Nepean ..	15	6 12 6	21	"
63	Byrne Michael ..	Mount Vernon ..	15	6 12 6	21	"
64	Field Henry ..	Castlereagh ..	15	6 12 6	21	"
65	Heavey Andrew ..	Penrith ..	12	5 6 0	12	"
66	M'Laren William ..	Regentville ..	12	5 6 0	..	"
67	Mason Thomas ..	Castlereagh ..	15	6 12 6	..	"
68	Perkins M. ..	Rooty Hill ..	9	3 19 6	..	"
69	Roberts Charles H. ..	Excter Farm ..	15	6 12 6	21	"
70	Ryan Edmund ..	Frogmore ..	9	3 19 6	21	"
71	Walker James ..	Colyton ..	15	6 12 6	21	"
72	Weyman Henry ..	Piper's Farm ..	9	3 19 6	6	"
73	Wright William ..	Nepean ..	9	3 19 6	21	"
74	Connolly James ..	Greendale..	15	6 12 6	..	"
75	Graham James ..	Do. ..	6	2 13 0	21	"
76	Jones Charles ..	Nepean ..	15	6 12 6	6	"
77	Peckham Henry..	Do. ..	9	3 19 6	21	"
78	Young John ..	Colyton ..	3	1 6 6	..	"
79	Blowes David ..	Stonequarie Hill..	12	5 6 0	18	"
80	Brown Michael ..	Woodriff Estate ..	9	3 19 6	..	"
81	Dorahy Patrick ..	Greendale..	12	5 6 0	21	"
82	Upton Jesse ..	Emu Plains ..	21	9 5 6	9	"
83	Rees Richard ..	Nepean ..	12	5 6 0	12	"
84	Zolither George ..	Frogmore ..	12	5 6 0	9	"
85	Andrews Samuel ..	Cummings Farm ..	15	6 12 6	21	{ See also bond 100.
86	Misen William ..	St. Mary's ..	15	6 12 6	12	8 10
87	Collis William ..	Nepean ..	21	9 5 6	..	"
88	Boots James ..	St. Mary's ..	15	6 12 6	..	"
89	Bennett Thomas..	Dunheved..	12	5 6 0	..	"
90	Turner George ..	Rope's Creek ..	9	3 19 6	..	"
91	Byrnes John ..	Nepean ..	9	3 19 6	9	"
92	Hartless David ..	Penrith ..	15	6 12 6	12	"
93	Forcett Peter ..	Nepean ..	12	5 6 0	..	"
94	Robinson William ..	Colyton ..	12	5 6 0	21	"
95	Smith John ..	Rope's Creek ..	15	6 12 6	12	"
96	Hughes Henry ..	Colyton ..	15	6 12 6	..	"
97	Dudley John ..	Erskine Park ..	9	3 19 6	9	"
98	Carver Benjamin ..	Grose River ..	15	6 12 6	..	"
99	Proctor Samuel ..	Frogmore ..	15	6 12 6	15	"
100	Andrews Samuel ..	Wellington ..	9	3 19 6	21	{ See bonds No. 85 } 2nd supply
101	English Patrick ..	Frogmore ..	6	2 13 0	21	{ No. 14 } on appli-
102	Byrne John ..	Mount Pleasant ..	6	2 13 0	21	{ No. 6 } cation.
		GRAND TOTAL ..	1,215	£536 12 6		
		On hand ..	785			
			2,000			

Certified to be correct—

RICHARD BROOKS.

18th September, 1863.

RETURN of Seed Wheat supplied by the Government to Agriculturists in the District of Parramatta, on the occasion of the late drought.

NAME.	RESIDENCE.	Number of Bushels, and Price per Bushel.	AMOUNT.		
			£	s.	d.
		At 6s. 9 <sup>1</sup> / <sub>2</sub> d.			
Ashton William .. .. .	Windsor Road .. .. .	15	4	10	6 <sup>1</sup> / <sub>2</sub>
Bennett Eliz. .. .. .	Baulkham Hills .. .. .	15	4	10	6 <sup>1</sup> / <sub>2</sub>
Black John .. .. .	Dural .. .. .	21	6	6	8 <sup>3</sup> / <sub>4</sub>
Booth Stephen .. .. .	Prospect .. .. .	3	0	18	1 <sup>1</sup> / <sub>2</sub>
Black Geo. .. .. .	Dural .. .. .	6	1	16	2 <sup>1</sup> / <sub>2</sub>
Booth John .. .. .	Prospect .. .. .	6	1	16	2 <sup>1</sup> / <sub>2</sub>
Cassidy Mary .. .. .	Do. .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Castles Geo. .. .. .	Baulkham Hills .. .. .	21	6	6	8 <sup>3</sup> / <sub>4</sub>
Clout Edwd. .. .. .	Do. .. .. .	12	3	12	5
Clark Charles .. .. .	Do. .. .. .	6	1	16	2 <sup>1</sup> / <sub>2</sub>
Dungate Edwin .. .. .	Cabramatta .. .. .	18	5	8	7 <sup>1</sup> / <sub>2</sub>
Davis Thos. .. .. .	Prospect .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Duross Pat. .. .. .	Eastern Creek .. .. .	21	6	6	8 <sup>3</sup> / <sub>4</sub>
Flint W. .. .. .	Baulkham Hills .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Fuller R. .. .. .	Dural .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Fuller Thos. .. .. .	Colo .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Hodges Job .. .. .	Sherwood .. .. .	21	6	6	8 <sup>3</sup> / <sub>4</sub>
James John .. .. .	Baulkham Hills .. .. .	21	6	6	8 <sup>3</sup> / <sub>4</sub>
King John .. .. .	Do. .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Lemon James .. .. .	Do. .. .. .	21	6	6	8 <sup>3</sup> / <sub>4</sub>
M'Gee Thos. .. .. .	Do. .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
M'Guire Richd. .. .. .	Prospect Creek .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Nolan Pat. .. .. .	Cabramatta .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Newlands Geo. .. .. .	Castle Hill .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
O'Shea James .. .. .	Kissing Point .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Poor Morgan .. .. .	Prospect .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Perkins William .. .. .	Baulkham Hills .. .. .	15	4	10	6 <sup>1</sup> / <sub>2</sub>
Tompkins H. .. .. .	Dural .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Wheeler Levy .. .. .	Baulkham Hills .. .. .	12	3	12	5
Walwork John .. .. .	Do. .. .. .	15	4	10	6 <sup>1</sup> / <sub>2</sub>
Williams Hugh .. .. .	Prospect .. .. .	24	7	4	10
Young Joseph .. .. .	Parramatta .. .. .	9	2	14	3 <sup>3</sup> / <sub>4</sub>
Moulder Thos. .. .. .	Pennant Hills .. .. .	30	9	0	0 <sup>1</sup> / <sub>2</sub>
Clarke Charles .. .. .	Baulkham Hills .. .. .	3	0	18	14
	Seed Wheat supplied .. .. .	432	£150	5	11
	" on hand .. .. .	11			
	TOTAL .. .. .	443 bshls.			

(For the Bench.)  
GEORGE LANGLEY, J.P.

RETURN of Seed Oats supplied by the Government to Agriculturists in the District of Parramatta, on the occasion of the late drought.

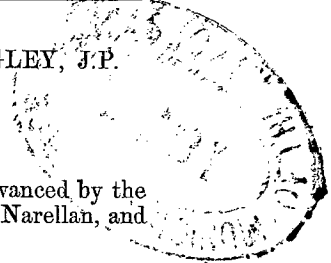
NAME.	RESIDENCE.	Number of Bushels, and Price per Bushel.	AMOUNT.		
			£	s.	d.
		At 9s. 9d.			
Ashton William .. .. .	Windsor Road .. .. .	21	9	0	3
Black John .. .. .	Dural .. .. .	27	11	11	9
Black George .. .. .	Do. .. .. .	36	15	9	0
Brown John .. .. .	Baulkham Hills .. .. .	48	20	12	0
Bennett Eliz. .. .. .	Do. .. .. .	30	12	17	6
Booth John .. .. .	Prospect .. .. .	21	9	0	3
Booth Stephen .. .. .	Do. .. .. .	9	3	17	3
Castles George .. .. .	Baulkham Hills .. .. .	6	2	11	6
Clark Charles .. .. .	Do. .. .. .	6	2	11	6
Clark Charles .. .. .	Do. .. .. .	12	5	3	0
Clark Charles .. .. .	Do. .. .. .	12	5	3	0
Cassidy Mary .. .. .	Prospect .. .. .	39	16	14	9
Clout Edward .. .. .	Baulkham Hills .. .. .	18	7	14	6
Carberry Patrick .. .. .	Prospect .. .. .	48	20	12	0
Duross Patrick .. .. .	Eastern Creek .. .. .	18	7	14	6
Davis Thomas .. .. .	Prospect .. .. .	39	16	14	9
Dengate Edwin .. .. .	Cabramatta .. .. .	21	9	0	3
Delaney Thomas .. .. .	Prospect .. .. .	42	18	0	6
Elliott Anthony .. .. .	Prospect Creek .. .. .	21	9	0	3
Fuller Thomas, junior .. .. .	Colo .. .. .	39	16	14	9
Fuller Robert .. .. .	Dural .. .. .	33	14	3	3
Granger Catherine .. .. .	Prospect .. .. .	48	20	12	0
Hodges Job .. .. .	Sherwood .. .. .	21	9	0	3
Hodges Thomas .. .. .	Do. .. .. .	9	3	17	3
Jay John .. .. .	Castle Hill .. .. .	21	9	0	3
James John, junior .. .. .	Baulkham Hills .. .. .	48	20	12	0
James John, senior .. .. .	Do. .. .. .	27	11	11	9
Kennagh James .. .. .	Kissing Point .. .. .	24	10	6	0

SEED WHEAT AND OATS.

NAME.	RESIDENCE.	Number of Bushels, and Price per Bushel.	AMOUNT.		
			At 9s. 9d.	£	s.
Kennedy George .. .. .	Dural .. .. .	30	12	17	6
Kearns William .. .. .	Castle Hill .. .. .	21	9	0	3
King John .. .. .	Baulkham Hills .. .. .	12	5	3	0
Lakeman Charles .. .. .	Parramatta .. .. .	12	5	3	0
Leabeater John .. .. .	Prospect .. .. .	12	5	3	0
Lemon James .. .. .	Baulkham Hills .. .. .	27	11	11	9
M'Brien Carson .. .. .	Parramatta .. .. .	6	2	11	6
M'Cue William .. .. .	Baulkham Hills .. .. .	48	20	12	0
Maloney Michael .. .. .	Windsor Road .. .. .	15	6	8	9
M'Guire Richard .. .. .	Prospect Creek .. .. .	39	16	14	9
M'Roberts James .. .. .	Pennant Hills Road .. .. .	48	20	12	0
M'Gee Thomas .. .. .	Baulkham Hills .. .. .	12	5	3	0
Moulds Simon, junior .. .. .	Dural .. .. .	21	9	0	3
Moulder Thomas .. .. .	Pennant Hills .. .. .	12	5	3	0
Nolan Patrick .. .. .	Cabramatta .. .. .	9	3	17	3
Newlands George.. .. .	Castle Hill .. .. .	30	12	17	6
O'Shea James .. .. .	Kissing Point .. .. .	33	14	3	3
Perkins William .. .. .	Baulkham Hills .. .. .	12	5	3	0
Purcell Alfred .. .. .	Do. .. .. .	48	20	12	0
Perkins William .. .. .	Do. .. .. .	21	9	0	3
Poor Timothy .. .. .	Prospect .. .. .	48	20	12	0
Pike John .. .. .	Do. .. .. .	42	18	0	6
Pike Robert .. .. .	Do. .. .. .	39	16	14	9
Poor Morgan .. .. .	Do. .. .. .	39	16	14	9
Roughley Joseph .. .. .	Dural .. .. .	42	18	0	6
Stewart Thomas .. .. .	Baulkham Hills .. .. .	48	20	12	0
Sutherland John .. .. .	Do. .. .. .	48	20	12	0
Tuckwell George Thomas .. .. .	Dural .. .. .	27	11	11	9
Tuckwell William.. .. .	Castle Hill .. .. .	42	18	0	6
Williams Hugh .. .. .	Prospect .. .. .	24	10	6	0
Warner Samuel .. .. .	Dural .. .. .	42	18	0	6
Wheeler Levy .. .. .	Baulkham Hills .. .. .	12	5	3	0
Walwork John .. .. .	Do. .. .. .	33	14	3	3
Young Joseph .. .. .	Parramatta .. .. .	39	16	14	9
	Seed Oats supplied .. .. .	1,737	£684	9	3
	on hand .. .. .	156			
	TOTAL .. .. .	1,893			

(For the Bench,)

GEORGE LANGLEY, J.P.



RETURN shewing the Names of the Persons to whom Seed Wheat was advanced by the Government, in the Picton portion of the Police District of Camden, Narellan, and Picton, year 1863.

No.	NAMES.	RESIDENCES.	No. of Bushels of Seed Wheat.	Price per Bushel.	TOTAL PRICE.
1	John Evans .. .. .	Jarvisfield .. .. .	6	} s. d. 6 6	£ 1 19 0
2	George Blatch.. .. .	Cedar Creek .. .. .	36		11 14 0
3	Joseph Radcliffe .. .. .	Long Point .. .. .	36		11 14 0
4	Curtis Carr .. .. .	Redbank .. .. .	12		3 18 0
5	Robert T. Curtis .. .. .	Douglass Park.. .. .	24		7 16 0
6	William Byrnes .. .. .	Bull Bed .. .. .	21		6 16 6
7	John M'Lean .. .. .	Do. .. .. .	18		5 17 0
8	John M'Cooley .. .. .	Burrangorang .. .. .	27		8 15 6
9	Daniel Carmody .. .. .	Rock Barton .. .. .	30		9 15 0
10	Patrick Eagan .. .. .	Burrangorang .. .. .	12		3 18 0
11	George Gaudy.. .. .	Wellington Park .. .. .	33		10 14 6
12	Samuel Williams .. .. .	Burrangorang .. .. .	18		5 17 0
13	William Large .. .. .	Do. .. .. .	15		4 17 6
14	John Sheehy .. .. .	Do. .. .. .	21		6 16 6
15	William Maxwell .. .. .	Do. .. .. .	9		2 18 6
16	Elizabeth O'Brien .. .. .	Do. .. .. .	21		6 16 6
17	Thomas Greetham .. .. .	Do. .. .. .	15		4 17 6
18	Francis Keefe .. .. .	Do. .. .. .	18		5 17 0
19	Christopher Quin .. .. .	Do. .. .. .	12		3 18 0
20	James Thompson .. .. .	Do. .. .. .	15		4 17 6
21	Charles Collins .. .. .	Do. .. .. .	27		8 15 6
22	Augustus Meurant .. .. .	Do. .. .. .	21		6 16 6
23	Richard Carter .. .. .	West Bargo .. .. .	36		11 14 0
24	George Whiteman .. .. .	Do. .. .. .	30		9 15 0
25	John Whiteman .. .. .	Do. .. .. .	30		9 15 0
26	George Cooper .. .. .	Stevy's Forest.. .. .	15		4 17 6
27	Arthur Baggs .. .. .	Do. .. .. .	15		4 17 6
28	William Anderson .. .. .	Bargo .. .. .	30		9 15 0

## SEED WHEAT AND OATS.

No.	NAMES.	RESIDENCES.	No. of Bushels of Seed Wheat.	Price per Bushel.	TOTAL PRICE.	
					£ s. d.	
29	Patrick Martin .. ..	Oaks .. ..	30	} s. d. 6 6	9 15 0	
30	Timothy Ousack .. ..	Scabright Park .. ..	21		6 16 6	
31	Donald M'Kinnon .. ..	Do. .. ..	39		12 13 6	
32	Joseph Crawford .. ..	Bargo .. ..	15		4 17 6	
33	Francis Dietrich .. ..	Do. .. ..	12		3 18 0	
34	Angus Nicholson .. ..	Bull Bed .. ..	48		15 12 0	
35	Alexander Shaw .. ..	Clifton .. ..	12		3 18 0	
36	Luke Reilly .. ..	Oaks .. ..	21		6 16 6	
37	Ann Kelly .. ..	Do. .. ..	27		8 15 6	
38	Donald M'Innes .. ..	Clifton .. ..	45		14 12 6	
39	Angus M'Innes .. ..	Do. .. ..	45		14 12 6	
40	John Boulton .. ..	Razorback .. ..	24		7 16 0	
41	Charles Skeere .. ..	Redbank .. ..	21		6 16 6	
42	Agnes Nash .. ..	Abbotsford .. ..	15		4 17 6	
43	Margaret Connellan .. ..	Picton .. ..	21		6 16 6	
44	Thomas Smith .. ..	Clifton .. ..	30		9 15 0	
45	Edward W. Dobson .. ..	Victoria Park .. ..	21		6 16 6	
46	Samuel Jeffs .. ..	Abbotsford .. ..	30		9 15 0	
47	Joseph Limond .. ..	Carriage Creek .. ..	21		6 16 6	
48	James Marsh .. ..	Oaks .. ..	39		12 13 6	
49	John Newland .. ..	Picton .. ..	21		6 16 6	
50	James Connors .. ..	Redbank .. ..	30		9 15 0	
51	John Davison .. ..	Abbotsford .. ..	48		15 12 0	
52	John Fairie .. ..	Do. .. ..	24		7 16 0	
53	Robert Sherrett .. ..	Long Point .. ..	24		7 16 0	
54	Frederick Reid .. ..	Jarvisfield .. ..	15		4 17 6	
55	Thomas Denneen .. ..	Abbotsford .. ..	24		7 16 0	
56	Henry Walton .. ..	Redbank .. ..	15		4 17 6	
57	Robert Montgomery .. ..	Abbotsford .. ..	42		13 13 0	
58	Thomas Mulholland .. ..	Do. .. ..	48		15 12 0	
59	Moses Mulholland .. ..	Do. .. ..	24		7 16 0	
60	John Maxwell .. ..	Burraborang .. ..	15		4 17 6	
61	John Cheetham .. ..	Abbotsford .. ..	9		2 18 6	
62	Daniel M'Nickle .. ..	Do. .. ..	15		4 17 6	
63	William B. Campbell .. ..	Jarvisfield .. ..	12		3 18 0	
64	William Whitfield, junior .. ..	Do. .. ..	39		12 13 6	
65	John Rogan .. ..	Do. .. ..	30		9 15 0	
66	Michael Cavanagh .. ..	Do. .. ..	9		2 18 6	
67	Peter Fitzpatrick .. ..	Burraborang .. ..	15		4 17 6	
68	Henry Peek .. ..	Abbotsford .. ..	21		6 16 6	
69	John Plows .. ..	Carriage Creek .. ..	30		9 15 0	
70	Charles Hill .. ..	Jarvisfield .. ..	9		2 18 6	
71	John Gillan .. ..	Long Gully .. ..	12		3 18 0	
72	James Colgan .. ..	Oaks .. ..	12		3 18 0	
73	James Killpatrick .. ..	Bargo .. ..	30		9 15 0	
74	Henry Killpatrick .. ..	Do. .. ..	21		6 16 6	
75	Robert Wild .. ..	Vanderville .. ..	48		15 12 0	
76	Emmeline Wild .. ..	Do. .. ..	48		15 12 0	
77	Samuel Batcup .. ..	Abbotsford .. ..	9		2 18 6	
78	Edmund Prendergast .. ..	Long Gully .. ..	45		14 12 6	
79	Mary M'Entyre .. ..	Abbotsford .. ..	21		6 16 6	
80	James Herring .. ..	Wellington Park .. ..	15		4 17 6	
81	John Murrill .. ..	Burraborang .. ..	9		2 18 6	
82	John M'Farland .. ..	Abbotsford .. ..	15		4 17 6	
83	Robert Reid .. ..	Craigend .. ..	9		2 18 6	
84	Gilbert Kennedy .. ..	Razorback .. ..	15		4 17 6	
85	John Parnell .. ..	Redbank .. ..	15		4 17 6	
86	John Leggatt .. ..	Do. .. ..	30		9 15 0	
87	George Mitchell .. ..	Vanderville .. ..	12		3 18 0	
88	Samuel Johnson .. ..	Carriage Creek .. ..	30		9 15 0	
89	Ellen Saint .. ..	Abbotsford .. ..	15		4 17 6	
90	Robert Inglis .. ..	Oaks .. ..	15		4 17 6	
91	Alexander Maldrum .. ..	Woodburn .. ..	24		7 16 0	
92	John Keighran .. ..	Redbank .. ..	48		15 12 0	
93	Moses Mulholland .. ..	Abbotsford .. ..	15		4 17 6	
	TOTAL .. ..		2,172		....	£705 18 0

J. M. ANTILL, J.P.

Court House, Picton,  
July 16th, 1863.



SEED WHEAT AND OATS.

RETURN shewing the Names and Residences of the Persons to whom Seed Wheat has been supplied by the Government, in the District of Windsor, the quantity supplied, and the price charged.

NAME.	RESIDENCE.	Price charged.	Quantity supplied.	AMOUNT.
		per bush.	bushels.	£ s. d.
Thomas Cunnean .. .. .	Windsor Road .. .. .	}	20	6 5 0
John Owens .. .. .	Pitt Town .. .. .		24	7 10 0
William Rogers .. .. .	Clarendon .. .. .		24	7 10 0
Edward Davis .. .. .	Eastern Creek .. .. .		37½	11 14 4½
John Spears .. .. .	Do. .. .. .		37½	11 14 4½
John Forrester .. .. .	Windsor .. .. .		20	6 5 0
Edward Moran .. .. .	Pitt Town Common .. .. .		15	4 13 9
John Lyndsay .. .. .	Pitt Town .. .. .		40	12 10 0
Thomas M'Guire .. .. .	North Rocks .. .. .		16	5 0 0
Lucy Upton .. .. .	Cornwallis .. .. .		45	14 1 3
James Strachan .. .. .	Windsor Road .. .. .		20	6 5 0
Michael Waters .. .. .	Richmond Bottoms .. .. .		20	6 5 0
Edward Thomson .. .. .	Kurrajong .. .. .		37½	11 14 4½
Martin Davenport .. .. .	Clarendon .. .. .		30	9 7 6
Francis Norris .. .. .	Cornwallis .. .. .		25	7 16 3
James Clarke .. .. .	Upper Nelson .. .. .		24	7 10 0
Edward M'Namara .. .. .	Windsor Road .. .. .		30	9 7 6
Joseph James Hall .. .. .	Box Hill .. .. .		25	7 16 3
William Norris .. .. .	Cornwallis .. .. .		30	9 7 6
Christopher Gardner .. .. .	North Rocks .. .. .		40	12 10 0
Robert Taylor .. .. .	Eastern Creek .. .. .		30	9 7 6
John Cavanagh .. .. .	M'Grath's Hill .. .. .		12	3 15 0
John Johnson .. .. .	Box Hill .. .. .		50	15 12 6
John Shearing .. .. .	Pitt Town Common .. .. .		30	9 7 6
John Le Hearne .. .. .	Eastern Creek .. .. .		20	6 5 0
Thomas Bowd .. .. .	Wilberforce .. .. .		20	6 5 0
Charles Phipps .. .. .	Windsor Road .. .. .		30	9 7 6
William Wood .. .. .	Windsor .. .. .		20	6 5 0
John Wood, junior .. .. .	Do. .. .. .		30	9 7 6
George Islanb .. .. .	Pitt Town .. .. .		20	6 5 0
John Smith .. .. .	Windsor Road .. .. .		20	6 5 0
William Thompson .. .. .	Pitt Town .. .. .		12	3 15 0
James Lane .. .. .	Pitt Town Bottoms .. .. .		38	11 17 6
John Ledam .. .. .	Cornwallis .. .. .		30	9 7 6
George Graham .. .. .	Do. .. .. .		20	6 5 0
Job Gough .. .. .	Upper Nelson .. .. .		8	2 10 0
Charles Pitt .. .. .	Rouse Hill .. .. .		12	3 15 0
James Bligh Ridge .. .. .	Windsor .. .. .		50	15 12 6
Rebecca Turner .. .. .	Cornwallis .. .. .		13	4 1 3
Anthony Murray .. .. .	Box Hill .. .. .		37½	11 14 4½
Patrick Davenport .. .. .	Clarendon .. .. .		30	9 7 6
James Hayman .. .. .	Cattai Creek .. .. .		10	3 2 6
Robert Hobbs, senior .. .. .	Pitt Town .. .. .		25	7 16 3
John Curtiss .. .. .	Do. .. .. .		30	9 7 6
Sarah Ann Cook .. .. .	Sally's Bottoms .. .. .		20	6 5 0
Margaret Connor .. .. .	Cornwallis .. .. .		12	3 15 0
William Smith .. .. .	Box Hill .. .. .		50	15 12 6
Patrick Hession .. .. .	Do. .. .. .		50	15 12 6
Rhody Heffernan .. .. .	Cornwallis .. .. .		18	5 12 6
Joel John Grono .. .. .	Cattai Creek .. .. .		15	4 13 9
Charles Westall .. .. .	Freeman's Reach .. .. .	20	6 5 0	
Andrew Frazer .. .. .	Clarendon .. .. .	40	12 10 0	
John Murray .. .. .	Sally's Bottoms .. .. .	10	3 2 6	
Sarah Kelly .. .. .	Do. .. .. .	10	3 2 6	
William Parr .. .. .	Do. .. .. .	10	3 2 6	
Joseph Hobbs .. .. .	Nelson Creek .. .. .	16	5 0 0	
Michael Hession .. .. .	Box Hill .. .. .	37½	11 14 4½	
William Lynn .. .. .	Do. .. .. .	50	15 12 6	
Squire Brooks .. .. .	Currajong .. .. .	12	3 15 0	
William Clarke .. .. .	Freeman's Reach .. .. .	14	4 7 6	
James Staples, senior .. .. .	Do. .. .. .	20	6 5 0	
James Staples, junior .. .. .	Do. .. .. .	12½	3 18 1½	
James Blowes .. .. .	South Creek .. .. .	20	6 5 0	
James Owens .. .. .	Pitt Town Bottoms .. .. .	20	6 5 0	
Joseph Fairs .. .. .	Cattai Creek .. .. .	24	7 10 0	
Peter Torpy .. .. .	Eastern Creek .. .. .	25	7 16 3	
Joseph Jacklin .. .. .	Lower Portland Head .. .. .	8	2 10 0	
Robert Mitchell .. .. .	Pitt Town .. .. .	10	3 2 6	
John Shephard .. .. .	Currajong .. .. .	12½	3 18 1½	
Daniel Packer .. .. .	Do. .. .. .	8	2 10 0	
Richard Bonus .. .. .	Richmond .. .. .	25	7 16 3	
William Jones .. .. .	Windsor Road .. .. .	6	1 17 6	
David Hartley .. .. .	Cattai Creek .. .. .	12	3 15 0	
John Maskey .. .. .	Freeman's Reach .. .. .	50	15 12 6	
Phillip Cassidy .. .. .	Eastern Creek .. .. .	30	9 7 6	
Thomas Hackett .. .. .	Windsor Road .. .. .	20	6 5 0	
Walter Burke .. .. .	Richmond .. .. .	20	6 5 0	
Patrick Byrnes .. .. .	Cornwallis .. .. .	30	9 7 6	
David Ross .. .. .	Wilberforce .. .. .	15	4 13 9	
Thomas Cross .. .. .	Do. .. .. .	25	7 16 3	
George Rose .. .. .	Do. .. .. .	18	5 12 6	
James Hartley .. .. .	Cattai Creek .. .. .	37½	11 14 4½	
John Ford .. .. .	Wilberforce .. .. .	10	3 2 6	
James Hayes .. .. .	Do. .. .. .	24	7 10 0	

## SEED WHEAT AND OATS.

NAME.	RESIDENCE.	Price charged.	Quantity supplied.	AMOUNT.
		per bush.	bushels.	£ s. d.
Thomas Butler .. .. .	Richmond .. .. .		20	6 5 0
Edward Hayes .. .. .	Wilberforce .. .. .		10	3 2 6
James Carroll .. .. .	Cattai Creek .. .. .		10½	3 5 7½
John Gulham .. .. .	Pitt Town .. .. .		32½	10 0 0
Catherine Moran .. .. .	Do. .. .. .		6	1 17 6
John Donovan .. .. .	Do. .. .. .		8	2 10 0
Edward Myers .. .. .	Clarendon .. .. .		10	3 2 6
Edward Webb .. .. .	Pitt Town .. .. .		10	3 2 6
George Turner .. .. .	Clarendon .. .. .		10	3 2 6
George Creek .. .. .	Do. .. .. .		10	3 2 6
James Mams .. .. .	Pitt Town .. .. .		10	3 2 6
James Clarke, junior .. .. .	North Rocks .. .. .		10	3 2 6
John Lamb .. .. .	Lower Portland Head .. .. .		15	4 13 9
Robert Rutter .. .. .	Freeman's Reach .. .. .		30	9 7 6
Thomas Nagle .. .. .	Wiseman's Ferry .. .. .		10	3 2 6
William Lawson .. .. .	South Creek .. .. .		20	6 5 0
Patrick Kenny .. .. .	Richmond Bottoms .. .. .		15	4 13 9
William Brown .. .. .	Wilberforce .. .. .		16	5 0 0
Edward Williams .. .. .	South Creek .. .. .		25	7 16 3
Edward Izzard .. .. .	Wilberforce .. .. .		48	15 0 0
Thomas Brady .. .. .	Cattai Creek .. .. .		15	4 13 9
James Moore .. .. .	South Creek .. .. .		20	6 5 0
John Gleeson .. .. .	Freeman's Reach .. .. .		18	5 12 6
George Stewart .. .. .	Wilberforce .. .. .		6	1 17 6
Peter Moran .. .. .	Windsor Road .. .. .		10	3 2 6
James Gillespie .. .. .	Cattai Creek .. .. .		25	7 16 3
Richard White .. .. .	Clarendon .. .. .		30	9 7 6
John Green .. .. .	Richmond Bottoms .. .. .		14	4 7 6
Mark Sheppard .. .. .	Glebe Farm .. .. .		12	3 15 0
Charles Martin .. .. .	Wilberforce .. .. .		20	6 5 0
George Eather .. .. .	Cornwallis .. .. .		20	6 5 0
Charles Conlan .. .. .	Currajong .. .. .		30	9 7 6
James Sheppard .. .. .	Windsor Road .. .. .		18	5 12 6
William Eather .. .. .	Cornwallis .. .. .		20	6 5 0
Sarah Bowd .. .. .	Eastern Creek .. .. .		35	10 13 9
Sarah Pidgeon .. .. .	South Creek .. .. .		25	7 16 3
Elizabeth Bannister .. .. .	Richmond Bottoms .. .. .		40	12 10 0
William Horsley .. .. .	Box Hill .. .. .		32	10 0 0
Daniel Buckridge .. .. .	Pitt Town .. .. .		10	3 2 6
John Armstrong .. .. .	Wilberforce .. .. .		10	3 2 6
John Mason .. .. .	Box Hill .. .. .		20	6 5 0
Darby Ryan .. .. .	Wilberforce .. .. .		10	3 2 6
David Bushell .. .. .	Do. .. .. .		16	5 0 0
James Oberton .. .. .	North Richmond .. .. .	s. d.	8	2 10 0
James White .. .. .	Richmond Bottoms .. .. .	>6 3<	14	4 7 6
Richard Weaver .. .. .	Pitt Town .. .. .		10	3 2 6
Thomas French .. .. .	Box Hill .. .. .		8	2 10 0
George Lucas .. .. .	Clifton .. .. .		20	6 5 0
Bernard Shanby .. .. .	M'Grath's Hill .. .. .		10	3 2 6
George Boyter .. .. .	Colo .. .. .		6	1 17 6
Lawrence Gill .. .. .	Do. .. .. .		10	3 2 6
John Davis .. .. .	Pitt Town .. .. .		10	3 2 6
William M'Dermot .. .. .	North Richmond .. .. .		10	3 2 6
Henry Gibbs .. .. .	Do. .. .. .		15	4 13 9
Percy Lyons .. .. .	Wilberforce .. .. .		8	2 10 0
Thomas Woolford .. .. .	Do. .. .. .		8	2 10 0
David Huxley .. .. .	Richmond Bottoms .. .. .		16	5 0 0
John Dunn .. .. .	South Creek .. .. .		35	10 13 9
Charles Holmes .. .. .	Windsor .. .. .		20	6 5 0
John Savage .. .. .	Pitt Town .. .. .		25	7 16 3
Henry Moon .. .. .	Windsor Road .. .. .		12	3 15 0
Patrick Molloy .. .. .	M'Grath's Hill .. .. .		12	3 15 0
Daniel Phillips .. .. .	Windsor Road .. .. .		30	9 7 6
John Shields .. .. .	Yarramundi .. .. .		40	12 10 0
George Hayman .. .. .	Lower Colo .. .. .		10	3 2 6
William Allen .. .. .	Richmond Bottoms .. .. .		40	12 10 0
William Brownley .. .. .	Richmond .. .. .		20	6 5 0
George Walden .. .. .	South Creek .. .. .		15	4 13 9
Joseph Pitt, junior .. .. .	Rouse Hill .. .. .		26	8 2 6
Michael Crotty .. .. .	Portland Head .. .. .		14	4 7 6
James Woodbury .. .. .	Wiseman's Ferry .. .. .		15	4 13 9
Thomas Stewart .. .. .	Do. .. .. .		12	3 15 0
Francis Hearn .. .. .	Do. .. .. .		10	3 2 6
Hy. James Greentree .. .. .	Lower Portland Head .. .. .		15	4 13 9
James Dorsett .. .. .	Windsor .. .. .		20	6 5 0
Charles Kippen .. .. .	Pitt Town .. .. .		10	3 2 6
Jeremiah Hansell .. .. .	Richmond Bottoms .. .. .		20	6 5 0
Matthew Betsworth .. .. .	Wilberforce .. .. .		8	2 10 0
John Ellicomba .. .. .	Pitt Town .. .. .		12	3 15 0
Henry Teale .. .. .	Wilberforce .. .. .		6	1 17 6
James Christy .. .. .	Lower Portland Head .. .. .		16	5 0 0
William Robinson .. .. .	Colo .. .. .		15	4 13 9
Thomas Hayes .. .. .	Do. .. .. .		15	4 13 9
Ralph Turnbull .. .. .	Wilberforce .. .. .		30	9 7 6
Andrew Farrell .. .. .	Yarramundi .. .. .		25	7 16 3
William Daley .. .. .	Cattai Creek .. .. .		24	7 10 0
Walter Case .. .. .	Wilberforce .. .. .		12	3 15 0
James Cherry .. .. .	Do. .. .. .		16	5 0 0
Sarah Leary .. .. .	Kurrajong .. .. .		6	1 17 6

SEED WHEAT AND OATS.

NAME.	RESIDENCE.	Price charged.	Quantity supplied.	AMOUNT.			
		per bush.	bushels.	£	s.	d.	
William Griffiths .. ..	Wilberforce .. ..	}	6	1	17	6	
Eliza Cross .. ..	Cattai Creek .. ..		8	2	10	0	
Martin Conley .. ..	M'Grath's Hill .. ..		6	1	17	6	
Patrick Norris .. ..	Cornwallis .. ..		24	7	10	0	
Thomas Mitchell .. ..	Pitt Town .. ..		15	4	13	9	
Samuel Thorley .. ..	Richmond Bottoms .. ..		12	3	15	0	
Connor .. ..	.. ..		23	7	3	9	
Bridget Reid .. ..	Lower Portland Head .. ..		21	6	11	3	
Thomas Robins .. ..	Box Hill .. ..		50	15	12	6	
Terence Smith .. ..	Lower Portland Head .. ..		30	9	7	6	
Margaret Connor .. ..	Cornwallis .. ..		35	10	18	9	
Owen Hunt .. ..	Caddie Creek .. ..		8	2	10	0	
James M'Golrich .. ..	Pitt Town .. ..		10	3	2	6	
William Hutchinson .. ..	Portland Head .. ..		8	2	10	0	
Richard Norris .. ..	Windsor .. ..		20	6	5	0	
John Shoffel .. ..	Eastern Creek .. ..		18	5	12	6	
John Smith .. ..	Lower Portland Head .. ..		30	9	7	6	
James Smith .. ..	Box Hill .. ..		30	9	7	6	
Patrick Colrevey .. ..	Cornwallis .. ..		32	10	0	0	
Mary Ann Baker .. ..	Portland Head .. ..		10	3	2	6	
Thos. Orlando Reynolds .. ..	Wilberforce .. ..		14	4	7	6	
Frederick Thompson .. ..	Richmond .. ..		14	4	7	6	
(for William Thompson.)							
Thomas Eather .. ..	Cornwallis .. ..		6 3	26	8	2	6
Alfred Norris .. ..	Do. .. ..			20	6	5	0
Joseph James Hall .. ..	Windsor Road .. ..			16	5	0	0
William Everingham .. ..	Portland Head .. ..			23	7	3	9
George Cupitt, junior .. ..	Cornwallis .. ..			30	9	7	6
Henry Green .. ..	Richmond Bottoms .. ..			10	3	2	6
Mabella M'Gauley .. ..	Cattai Creek .. ..			10	3	2	6
George Roberts .. ..	South Creek .. ..			10	3	2	6
Thomas Carter .. ..	Richmond .. ..			20	6	5	0
Samuel Onions .. ..	North Kurrajong .. ..			20	6	5	0
James King .. ..	Wilberforce .. ..		7	2	3	9	
James Blowes .. ..	South Creek .. ..		6	1	17	6	
Jno. Peter Ouvrier .. ..	Windsor Road .. ..		12	3	15	0	
John Izzard .. ..	Wilberforce .. ..		20	6	5	0	
William Lawson .. ..	South Creek .. ..		20	6	5	0	
James Moore .. ..	Do. .. ..		20	6	5	0	
Louisa Cupitt .. ..	Do. .. ..		20	6	5	0	
George Humphries .. ..	Clarendon .. ..		25	7	16	3	
Dennis Wolf .. ..	Do. .. ..		20	6	5	0	
Samuel Mason, senior .. ..	Box Hill .. ..		30	9	7	6	
John Alderson .. ..	Eastern Creek .. ..		50	15	12	6	
Frederick Alderson .. ..	Windsor .. ..		50	15	12	6	
John Kirwan .. ..	Portland Head .. ..		20	6	5	0	
Miles Daines .. ..	Do. .. ..		11	3	8	9	
			4,465½	£1,395	9	4½	

A RETURN shewing the Names and Residences of the Persons to whom Seed Oats has been supplied by the Government, in the District of Windsor, the quantity supplied, and the price charged.

No.	NAME.	RESIDENCE.	Price charged.	Quantity supplied.	AMOUNT.		
			per bush.	bushels.	£	s.	d.
1	Dio Baldwin .. ..	Wilberforce .. ..	}	35	15	15	0
2	George Boyter .. ..	Colo .. ..		10	4	10	0
3	Edward Davis .. ..	South Creek .. ..		14	6	6	0
4	George Greentree .. ..	Wilberforce .. ..		20	9	0	0
5	John Gullum .. ..	Pitt Town .. ..		18	8	2	0
6	Thomas Hayes .. ..	Colo .. ..		16	7	4	0
7	George Hayward .. ..	Hawkesbury River .. ..		10	4	10	0
8	John Higgins .. ..	Pitt Town .. ..		22	9	18	0
9	James Huxley .. ..	Richmond .. ..		20	9	0	0
10	James Lane .. ..	Pitt Town .. ..		12	5	8	0
11	John Maskey .. ..	Wilberforce .. ..		s. d.	10	4	10
12	James Mountford .. ..	Eastern Creek .. ..	9 0	9	4	1	0
13	William Norris .. ..	Cornwallis .. ..		20	9	0	0
14	Samuel Onions .. ..	Roberts' Swamp .. ..		8	3	12	0
15	John Owens .. ..	Pitt Town .. ..		9	4	1	0
16	Daniel Phillips .. ..	Windsor Road .. ..		30	13	10	0
17	John Spears .. ..	Eastern Creek .. ..		12½	5	12	6
18	James White .. ..	Richmond Bottoms .. ..		7½	3	7	6
19	Thomas Wisbey .. ..	North Richmond .. ..		12	5	8	0
20	John Wood .. ..	Wilberforce .. ..		12	5	8	0
21	William Alderson .. ..	Windsor .. ..		27	12	3	0
22	James Hartley .. ..	Cattai Creek .. ..		12	5	8	0
23	James B. Ridge, junior .. ..	Windsor .. ..		30	13	10	0
	TOTALS .. ..			376	£169	4	0

Court House, Windsor,  
30 July, 1863.

JAMES ASCOUGH, J.P.  
HENRY DAY, J.P.

Know all men by these presents, that I<sup>(a)</sup>  
of in the Colony of New South Wales, farmer, am held and firmly  
bound unto Her Most Gracious Majesty Queen Victoria, in the penal sum of<sup>(b)</sup>  
pounds of good and lawful British money, to be paid to Her said  
Majesty, Her Heirs and Successors, for which payment well and truly to be made,  
I bind myself, my heirs, executors, and administrators, firmly by these presents.  
Sealed with my seal, dated the day of in the year of our  
Lord one thousand eight hundred and sixty-

WHEREAS the above-bounden<sup>(c)</sup> hath made applica-  
tion to Her Majesty's Colonial Government of New South Wales to supply him with  
bushels of seed wheat, upon his giving bond to pay the price or value of the  
said wheat, into the Treasury of the said Colony, on or before the first day of May next :  
And whereas, in compliance with the said request, Her Majesty's Colonial Government  
hath delivered to the said<sup>(c)</sup>

bushels of seed wheat of the value of pounds  
shillings and pence, as the said  
doth hereby expressly admit and acknowledge : Now the condition of the above-written  
obligation is such, that if the above-bounden<sup>(c)</sup>  
his executors or administrators do and shall, on or before the first day of May next, well  
and truly pay, or caused to be paid, into the office of the Colonial Treasury in Sydney,  
in the Colony aforesaid, the said sum of of lawful British  
money, in payment for the said seed wheat so delivered to him as aforesaid, then the  
above-written obligation shall be void, otherwise to be and remain in full force and virtue.

Signed, sealed, and delivered, by the }  
said }  
in the presence of }

- (a) The Christian name, surname, and residence of the person signing the bond.  
(b) Double the amount of the price of the wheat supplied, in words.  
(c) Christian name and surname of the person signing the bond.

Know all men by these presents, that I<sup>(a)</sup>  
of in the Colony of New South Wales, farmer, am held and firmly  
bound unto Her Most Gracious Majesty Queen Victoria, in the penal sum of<sup>(b)</sup>  
pounds of good and lawful British money, to be paid to Her said  
Majesty, Her Heirs and Successors, for which payment well and truly to be made  
I bind myself, my heirs, executors, and administrators, firmly by these presents.  
Sealed with my seal, dated the day of in the year of our  
Lord one thousand eight hundred and sixty-

WHEREAS the above-bounden<sup>(c)</sup> hath made applica-  
tion to Her Majesty's Colonial Government of New South Wales to supply him with  
bushels of seed oats, upon his giving bond to pay the price or value of the  
said oats, into the Treasury of the said Colony, on or before the first day of May next :  
And whereas, in compliance with the said request, Her Majesty's Colonial Government  
hath delivered to the said

bushels of seed oats, of the value of pounds  
shillings and pence, as the said  
doth hereby expressly admit and acknowledge : Now the condition of the above-written  
obligation is such, that if the above-bounden  
his executors or administrators do and shall, on or before the first day of May next, well  
and truly pay, or cause to be paid, into the office of the Colonial Treasury in Sydney, in  
the Colony aforesaid, the said sum of of lawful British  
money, in payment for the said seed oats so delivered to him as aforesaid, then the  
above-written obligation shall be void, otherwise to be and remain in full force and virtue.

Signed, sealed, and delivered, by the }  
said }  
in the presence of }

- (a) The Christian name, surname, and residence of the person signing the bond.  
(b) Double the amount of the price of the oats supplied, in words.  
(c) Christian name and surname of the person signing the bond.

1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

FISH.  
(PROPAGATION OF.)

*Ordered by the Legislative Assembly to be Printed, 28 July, 1863.*

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 19 December, 1862, That there be laid upon the Table of this House,—

“ A Copy of Mr. Alexander Black’s Report, made to the  
“ Secretary for Lands, on Mr. Driver’s Bill for the Protection  
“ of Fisheries ; also, any Report from the same on the Oyster  
“ Fisheries Bill ; together with a Report from Mr. A. Black  
“ on Salmon Fisheries, forwarded to the Colonial Secretary,  
“ 1860.”

*(Mr. Sadleir.)*

SCHEDULE.

NO.		PAGE.
1.	Mr. Black to Secretary for Lands on the protection of Fisheries .. .. .	2
2.	Mr. Black to Secretary for Lands on Oyster Fisheries. 17 July, 1862 .. .. .	3
3.	Mr. Black to Colonial Secretary on the introduction of Salmon. 12 November, 1860 .. .. .	5
4.	Mr. Black to Colonial Secretary, further respecting Salmon. 15 December, 1860 .. .. .	10

THE Report made to the Secretary for Lands on Mr. Driver’s Bill for the Protection of Fisheries, is not now traceable. It was not regarded by the Secretary for Lands as an official document and was not therefore preserved. But the following, which purports to be a copy of it, has been furnished by Mr. Black.

## F I S H .

No. 1.

ALEXR. B. BLACK, ESQ., to SECRETARY FOR LANDS.

SIR,

Agreeably with your request, I have the honor to submit my opinion on a Bill presented by Mr. Driver, intituled, "*A Bill to protect the Fisheries of New South Wales.*" I had already closely examined all existing data bearing upon the hydrography of Australia, as well as had obtained the oral testimony of men engaged in fishing pursuits, and sailors in the coasting trade, in order to acquire as far as the very imperfect data at command would permit, a knowledge of the temperature, strength, and limits of the currents which run in the surrounding seas, for the purpose of enabling me to judge, by inference, whether there were any banks, and where situated, likely to afford feeding and breeding grounds for the numerous varieties of non-migratory fishes (scarcely known) which inhabit these seas, and also to discover the proper spots on the coast where fishing vessels could, with the greatest advantage, intercept the vast shoals of very valuable migratory fishes which periodically traverse our shores, from Wilson's Promontory into the tropics, on their way to spawning grounds, which lie in the shallow bays, inlets of the sea, and estuaries of rivers, which so numerous indent the coast. Moreover I have in addition taken considerable pains to revise the information thus obtained, and to extend my inquiries on this subject, amongst practical men of every description, in order to ascertain whether any peculiarity existed in the method of spawning, or in the *run* of the fish, *i.e.*, in the migratory instincts of the fish on the coast of New South Wales, different from the well-known migratory instincts of fish elsewhere, to justify the arbitrary division in the first clause of the Bill into winter and summer months, as follows:—"The winter months shall comprise the period extending from and inclusive of the 1st day of May to and inclusive of the 30th day of September, and the summer months shall comprise the period from and inclusive of the 1st day of October to and inclusive of the 30th day of April in every year," instead of clearly specifying the natural seasons which the habits of each particular kind of fish point out; and I find no peculiarity exists to warrant such a division.

With respect to the 2nd clause of the Bill it is so extremely vague as to be utterly impracticable for the purpose intended. For instance, there are many kinds of fish fit for food which do not exceed, at maturity, the size of the *fry* of other fishes, and which the dimensions proposed for the mesh of the net would prevent the *catch* thereof, *e.g.*, the sprat, the sardine, the pilehard, the herring, and salmon nets differ in size of mesh and other dimensions from each other. Indeed the dimensions of salmon nets vary in different rivers, and even in certain parts of the same river; so also does the *close time*. Again, all fish are not in season at the same time. I also fail to discover that any physical peculiarity exists in the conformation of the coasts, rivers, or the estuaries thereof, to render the proposed dimensions of the net imperative throughout the Colony, *e.g.*, in Great Britain, in other parts of Europe, and in America, the dimensions of the mesh and of the net for each kind of fish, and for particular localities, are minutely specified by law, and the reasons for doing so are distinctly pointed out.

It may not, perhaps, be considered out of place, to give an example of what I mean from the English Acts, in which even the *size* of the fish is specified, and the restrictions as regards the size of the nets, and the lucid way in which the size of the mesh is explained, beyond the possibility of a quibble, is worthy of note and of imitation by any who may be induced to frame Acts of Parliament upon this subject. They are as follows:—

13th Edward I., stat. 1, c.47. It provides "That certain rivers, which are specified, wherein salmons be taken, shall be in defence for taking salmons from the nativity of our Lady until St. Martin's Day, and that likewise young salmons shall not be taken nor destroyed by nets, nor by other engines at millpools, from the midst of April unto the nativity of John Baptist." It assigns overseers to enforce the above enactments; and the third offence one year's imprisonment, "and as the trespass increaseth so shall the punishment."

I. Elizabeth, c. 17, "for the Preservation of the Spawn." This Act is intituled, "An Act for Preservation of Spawn and Fry of Fish." The preamble is as follows:—  
 "For preservation hereafter of spawn, fry, and young breed of eels, salmons, pikes, and of all other fish which heretofore hath been much destroyed in rivers and streams, salt and fresh, within this realm, inasmuch that in divers places they feed swine and dogs with the fry and spawn of fish; and otherwise, lamentable and horrible to be reported, destroy the same to the great hindrance and decay of the commonwealth," enacts "that no person or persons of what estate, degree, or condition soever, he or they shall be of, from and after the 1st day of June next, coming with any manner of net, weele, bul, taining, kepper, lime, crele, raw, fagnet, trolnet, teimenet, trimboat, stalboat, weblistler, seur, lammet, or with any device or engine made of hair, wool, line, or canvass, or shall use any troling net or trimboat, or by any other device, engine, cawtal, ways or means whatsoever, heretofore made or devised, or hereafter to be made or devised, shall take and kill any young brood, spawn, or fry of eels, salmon, pike or pikerel, or of any other fish in any floodgate, pipe, at the tail of any mill, wear, or in any straits, streams, brooks,

“ brooks, rivers, fresh or salt, within this realm of England, Wales, or Berwick, or the marches thereof; nor shall from and after the 1st June next, coming by any of the means or ways aforesaid or otherwise, in any river or place above specified, take and kill any salmon or trouts, not being in season, being kepper salmones or kepper trouts, shedder salmones or shedder trouts.”

Sec. 2. “ That no person or persons, of what estate, degree, or condition he or they shall be of, from and after the 1st day of June, by any of the means aforesaid, in any of the rivers or places abovenamed, shall take and kill any pike or pikerel, not being in length ten inches or more, nor any salmon not being in length sixteen inches or more, nor any trout not being in length eight inches or more, nor any barble not being in length twelve inches or more,” &c.

The penalties—£1 and loss of tackle, &c., for first offence; £5 for second, and imprisonment—a heavy fine in those days.

One of the sections provides penalties for neglect of duty in stewards of leets and juries thereof (a highly useful section if applied generally in this Colony).

30th year of Charles 2, c. 9. This is merely a local Act for the preservation of the Severn. Nets are not to be used, “ the mesh whereof shall be under two inches and a half square by the standard, and not extended—that is to say two inches and a half square from knot to knot, allowing to each mesh four knots—or which shall be above twenty yards in length and two yards in breadth or depth in any part of the said River Severn, from Ripple Lockstake, on the edge of the said County of Worcester, to Gloucester Bridge, which is upon the said River Severn; or above fifty yards in length in any part of the River Severn below Gloucester Bridge, and six yards in breadth or depth in the wing of the net, or shall fish with more than one of these nets at any one time—that is to say, with two nets or more fixed together—shall forfeit the sum of £5.

It must be obvious to every one that it is advisable to prevent the destruction of the fry of esculent fishes, and also to protect the spawning fish; but I believe that the Bill in question is not in any way calculated to accomplish this object; indeed, in so far as the establishment of fisheries in the Colony is concerned, the said Bill will have the effect of retarding and discouraging, instead of fostering the same.

I submit, with great deference, that much more information is required to legislate on such an important branch of industry as are fisheries to a maritime country, than will be deduced from the Honorable the Assembly, if such a peurile, ill-considered Bill is submitted to them as the one upon which I have the honor to report.

Perhaps on no other subject of equal magnitude to the interests of a maritime country is such wide and varied information necessary to guide its discussion.

I have, &c.,

ALEXR. B. BLACK.

## No. 2.

ALEXR. B. BLACK, ESQ., to SECRETARY FOR LANDS.

17 July, 1862.

SIR,

In compliance with your request, I have the honor to submit to Government the method of regulating the Oyster Fishery, which I conceive will be most conducive to the interests of the Colony.

My opinion is based, firstly—on a minute investigation of the Colonial system of oyster fishing;

Secondly—On a personal acquaintance with the oyster fisheries of France, Britain, and America, to which, in support of my views, it will be necessary to refer;

And lastly—On a perfect knowledge of the habits and economy of the fish.

The natural consequence of no *close season* being observed, nor any *law* or *usage* existing to prevent the beds being disturbed at any time, and the oyster fished before it has arrived at maturity, will be its speedy extirpation.

Indeed I am credibly informed that in some parts, where the oyster formerly abounded, it has already either become extinct, is now rarely found, or has deteriorated.

In certain parts of the Colony a most pernicious practice exists, of fishing at all seasons for the *live oyster*, to use for making lime; if this is not put a stop to, or the season for fishing, which will be least injurious to the breeding oyster and the *brood*, distinctly specified by law, it will soon cease to exist in those localities. For not only is the breeding oyster destroyed by this practice, but the *cultch* covered with *spat* is removed, thereby depriving of its natural bed the *brood* of any oyster that may escape. Hence it either falls on a bed ungenial to its habits, or is carried away by currents; in either case it is inevitably lost. The proprietors of oyster fisheries in Britain pointed out a fact, subsequently fully confirmed by the observation of naturalists, that removing the *cultch*, or disturbing it at an unseasonable time, not only renders the bed less genial to the oyster, but promotes the development of mollusca and annelida, antagonistic to it, which having once obtained a footing by the agency of man, and their natural prey, the oyster, affording abundance of food, they propagate rapidly, and speedily usurp the bed, thus materially aiding and finally completing the destruction commenced by man.

The argument may be used, that the oyster is so abundant in this Colony, and so prolific, that no apprehension need be entertained of the supply ever failing, therefore there is no necessity for placing any restrictions whatever on this fishery.

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This argument, however, cannot be borne out by facts, and I do not think it will be supported by anyone who has fully considered the subject; indeed, apart from the *close season*, the enactment of laws for regulating the fisheries and defining the rights of fishermen, has invariably proved of essential value to the interest of all maritime nations.

In order to substantiate my opinion, I will refer to the example afforded by the British fishery. At an early period of the history of England, in consequence of the supply of oysters failing, it was deemed necessary to enact laws, similar to those now in force, for the purpose of checking the decline of the oyster, encouraging the breeding of the fish, and fostering the general fishery. To accomplish this object, vested rights were granted to certain suitable spots, set apart for the purpose of artificially breeding and rearing the oyster; and laws were passed, clearly specifying the *close season*, the time for removing the *spat*, and the marketable size of the oyster. Certain other immunities were granted, which however proved to be, when the fishery was fairly established, unnecessary and objectionable monopolies, and therefore have been abolished. The wisdom of these measures, modified to suit the time, has been conclusively proved by long trial.

The Oyster Fishery Laws of Britain are based on a thorough practical knowledge of the natural history of the fish, and although most rigorously enforced, give universal satisfaction.

The opponents to legislation on this subject may urge that laws applicable to Britain—an old and thickly populated country, perhaps not very productive of oysters—are not suitable to a new and thinly inhabited Colony, where oysters abound. This argument, in its broadest sense, however, is refuted by the Oyster Fishery Laws of America. In that country oysters are found in greater abundance, and are more generally distributed than in this Colony, yet, notwithstanding, several of the States were early admonished, by the extermination of the oyster in parts, and by a general decline of the produce of the fishery, of the necessity of framing laws for its preservation as well as for the better regulation of the fishery.

With this end in view, Federal, State, and Municipal laws have been enacted, based on, and not dissimilar to those of Britain, yet so modified as to suit each particular district, of a sea board possessing the variety of climate experienced between the latitudes of 26° and 40° north, and between the longitudes of 67° and 99° west. And the difference of the temperature of water found to exist between the Gulph Stream, running along the coast as far north as Cape Hatterass, when it diverges, and the Labrador current flowing south along the coast to the same point. Nowhere else are the inhabitants of the Polar Seas brought into such close proximity with those of the Tropics. These fishing regulations are so suitable to circumstances that the oyster, when in season, is sold so cheap, and being fed on artificial beds, is of so delicious a quality, that cooked in a variety of ways it forms an economical and nutritious dish, common at the table of every poor as well as rich man, consequently the Oyster Fishing Laws are in strong favour with the public. Indeed the quantity of oysters consumed in America is barely credible; and it is said the capital embarked in this fishery, which is of great national importance, is very productive.

The States of Massachusetts, Connecticut, New York, New Jersey, and Maryland, greatly encourage the oyster fishery, especially the formation of breeding and feeding beds. The supply of brood and stock oysters, required by these beds, as well as supplying the internal and export trades, furnish with constant employment a magnificent fleet of fast sailing schooners, manned by several thousand seamen. The oysters are procured from Long Island Sound, the shores of New Jersey, the Chesapeake, the Delaware, and the shores of the Carolinas.

The States of Alabama, Louisiana, and Texas, have municipal laws only, which prohibit the sale of oysters during the spawning season; these laws, however, are strictly enforced from about the middle of April to the beginning of October. At the commencement of the latter month may be seen assembled at New Orleans many hundreds of fast sailing boats, of a peculiar construction, and single lug-rigged (locally named pirogue), varying in capacity from thirty to sixty barrels, and each laden with the bivalve, which are sold at 70 to 100 cents per barrel. These are procured from the enormous continuous beds which line the northern and western shores of the Gulph of Mexico, and the numerous bayoux and bays which intersect and penetrate every part of the lower delta of the Mississippi.

The municipal authorities, anxious to foster a fishery which contributes so much to the health of the inhabitants, have cut several expensive boat canals to facilitate the means of communication between the Mississippi and the oyster beds. These canals are defended by flood-gates, and kept in repair by a small toll on each laden boat.

Many wooden "*shanties*," for the sale of oysters, dot the Levec, for which a small rent is charged by the municipality, and oysters saloons are almost as abundant in that city as grog-shops are in Sydney. In these establishments the bivalve is cooked in every conceivable way, and supplied so cheaply, that a basin of excellent oyster soup, and a small roll, are sold at five cents.

Although five months during summer the sale of the fresh oyster is prohibited, yet in the fishing season it is preserved in various ways, in kegs, jars, and tins, and consumed largely by the inhabitants during the prohibited months. In its preserved as well as in its fresh state, it constitutes a considerable article of trade with Havannah, as well as with the inland American towns; and perhaps in summer there is not a more delicious, wholesome, and nutritious article of diet than the preserved oyster.

With respect to the French oyster fishery, that government has taken upon itself the duty of constructing artificial oyster beds, and of cultivating the oyster for the general good. These recent and laudable efforts to promote her fisheries, have been attended with the most beneficial and successful results, to which, however, I need not further refer, as a detailed account of the proceedings has been disseminated by the periodicals.



As I have now conclusively shewn that, to prevent the extermination of the oyster, it is indispensable to protect it during its spawning operations, and also to prevent the bed or cultch from being removed or unseasonably disturbed.

I shall now proceed to point out the mode which, in my opinion, is best adapted to promote the development of the oyster fishery in this Colony, having due consideration for the interests of those at present engaged in this occupation.

It is alleged by dealers that oysters of different localities spawn at different periods; this in a measure may be true, but not I think to the extent alleged. It is a fact, however, that, by increasing the temperature of water, spawning is accelerated, and *vice versa*; also, that the oyster of deep water attains maturity sooner than its fellow of shallow water. As this question materially affects the interests of the fishery, it should at once be set at rest. Therefore a competent person should be appointed to examine, with a powerful microscope, once or twice a month, a few oysters taken off several beds in each locality—this examination to be continued for one year. From data thus obtained the exact spawning time of each locality will be determined; and the localities found to agree in their time of spawning, should be classed in districts, and the close season to be observed in each district, with that portion of it allotted for collecting *spat* for transmission to artificial beds, must be distinctly specified by law.

The necessity of so collecting *spat* will be obviated when fishermen have become fully acquainted with the less expensive mode of procuring it by culture.

Although fisheries are of paramount and of vital importance to a maritime country, yet the fisherman's occupation is more hazardous and precarious than any other. For this reason, when it has been necessary to make any alteration in the fishery laws, or create a new fishery, it has been found expedient in the one case to graduate the change so as to suit the fisherman in the other, either to create the fishery as in France, or to aid in so doing, as in Britain and America. Therefore, in order to adopt the change to the circumstances of those engaged in the fisheries, and to give them a reasonable time to stock artificial beds, the law should not be put in force until the second spawning time after the passing of the Bill (if in the present Session), or the commencement of the second spawning season after the *close months* have been determined.

In order to encourage fishermen to form artificial oyster beds, it will be advisable to give every facility for selecting a suitable spot, and as neither legal nor prescriptive rights exist in this Colony to bar selection of any such spot under high water-mark, either on the sea shores or on the estuaries of rivers, the part selected, wherever it may be, should at once be surveyed and its limits distinctly and permanently defined by land-marks as well as buoys, and conveyed free of charge to the selector in perpetuity, he stipulating to keep the buoys in serviceable condition, and to create the bed within a reasonable time (say three years) after conveyance to him, on pain of forfeiture. And to none but *bonâ fide* fishermen, or those engaged in fishing operations, should be given such grants, or be permitted to enjoy these immunities.

It is obvious that well managed artificial oyster beds will be of great value to the country, especially to the towns in whose vicinity they are. Therefore it will be advisable for this Government to imitate the example afforded by other countries, and pay, to aid in establishing this fishery, a reasonable bounty on every thousand *spat*, being produce of the artificial beds and in fit condition to be transferred to other beds for the first two breeding seasons after the close season has been determined.

It will be necessary, in order to facilitate the conveyance of the produce to market, that a right of way should be given from the shore opposite to the bed, as direct as possible to the nearest public road. The right which fishermen possess of plying their calling on the sea shores and banks of tidal estuaries and navigable rivers a certain distance back from high water-mark, should be distinctly known, and inasmuch as any interference with the mode of cultivating the land is not attempted, neither should there be any interference with the management of private artificial oyster beds.

I have, &c.,  
ALEXR. B. BLACK.

No. 3.

ALEXR. B. BLACK, Esq., to COLONIAL SECRETARY.

12 November, 1860.

SIR,

I have the honor to comply with your request to be furnished with a Report upon the practicability of introducing and acclimatizing salmon in the rivers of this Colony, and its commercial value.

I have much satisfaction in putting on record, for public use, the result of my inquiries and experience, and the conclusions to which they lead me as to the wealth that would accrue to this Colony from the establishment of salmon fisheries, and the most feasible means of attaining a result in every way so desirable.

I propose, in the first place, to submit some observations on the *commercial value* of salmon fisheries, because I believe that the simple profit and loss aspect of the question is the one that more especially demands the attention of the colonists of New South Wales. No doubt the introduction of a new sport is desirable, and fly-fishing for game so noble as the salmon, is unquestionably a sport of the most attractive and exciting nature, but this would be merely an incidental advantage.

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The great benefit that would be derived by the Colony from the establishment of these fisheries, results from the value of salmon as an article of commerce.

I have no hesitation in saying, that (when the conditions of a river are suited to the propagation of salmon) there is no trade that could be developed with equal ease, at so small a cost, and the fruits of which would shew so large a return upon the capital required to create it.

Persons unacquainted with the habits of the salmon, and especially with the rapidity with which it multiplies, may be unprepared to admit the results I have exhibited in the tabular tables of increase I have appended to this report. They are, however, strictly within ascertained and demonstrable facts. I have indeed, in all cases, understated the results I should have been justified in assuming. I am in a great measure, however, relieved from the necessity of vindicating the accuracy of my calculations, by the patent fact that the salmon fisheries of Scotland and Ireland yield enormous revenues to the river proprietors, whose right of fishing are amongst the most valuable appendages to their estates.

The most costly efforts have been made, from time to time, to re-stock rivers, and to introduce salmon into rivers supposed not to be their natural *habitat*, and when the attempt has been successful the results have been remunerative to an extent out of all proportion to the capital invested. The commercial value of these fisheries, which has thus been fully tested by private enterprise in Britain, has also been established by experiments conducted by the Government of France. It is well known that up to the year 1850, many of the rivers in France were entirely destitute, and others nearly so, of fish; since that time, by the liberal support of the Imperial Government, and the judicious management of the gentleman in charge of the piscicultural establishment, several rivers have been amply and permanently stocked, whilst in others the process is rapidly going on. Streams that, prior to the commencement of this enterprise, were utterly profitless, now afford a most remunerative field for private investment, employment to thousands of industrious persons, and a rapidly augmenting revenue, which already yields several millions of francs per annum. The new source of wealth which has been called into existence is one which none of the causes that operate to embarrass commerce and render its operations disastrous, can affect. No unforeseen accident can render the speculation ruinous, or swallow up the capital invested in it. By the steady unvarying operation of natural laws, year by year will add its increase to the marketable wealth of the Colony. Nor will these results have to be long waited for; within a period of two years and eight months from the introduction of the ova, the fisheries may be expected to become a source of profit, and the produce of the fish caught in the Snowy River, at the end of the sixth year, may be set down, I believe, at not less than £70,000 per annum.

In order to sustain these conclusions, I will endeavour to convey some idea of the marvellous increase of the salmon, both by natural and by artificial propagation—a rate of increase which I cannot doubt will be maintained in waters not dissimilar to that of its natural *habitat*.

I am well aware that those to whom this subject presents itself for the first time, will find it difficult to conceive that nature works on so stupendous a scale, but the ichthyologist, who is acquainted with the commercial value of salmon fisheries, will know that I am dealing not with mere hypothesis, but with facts gathered from reliable sources of information, and from statistical records of easy access.

I assume, for the present, that salmon ova is capable of being imported, and that the waters mentioned possess all the conditions necessary to the health and propagation of the fish.

Then, of 50,000 ova embarked, I do not think it at all hazardous to predict that as many as 30,000 would be landed in safety, and deposited in properly prepared breeding ponds. In these ponds, properly tended, the young fry will, in course of two years, have developed into smolt, ready to take their first journey to the sea. There, their sojourn will be from six to ten weeks, at the expiration of which time, re-entering the river, they will slowly wend their way up it, and, at the commencement of the spawning season—about eight months after their departure from the ponds—they may be expected to arrive back there, and being now in a fecund state, will select a suitable spot, in that vicinity, on which to deposit their spawn. If we assume that of 30,000 hatched ova, only one-third, or 10,000, live to return to the river, they will be what are called grilse, of about six pounds each in weight. We suppose that one-half of this number are females, each depositing 5,000 ova. Thus, at the end of two years and eight months from the commencement of colonization, the ova deposited will amount, on a low calculation, to the astonishing quantity of 25,000,000—300,000 of which must be artificially impregnated, and transferred to the ponds for the purpose of artificially rearing. Experience has established the fact, that of ova reared artificially, only a very small per centage is lost—of the remaining millions left to themselves possibly only a small proportion will survive to become grilse.

The grilse having spawned, proceeds once more leisurely to the sea, in order to recover from its exhaustion, and renew that wonderful process of marine nourishment by which, in a few weeks, it more than doubles its weight and size; and this time, after an absence of eight weeks, it returns a "first year's salmon," weighing more than twelve pounds. Its fecundity has proportionally increased, and each female will deposit as many as 12,000 ova. On its third return—"a second year's salmon"—it will weigh about twenty pounds, and the female will deposit 20,000 ova. Its fourth journey to the sea completed, it may average thirty pounds. How long this process of growth continues, or what may be attained, if the fish is not prematurely killed, are facts not ascertained. It appears however,

## FISH—PROPAGATION OF.

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however, after the third migration, the growth is slower. Here let me remark, that a painstaking observer will have an excellent opportunity of ascertaining correctly several points in its history, which are at present rather doubtful.

The first ova, deposited about two years and eight months after the colonization of the parent, will be incubated in these waters in seventy days. Exactly two years after this date, 260,000 smolt from the breeding ponds, and, say the same number naturally reared, making in all 520,000, may be expected to leave the river on their first journey to the sea. Remaining about eight weeks in the sea they will re-enter the river about the beginning of the fifth year, to the number—allowing for loss—of say 350,000 grilse, weighing each six pounds, to begin in their turn the process of procreation, a process to go on for ever.

The following tabular statement will shew the rate of increase, year by year, to the seventh year; the number and weight of the fish, after each journey to the sea; and the common appellation of each:—

Date.	Ova in Ponds.	Ova in the River.	Grilse Weight, 6 lbs.	1st Year's Salmon, 12 lbs.	2nd Year's Salmon, 20 lbs.	3rd Year's Salmon, 30 lbs.
1st & 2nd year ..	Fry and	Smolt.	.....	.....	.....	.....
3rd " "	300,000	24,000,000	10,000	.....	.....	.....
4th " "	300,000	48,000,000	None.	8,000	.....	.....
5th " "	300,000	Infinite.	350,000	None.	6,000	.....
6th " "	300,000	"	500,000	200,000	None.	4,000
7th " "	300,000	"	500,000	300,000	10,000	None.

The river in the sixth year may be considered adequately stocked, and capable of furnishing an inexhaustible supply of fish.

Assuming that the fish will be as prolific in these waters as experience has proved them to be in their native streams, and that the above tabular statement is a moderate estimate thereof, the following table will exhibit the time when it will be advisable to commence fishing, with a view to open the market, and to establish the fisheries gradually as the fish increases—the number of fish, and the market value of it, that may annually be taken from the river without detriment to the process of stocking it.

Year.	Name of Fish.	Weight, each.	Number of Fish in the River.	Number of Fish annually taken.	Weight of Annual Take.	Price per pound.	Market value of Annual Take.	Annual Account Sales.
		lbs.			lbs.		£	£
3rd.	Grilse .....	6	10,000	1,000	6,000	1/6	.....	450
4th.	1st year's salmon ..	12	8,000	1,000	12,000	"	.....	900
5th.	2nd year's salmon ..	20	5,000	1,000	20,000	"	1,500	24,000
"	Grilse .....	6	350,000	50,000	300,000	"	22,500	
6th.	Do. ....	"	Stocked.	50,000	300,000	"	22,500	68,625
"	1st year's salmon ..	12	200,000	50,000	600,000	"	45,000	
"	3rd year's salmon ....	30	3,000	500	15,000	"	1,125	

At the termination of the fishing in the sixth year the total sale of fish will amount to £93,975.

There need not, I think, be any apprehension whatever felt on the subject of a market. In addition to the ordinary demand likely to arise amongst a population so numerous as that of the Australian Colonies, for a fish which is everywhere regarded as one of the most delicious of all table delicacies, it may be noted that members of the Roman Catholic Church and the Jewish Communion are numerous, and that in the season of Lent, salmon will be in prime condition. This circumstance alone will create a large demand for it: but even without looking for special demands of this kind, how few there are amongst the million of inhabitants of Australia, who will deny themselves the luxury, when it is placed within their reach? It may be expected that there is not a restaurant, or hotel of any position, that will be without its daily salmon of twenty pounds. It will constitute a standing item in the bill of fare on every *table d'hote*, as is now the case in the hotels and eating-houses in London, and generally throughout Britain. It is not easy to put limits to the probable consumption in private families. It is well known that any addition to the limited dietary of the Colonies, is everywhere eagerly availed of; even of imported preserved salmon, which cannot be said to retain much trace of the original flavour of the fish, there is a large consumption, at a price often much in excess of the sum I assume as the probable market value of the fresh salmon. In tins, often tainted, and never retaining beyond the faintest conceivable degree the true flavour, the preserved fish sells at something beyond this figure. That 1s. 6d. a pound will be readily realized, and that the fish sold wholesale, for preserving will be worth 1s. per pound in the market, is a moderate expectation. An average sale of one single pound for each head of the population of Australia (reckoning them in round numbers at 1,000,000) will yield a revenue of £75,000 per annum.

In assuming that the salmon of the Snowy River would command the markets of all the Australian Colonies, I have regard to tangible facts. Possibly Tasmanian salmon might appear in this market; but the Snowy River will have a decided advantage, from its entering the sea midway, and being twenty to thirty hours nearer the Sydney and Melbourne.

Melbourne markets, as also the quality and value of salmon deteriorates rapidly even in Britain, and of course much more so in such a warm climate as this. And it is my opinion that the northern rivers of Tasmania, even if suitable to propagate salmon in, will produce only a very limited supply; on the other hand, the Snowy River, from the fact of its rising in an elevated snow-clad range, near the sea, having a greater annual deposit of rain than elsewhere in these Colonies, it is, therefore, likely to have a more uniform volume of water, and maintain a lower temperature of water, in consequence of its short swift course to the sea, than any other river in all the Colonies. It also flows through a thinly populated country. All these circumstances point it out as offering a more reasonable hope of a successful naturalization of the salmon than any other river in all the Australian Colonies; and, from its peculiar position, which I have already adverted to, I have no doubt will prove to be the most valuable as a salmon-producing river.

The question may arise of the practicability of transporting salmon in a fresh state to the markets of Sydney, Melbourne, Queensland, &c.; but by packing the fish in ice, and using a small screw yacht, fitted up as an ice-house, the difficulties of the case will be obviated, and establishments of ice-houses at the market-towns, and at an accessible point on the river, for the reception of the fish as caught, &c., will be part of the general arrangements necessary to turn the salmon fisheries to good practical account.

I have now given a sketch of the natural history of salmon, its commercial value, and the advantages likely to accrue to this Colony from its introduction. I now propose to describe the appliances, which I have proved by a series of experiments to be the only means there is of introducing salmon into this Colony, and an approximate estimate of the cost thereof, and, in addition, to the cost of giving the experiment a fair trial.

The frame of the apparatus to be made of bars of galvanized iron, connected by cross-bars of the shape of a frustum of a cone; spirally round this frame is a trough, one foot wide by four inches deep, divided into compartments, in which are placed the perforated and covered glass tiles to contain the ova. Two tanks, each to contain 250 gallons, the one to be placed on deck as a feeding tank, the other on the deck below the vivarium, to receive the water after passing over the ova. Inserted in the deck tank is an inch and a quarter copper pipe, well tinned, led entirely round the ice-house, whence it emerges, and is led by a flexible joint into the upper compartment of the vivarium. The water, after flowing into it, is conveyed by a pipe, inserted in the lower compartment of the vivarium, into the tank on the lower deck, whence it is thrown by a force-pump into an aerating and filtering machine; after being thoroughly subjected to both processes it is conveyed into the feeding-tank. Thus a brisk stream of cold pure water will flow constantly over the ova, which is an indispensable element in the success of the experiment.

Fitted up between decks will be an ice-house to contain twenty-five tons of ice; tanks capacity, six tons. All these must be lined with block tin. A frigorific machine of a peculiar construction:—This it is prudent to have in reserve, in the event of an accident occurring to the ice-house, or the ice failing.

Should any of the ova hatch prematurely, a fountain swinging-tray will be provided to place them in. This last is merely for the sake of experiment, as I am convinced by the result of many experiments conducted by myself and by others, that the embryo fry *will not live* where it is subjected to *any other motion* than a steady direct current of cold water, not exceeding three or four inches in depth. In addition there will be required elastic bands and tubes, a few spare boards, tin, lead, and carpenters' tools.

A manager with two assistants:—These should be salmon fishermen of good character. As they are difficult to procure, it might be advisable, as an inducement to emigrate, to note as an item in the estimate the passage of their families. It will be prudent to supply the manager with a letter of credit, in case the ship has to put into an intermediate port by force of weather or otherwise.

The following is an estimate of the cost of importing the ova, and also the total cost that will be incurred during the period of two years and eight months subsequent to its introduction—that is, until the expiry of the natural season for the return of the fish the first time from the sea. It will then be fairly proven whether the salmon can be acclimatized in these waters. If the result prove favourable (as I confidently predict it will), then it will be seen what further expense it will be necessary to incur, in order to turn the fishery to practical account. So confident am I of the practicability of the scheme that I propose that the manager's salary shall be contingent upon the successful introduction of the ova, but that a specified allowance for personal and travelling expenses should be granted.

Ice-house, water-tanks, vivaria, frigorific machine, and everything connected therewith ... ..	£	500
Twenty-five tons of Wenham Lake ice, at £5 per ton ... ..		125
Cost of water and ova ... ..		50
Freight of about eighty-five tons, at £4 per ton ... ..		340
Letter of credit, £150; incidental expenses, £150 ... ..		300
Passages of manager, two assistants, with families (say eight people)...		160
Salary of assistants, at £75 each a year ... ..		150
Add 10 per cent. for contingencies ... ..		162

The cost of its introduction ... .. £1,787

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The expenses two years and eight months subsequent to its arrival :—

Cost of constructing ponds, about	... ..	£1,500
Salary of manager (£500), for two years, £1,000; two assistants, at £75 a year, for two years, £300	... ..	1,300
Food for fry, £30 a year, £60; boat and fishing tackle, £60; one spring-cart and two horses, £70	... ..	190
Add 10 per cent. for contingencies	... ..	209
		£3,199

Before concluding this paper, it is necessary that I should submit a few remarks in order to shew the expediency of examining the rivers supposed to be suitable for propagating salmon, and also the necessity of enacting laws similar to those of Scotland for the protection of the salmon.

I have proved by a series of experiments that salmon cease to propagate in water whose temperature exceeds 57° Fahrenheit.

It is therefore advisable, before entering into a costly and difficult experiment, to ascertain, during the ensuing summer, the temperature of the rivers which are physically adapted to the propagation of salmon, which flow down the eastern slope of the Snowy Range, especially that of the Snowy River, and the coast water into which they disembogue. From information which I have received from parties well acquainted with that river and district, as also with the habits of salmon in its native streams in Scotland, it appears to be similar in its physical aspect to the Spey, the swiftest and finest salmon river in Britain. Upon this information I have based my remarks and calculations.

In order to acclimatise the fish and utilise the fisheries, it will be imperative to maintain a system of artificial rearing by means of breeding ponds, similar to the Government breeding ponds of France; and inasmuch as the system pursued by the French Government has proved so eminently successful, it will be advisable to copy their system, and modify it so as to suit the difference of climate and site. As the success of the experiment depends in a great measure upon a judicious selection of a suitable spot for this purpose, it is requisite to examine the river and its tributaries with great care; it will be necessary to know the shortest and most convenient route by which to transport the vivarium and its contents from the spot where it is disembarked, to the ponds—so delicate is the ova at this stage of the experiment, that much shaking, delay, or a sudden increase of temperature, will certainly jeopardize the experiment.

Whilst examining the river and its tributaries, an approximate estimate may be arrived at of the probable produce of the river and its commercial value.

I may here remark that the estuary is the most valuable part of the river, inasmuch as the quality of salmon is superior direct from the salt water, and it deteriorates according to the length of time it remains in fresh water, until its return to the salt to recover itself (by that marvellous process of marine nourishment already adverted to); and by various contrivances, such as stake nets, cruvies, &c., the fish can be captured at the mouth of the river, and thereby prevented from ascending to the natural spawning beds. It is now known in Britain that this is the principal cause of the decrease of salmon.

In Scotland, however, the law distinctly defines the various methods of fishing, and infringements thereof are strictly watched and severely punished. Land and water are held as two distinct properties—for example, a proprietor of land, having a river running through it, may alienate the right of salmon fishing on his part of the river without the land, and *vice versa*; and in many instances the fishings on the estuaries, and miles up, are held by companies and by private individuals, who of course have a right also to haul nets and land cobbles on the banks.

All rivers in Scotland appear to have been at one time vested in the Crown, but from time to time the monarchs have alienated all that kind of property, sometimes with the land through which it ran, at other times the grant was quite distinct. In every case, however, there was a proviso that the banks were available for all the purposes of fishing; and as these usages have obtained from time immemorial, and are so well understood by the bulk of the people, no conflict of interests ever arise. I therefore beg strongly to recommend the adoption of the Scottish salmon laws, simply because experience proves them to be, in practice, better than any other now in use.

I trust that I have entered sufficiently into this question to shew clearly the little risk that is attached to the introduction of salmon, in comparison with the advantages that will accrue to the Colony therefrom; and as no private company or individual can engage in this enterprise, in consequence of the rivers being vested in Government, and cannot legally, I presume, be either alienated nor sold, neither in the present age can a monopoly of any description be guaranteed. It therefore obviously devolves on the Government, for the general good of the Colony, to introduce, propagate, and stock the rivers with salmon, and to establish the fisheries, precisely as the Government of France are now so successfully doing. When the rivers are stocked, and the fisheries are properly established, it may be desirable to divide the river into sections of small fishings, and rent them; when this is done, I have no hesitation in saying that the annual rental will much exceed the estimated cost of the enterprise.

The spawning season begins in Britain in September, and ends in March. The latter end of January is the best time to take the spawn, and leaving Britain at that season will insure crossing the tropics when there is the least amount of electricity in the atmosphere (a most essential condition for the success of the experiment). It will then arrive here at the period of the year (the beginning of the winter) the most congenial for commencing the process of acclimatizing it.

Assuming that early steps are taken in this enterprise, the temperature of the river may be tested during the summer, a suitable site for a breeding pond selected, and prior to the next spawning season in Britain the apparatus, &c., may be constructed, the ova embarked in January, and in May next 30,000 ova can be deposited in the breeding ponds of this Colony, and six years from that date I believe the fishings will have produced £90,000, and will, in the seventh year, yield £70,000 per annum. As the fish continues to propagate, the price of it, without diminution of revenue, can be reduced materially, thus bringing a most delicious, nutritious, and wholesome article of food within reach of the poorest colonist.

I have, &c.,

ALEXR. B. BLACK.

N<sup>o</sup>. 4.

ALEXR. B. BLACK, ESQ., to COLONIAL SECRETARY.

Sydney, 15 December, 1860.

SIR,

In compliance with your request, I have the honor to submit the subjoined remarks for the consideration of the Government.

The question of introducing and acclimatizing salmon in these Colonies, has for some years occupied the attention of men conversant with the habits of salmon in their native streams; but this knowledge of itself does not furnish data, to guard against the risks to be encountered whilst carrying the project into operation.

The first experiment in Britain of this nature, was made, I believe, at the instance of His Excellency Sir William Denison, then Governor of Tasmania. The Duke of Newcastle, at that time Secretary of State for the Colonies, employed a salmon fisher and experimenter on salmon, of great repute (Mr. Boccus), to report upon the feasibility of the scheme, and to carry it into operation.

This experiment however signally failed. It was obvious that Boccus was not aware of the fact, that the maximum temperature of water in which the ova cease to exist, is 20° of Fahrenheit, lower than the average temperature of the tropics; and this difference of temperature must be increased 24° Fahrenheit more, *i.e.*, the ova must be kept in a temperature of 36° Fahrenheit, so that the fish in its ova state can be deposited in these rivers; inasmuch as by numerous experiments it has incontestably been proved that, as embryo, smolt, and adult fish, it cannot be carried alive by sea, even from Britain to France. The ova is also peculiarly liable to destruction, by an excess of electricity in the atmosphere. It is to these causes, requiring a large amount of frigorific material, that the hazard and expense of this enterprise is to be attributed.

Even as early as 1850-51, I procured in California a quantity of ova for the above-named purpose; it occurred, however, after its collection, that my route was changed to China instead of these Colonies. At that time I possessed very imperfect data, respecting the temperature required for the healthful preservation of the ova. Subsequently however I had frequent opportunities of experimenting on it to this end.

During the course of the late enterprise I verified my assumption, based upon prior experiments, and have succeeded in ascertaining the exact temperature to keep the ova during the enterprise. But in addition to this, it is indispensable to know the maximum temperature of the rivers, which seem adapted to the propagation of salmon, likewise that of the coast water into which they disembogue; this of course can only be correctly ascertained by a practical person, during the months of January, February, and March.

The only rivers in this Colony which appear to me to be adapted to this purpose are, the Snowy (running in this and the neighbouring Colony—which is peculiarly eligible), the Shoalhaven, and the Clarence. However the information which I have obtained from residents of the respective localities, is of such a conflicting nature, that no practicable dependence can be placed upon it.

Should this Government now, or at any future period, resolve to introduce salmon, a careful examination of the conformation and temperature of these rivers will not only give the information whether, and in what degree, they are suitable to its propagation (and thereby avoid the fruitless expense of trying to introduce the fish wherein they will not breed), but it will also furnish the wanting data necessary to solve the question whether salmon can ever be acclimatized in the rivers of this Colony.

The time and expense I have already so freely given, to acquire the necessary information for ensuring the ultimate success of this enterprise, prevents the possibility, even if advisable, of examining these rivers, as an individual, without the sanction and aid of Government. I therefore beg to solicit the assistance of Government in prosecuting, in proper season, the requisite inquiries.

I have, &c.,

ALEXR. B. BLACK.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. ALEXANDER B. BLACK.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 9 March, 1864.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of Alexander B. Black,—

RESPECTFULLY SHEWETH :—

That in the month of May, 1862, by appointment he waited on the Honorable the late Colonial Secretary to solicit that gentleman's influence and mediation with the Honorable the late Secretary for Lands, in order, if possible, to obtain a favourable reception to an application for a lease of a certain lagoon, the property of Government, and not in use for any purpose whatever, for the purpose of stocking it and breeding therein Murray River Cod and other esculent fishes, which are esteemed as an article of food, but not procurable in the Sydney market.

That the Honorable the late Colonial Secretary kindly accompanied him to the Lands Office, but the Honorable the late Secretary for Lands would not give a decisive answer, but led him to infer that his application might be complied with.

That then the Honorable the late Secretary for Lands, who recently had laid an Oyster Bill before the Honorable the Legislative Assembly, requested that your Petitioner should, in writing, give an opinion thereon.

That he declined to do so, either verbally or in writing, stating that in no way could the said Bill further the cause which he had so long advocated, nor facilitate, but the reverse, that branch of Fisheries which more immediately concerned himself, and was the purpose of the present interview, *i.e.*, Fresh Water Pisciculture; besides, in order to give a reliable opinion thereon, a particular kind of local knowledge was necessary, a personal inspection of some of the "beds," and a critical examination of persons engaged in prosecuting this Fishery, because no knowledge of Oyster Fisheries, and the local causes which influence those Fisheries elsewhere, no matter how varied and sound soever that knowledge might be, although it would aid most materially in forming a sound judgment, yet he could not feel justified in expressing an opinion in writing unless in possession of the information indicated, which of course would involve expense, labour, and time.

That notwithstanding the Honorable the late Secretary for Lands insisted before the Honorable the late Colonial Secretary, that your Petitioner should furnish a written report on the Oyster Fishery Bill aforesaid, subject to the penalty in case of refusal of imputation of incapacity and rejection of application for lease of the said lagoon.

That under these circumstances he promised to comply with the Honorable the late Secretary for Lands request, on condition that the lease applied for should be granted, or else payment for the report.

That believing, as he does, that Fisheries, particularly deep Sea Fisheries, are of the highest importance to the Colony of New South Wales, not only in a domestic economical point of view, by which an increasing class of youth, who otherwise are almost irrevocably doomed to a life of compulsory idleness and its expensive and deplorable consequences, can be profitably employed to themselves, consequently to the State, in gathering the produce of a highly fertile field (which for lack of well directed enterprise and energy is utterly useless to the Colony at present) in order to provide their fellow citizens with a

cheap and ample supply of a wholesome and very nutritious article of diet, the supply of which is notoriously inadequate, not only when it is considered that the several productions of Fisheries are of great commercial value as articles of export, but that Fisheries form the best nursery for seamen, and that the foundation of the advance and prosperity, perhaps even the existence, of the Colony, is based solely upon the security from invasion of its extensive and easily assailable sea-board, and in the safety of its sea-borne commerce; that this security can only be effectually guaranteed, which is a fact, proved by the testimony of all maritime nations, by employing the human waifs and strays of this overgrown city in self-supporting Fisheries, on condition and understanding that they shall be trained from youth as Sea Fencibles, to be ready at a moment's notice to man proper vessels, and sail wherever their services are required to defend their country's coast, to guard the approaches to the metropolis, and afford protection to its mercantile marine.

It is by no means improbable—indeed, perhaps the time is not far distant, inferring from the slumbering political convulsions of the civilized world—that the Colony's energies will be taxed to the utmost in self-defence, or if that is inefficient, to pay the invader handsomely to spare the city, and thereby suffer humiliation as well as loss, not to mention the sufferings of the inhabitants of Sydney under a state of blockade, that by establishing Fisheries on a simple plan, and adopting well considered Fishing regulations, embracing the views herein very imperfectly shadowed forth, the humiliation, loss, and sufferings would be avoided, because no enemy's flying squadron would dare approach these shores, if it were known that such a force existed, and the expense to the State would be trivial in comparison with the advantages gained, or with the cost of any other system of defence.

That he therefore, and for the reasons above stated, bestowed much time, labour, and expense in acquiring the information conceived necessary to justify him in drawing up a reliable report thereon; and also information to enable him to give an opinion on Richard Driver's, Esq., M.L.A., Fishery Protection Bill, which the Honorable the late Secretary for Lands subsequently commissioned him to report upon.

That he submitted the circumstances herein stated, to the Select Committee of your Honorable House sitting on the Fishing question, while he was being examined on Fisheries, and your Honorable Committee declared that the reports referred to were extremely useful in enabling them to arrive at a right understanding of the subjects upon which they treated, and on those grounds your Honorable Committee would recommend the attention of the late Government thereunto; but the duties of that Honorable Committee not being terminated prior to the recess of Parliament of last year, and not resumed during the sittings of Parliament of this year, the Honorable the late Secretary for Lands declined to take action in the matter till officially recommended by your Honorable Committee do do so.

That the Reports referred to were ordered to be laid upon the Table of your Honorable House on 19th December, 1862, and were ordered to be printed 28th July, 1863.

Your humble Petitioner therefore prays that the Honorable the Assembly will take his case into consideration, and afford him such redress as your Honorable House may in its judgment consider fair and equitable; and your humble Petitioner, as in duty bound, will ever pray, &c., &c., &c.

ALEXR. B. BLACK.

18th December, 1863.

*Sydney.*



1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## CORONER AT WEST MAITLAND.

(PETITION OF MR. JOSHUA ANDERSON.)

*Ordered by the Legislative Assembly to be Printed, 4 September, 1863.*

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Joshua Anderson, Landowner, of West Maitland, in the said Colony,—

HUMBLY SHEWETH :—

That in the month of April last a stack of hay, valued at £70 to £80, the property of your Petitioner, was destroyed by fire at Forest Hill, Oakhampton, near West Maitland, under circumstances which, in the opinion of your Petitioner and other residents of the neighbourhood, left very little room for doubt that it was the act of an incendiary.

That the local police entertained the same opinion, and in consequence a reward of £50 was offered by the Government for the detection and conviction of the offender or offenders.

That your Petitioner promptly applied to the Coroner for the district to hold an inquest on the fire, and that that officer refused to comply with his request, under the pretence "that no one could give evidence in reference to the matter."

That, on the contrary, your Petitioner could have adduced evidence which would have strongly tended to criminate a person whom he suspected, and that the Coroner was so informed.

That the Coroner has held inquests in other cases, in which Insurance Companies were concerned, and in which evidence of a much less conclusive character than might have been brought forward in your Petitioner's case, was available.

That your Petitioner also lost a stack of hay, by fire in the same place about nine months previously, and under somewhat similar suspicious circumstances.

That your Petitioner believes that the conduct of the Coroner is calculated still more to endanger his property, and therefore prays your Honorable House to cause an inquiry to be instituted into this case, and such other steps to be taken in relation thereto, as may, in the opinion of your Honorable House, be just and proper.

And your Petitioner, as in duty bound, will ever pray.

JOSHUA ANDERSON.



1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

**CORONER AT WEST MAITLAND.**

(DESTRUCTION, BY FIRE, OF HAYSTACK—CONDUCT OF CORONER.)

*Ordered, by the Legislative Assembly to be Printed, 4 December, 1863.*

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 26 November, 1863, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ Copies of all Correspondence and Reports relating to the  
“ destruction, by fire, of a Stack of Hay, the property of Mr.  
“ Joshua Anderson, of West Maitland, and to the refusal  
“ of the Coroner to hold an Inquest thereon.”

(*Mr. Weekes.*)

**SCHEDULE.**

NO.	PAGE.
1. Joshua Anderson, Maitland, respecting refusal of the Coroner to hold an Inquest as to destruction, by fire, of a Stack of Hay, his property. 24 April, 1863. (Minute of Mr. Attorney General Hargrave thereon, for the Coroner's explanation. 30 April, 1863) ..	2
2. Coroner, Maitland, in reply. 7 May, 1863 .. .. .	2
3. Secretary, Law Officers, to Mr. Anderson, stating the Coroner's explanation is satisfactory. 11 May, 1863 .. .. .	3
4. Notice published in <i>Government Gazette</i> offering reward of £50 for information as to cause of fire. 12 May, 1863.. .. .	3
5. Joshua Anderson, Maitland, further on same subject. 14 May, 1863. (Minute of Attorney General thereon. 17 June, 1863 .. .. .	3
6. Same to Colonial Secretary, on same subject. 8 July, 1863 .. .. .	4
7. Minute of Mr. Attorney General Hargrave, forwarding papers for consideration of Colonial Secretary. 14 July, 1863 .. .. .	4
8. Principal Under Secretary to Mr. Anderson, in reply to No. 6 .. .. .	4

## CORONER AT WEST MAITLAND.

No. 1.

MR. JOSHUA ANDERSON to ATTORNEY GENERAL.

*Maitland, 24 April, 1863.*

SIR,

I beg to inform you that, on the night of the 17th instant, a stack of hay, to the value of £70 or £80, was destroyed by fire. I believe it to have been a malicious act of some persons, but I am unable, at present, to obtain evidence pointing to any person in particular.

This is the second act of incendiarism which has been committed against my property, within ten months.

The Coroner, to whom I reported the matter, declines to hold an inquest, on the alleged ground that the property is of too trifling a value, and that I am bound to point to some particular person as suspected by me.

Requesting that you will direct the Coroner in this matter,

I have, &c.,

JOSHUA ANDERSON.

I presume the Coroner exercised a proper discretion in this matter. Will he favour me with any remarks he may think proper?

The Coroner, Maitland.

JOHN F. HARGRAVE,  
Attorney General.  
B.C., 30/4/63.

No. 2.

CORONER, MAITLAND, to ATTORNEY GENERAL.

*Coroner's Office, East Maitland,  
7 May, 1863.*

SIR,

Relative to the stack of hay destroyed by fire on the 17th ultimo, the property of Mr. Joshua Anderson, of the Oakhampton Road, situate a few miles beyond West Maitland, the following day, Saturday, the 18th ultimo, Mr. Anderson called, and informed me that he had had a stack of hay destroyed by fire, and believed it was the act of a person of the name of Kelly, his neighbour, with whom he was at variance, and against whom he had previously commenced proceedings for stopping a watercourse. He said he had no ground, but merely his suspicion, and no one could give any evidence relative thereto; he stated that the stack was of oaten hay, and consisted of about seven or eight tons, which he valued at £10 per ton. I told him I would be engaged on the Monday, as it was the last day of the English mail, but would attend to it on the next day, Tuesday, the 21st ultimo. Although, from what he stated, I considered it quite unnecessary to hold an inquest, notwithstanding the constant rain that fell on Tuesday, the 21st ultimo, I visited Mr. Anderson's premises. The stack of hay in question had been placed at a very short distance from a hut occupied by a man and his family in Mr. Anderson's employment, at the corner of a vineyard, close to a fence, and adjoining apparently a by-road, and which hut was not further apart than about a chain. The occupants of the said hut, I am told, from the noise of the rain that fell that night, did not see the fire until they awoke the next morning. The fire, it is believed, took place at about between 1 and 2 o'clock, A.M.

Mr. Anderson informed me that the only person who saw the fire was a man who resides a considerable distance, and he only saw it through the slabs of his hut. He (Mr. Anderson) residing in the opposite direction, about the same distance, did not see the fire, and knew nothing about it until told what had occurred next morning.

At my second interview with Mr. Anderson, when I called upon him at his premises, he then said that his suspicions were altered, and, from what he had heard, that a man lately in his employment, he had discharged, might have put the stack on fire. The whole seems to me a matter in which there was not the slightest necessity of holding an inquest, and I told Mr. Anderson so; he said he would endeavour to induce the Government to offer a reward, and he would do so also.

I have, &c.,

JAMES THOMSON.

No. 3.

## No. 3.

SECRETARY TO CROWN LAW OFFICERS to MR. JOSHUA ANDERSON.

*Crown Law Offices,  
Sydney, 11 May, 1863.*

SIR,

With reference to your letter of the 24th ultimo, stating that a stack of hay, to the value of £70 or £80, was lately destroyed by fire, and that you believe it to have been a malicious act on the part of some person,—I am directed to state that the Coroner has written upon the subject, and that officer's report seems to the Attorney General to be quite satisfactory, as it would appear that no one could give evidence in reference to the matter.

I have, &c.,  
W. E. PLUNKETT.

## No. 4.

NOTICE PUBLISHED IN "GOVERNMENT GAZETTE."

*Colonial Secretary's Office,  
Sydney, 12 May, 1863.*

## FIFTY POUNDS REWARD.

WHEREAS on the morning of the 18th April last, a stack of hay, the property of Mr. Joshua Anderson, Forest Hill, Oakhampton Road, was destroyed by fire, and there is reason to believe that it was caused by an incendiary: Notice is hereby given, that a reward of £50 will be paid by the Government for such information as may lead to the apprehension and conviction of the person guilty of the offence; a free pardon will also be extended to any person implicated in the above offence (not being the person who actually committed the act) who may first give such information.

CHARLES COWPER.

## No. 5.

MR. JOSHUA ANDERSON to ATTORNEY GENERAL.

*Maitland, 14 May, 1863.*

SIR,

In acknowledging the receipt of your reply to my letter respecting the Coroner refusing to investigate in the matter of my hay-stack being burned, I beg to state, as regards the Coroner saying that no one could give evidence in reference to the matter, in so stating I am convinced that he is mistaken, for although, perhaps, no direct proof to clearly shew the perpetrator of this plain case of incendiarism, one and all here conversant with this trying case will bear me out in saying that nine-tenths more evidence can and would be given in it than what was given in the five last cases of a similar nature he investigated in this vicinity, in proof of which I beg to refer you to the following list of circumstantial evidence bearing on the case:—

- 1st. I can myself prove that a party in the neighbourhood has again and again threatened to do something tantamount to that now done twice, but in addition has threatened my life and that of my family, and I am now and again suffering the most barefaced wrongs at his hands.
- 2nd. I can prove, through an old servant of mine, that something of a threatening nature has been disclosed to him which the party would either do to me or to my property.
- 3rd. I can also prove by a servant of mine, residing about forty yards from where the stack stood, that another party referred to what might result if a fire stick was put in the stack (not then burned, but since has been).
- 4th. I can prove through another that the party who referred to the fire stick, &c., wished, and strove to implicate the man who at first gave notice of the burning. Now all this, and much more circumstantial evidence, might have been elicited from the aforesaid parties, had the Coroner done but his duty, or would yet do it; for if not (to an intelligent jury) the real culprit could be found out, it might at least tend to prevent any further destruction to my effects by fire, &c.; if not, I feel convinced that such destruction is not yet ended, or perhaps, what might be still worse, my life may be taken.

It is evident, if this case now drops without further inquiry, I will be constrained, after spending £1,200 in improving my land, to either sell or let it at whatever it may bring, and if so, the loss I may then sustain may be justly attributed to the conduct of the Coroner in this trying affair. And, indeed, I can prove (if required) that his chief excuse for not holding an inquest was, that the sum allowed on such occasions, viz., £1, was insufficient to cover the expenses attendant thereon.

I have, &c.,  
JOSHUA ANDERSON.

A Government reward having been offered, I think this matter may stand over.

JOHN F. HARGRAVE,  
Attorney General.

17 June, 1863.

No. 6.

## No. 6.

MR. JOSHUA ANDERSON to COLONIAL SECRETARY.

*Maitland, 8 July, 1863.*

SIR,

You are aware that I sustained a loss of £70 on the 17th of April of this year, from the destruction, by fire, of a stack of hay, my property, at Forest Hill, Oakhampton, under circumstances which left little or no room for doubt that it was the work of an incendiary. You may also have heard that I sustained a similar loss at the same place, about nine months previously, and that it too was likewise surrounded by the same suspicious circumstances.

The neighbouring residents, with one or two exceptions, feel certain that both stacks were maliciously set fire to. I believe that the constabulary of the district are of the same opinion, for I understand that it was at their instance that a reward was offered by the Government for the detection and conviction of the perpetrator.

Shortly after the occurrence of the last fire, and after collecting evidence which tended to criminate a party whom I suspected, I applied to Mr. James Thomson, the Coroner, to hold an inquest, which he, however, to my surprise, refused to do. Several friends on hearing this endeavoured to prevail upon him to comply with my request, on the grounds that it was his duty to do so, but without avail; amongst these friends were a Magistrate and a solicitor. I next wrote to the Attorney General on the subject, who informed me in reply that he was satisfied with Mr. Thomson's explanation. As I am not satisfied, and think that an inquest should still be held, and am supported in this opinion by many friends whom I have consulted, I now appeal to you, in the hope that you will see fit to direct the Coroner to institute an investigation into the origin of the last fire. I may add that my attention has been drawn to the fact that Mr. Thomson has held inquests in other cases of fire, and I do not know why he should not also officiate in my case, unless he considers that my interests are of less importance than those of the Insurance Companies who were concerned in the inquests referred to.

I have, &amp;c.,

JOSHUA ANDERSON.

The Attorney General, C.C.—B.C., 11 July.

## No. 7.

MINUTE OF MR. ATTORNEY GENERAL HARGRAVE.

*Joshua Anderson, Maitland, requesting an Inquest may be held respecting the late fire at his place, Forest Hill, Oakhampton.*

SEND the Coroner's letter, explaining his conduct, and stating Mr. Anderson's interviews with him as to the fire, and his suspicions, with the other papers, for the consideration of the Honorable the Colonial Secretary.

Mr. Anderson's letter of the 8th instant does not alter my opinion that the Coroner has exercised a wise discretion in the matter, in declining to hold an inquiry, after such conflicting statements by Mr. Anderson, and without any reasonable prospect of obtaining any reliable evidence of any kind.

JOHN F. HARGRAVE,  
Attorney General.

The Principal Under Secretary—B.C., 14 July, 1863.—W.E.P.

## No. 8.

PRINCIPAL UNDER SECRETARY to MR. JOSHUA ANDERSON.

*Colonial Secretary's Office,  
Sydney, 23 July, 1863.*

SIR,

In acknowledging the receipt of your letter of the 8th instant, complaining of the Coroner at Maitland having declined to hold an inquest respecting the destruction, by fire, in April last, of a stack of hay belonging to you, I am directed by the Colonial Secretary to inform you that, inquiry having been made, there does not appear to be anything requiring the interference of the Government in the matter.

I have, &amp;c.,

WM. ELYARD.

1863-4.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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COLONIAL STOREKEEPER'S DEPARTMENT.

(RETURN RELATIVE TO.)

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*Ordered by the Legislative Assembly to be Printed, 2 March, 1864.*

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RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 16 February, 1864, That there be laid upon the Table of this House,—

“ A Return of the Expenses, in the year 1860, of the  
 “ Colonial Storekeeper's Department, and, in the years 1861,  
 “ 1862, and 1863, of Stores and Stationery, specifying in the  
 “ latter the Salaries of the Persons employed in the branches  
 “ of Police, Stationery, Harbour Defences, and Light House,  
 “ Stores, &c., and distinguishing the cost of Conveyance,  
 “ Packing, Stationery, and Paper for Printing, Stores, and  
 “ Fuel and Light.”

*(Mr. Buchanan.)*

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## COLONIAL STOREKEEPER'S DEPARTMENT.

RETURN of the Expenses, in the Year 1860, of the Colonial Storekeeper's Department, and in the Years 1861, 1862, and 1863, of Stores and Stationery, specifying in the latter the Salaries of the Persons employed in the branches of Police, Stationery, Harbour Defences, and Light-house, Stores, &c., and distinguishing the Cost of Conveyance, Packing, Stationery, and Paper for Printing, Stores, and Fuel and Light.

PARTICULARS.	AMOUNT.	AMOUNT.	TOTAL.
1860.	£ s. d.	£ s. d.	£ s. d.
<b>DEPARTMENTAL EXPENSES.</b>			
<i>Salaries.</i>			
John Buchanan, Colonial Storekeeper ...	50 0 0		
Archibald Campbell, Acting Colonial Store- keeper ... ..	451 0 10		
Henry Garnet, Clerk ... ..	300 0 0		
William M'Donell, Clerk ... ..	300 0 0		
J. W. Jenkins, Clerk ... ..	225 6 0		
John Wise, Clerk ... ..	175 0 0		
David Moores, Foreman of Warehouse	175 0 0		
Jeremiah Reardon, Armourer... ..	175 0 0		
Felix Short, Warehouseman ... ..	120 0 0		
John Hayes, Warehouseman ... ..	120 0 0		
Henry Daniel, Warehouseman ... ..	120 0 0		
Henry Heiser, Watchman ... ..	85 0 0		
Denis Costigan, Assistant Armourer... ..	29 0 0		
John Cracknell, Assistant Armourer... ..	9 18 0		
Thomas Canavan, Assistant Armourer ... ..	9 18 0		
		2,345 2 10	
<i>Contingencies.</i>			
Conveyance of Stores ... ..	798 1 0		
Rent of Stores ... ..	123 13 0		
Newspapers and Advertising ... ..	10 1 6		
Bungs ... ..	2 13 0		
Cab-hire ... ..	1 15 6		
Nails ... ..	1 5 0		
Repairs to Dispatch Box ... ..	0 12 6		
Wharfage ... ..	0 5 4		
Postage ... ..	0 5 0		
Repairs to Locks ... ..	0 5 0		
Steamers' Fares ... ..	0 3 0		
		938 19 10	
<b>STORES AND STATIONERY.</b>			
General Stores ... ..	35,961 16 10		
Warlike Stores... ..	29,185 15 1		
	65,147 11 11	3,284 2 8	
Stationery ... ..	7,037 13 7		
Paper for Printing ... ..	921 9 7		
	7,959 3 2		
Fuel and Light... ..	2,893 19 1		
		76,000 14 2	
1861.			79,284 16 10
<b>DEPARTMENTAL EXPENSES.</b>			
<i>(Old Department.)</i>			
<i>Salaries.</i>			
Archibald Campbell, Acting Colonial Store- keeper ... ..	115 12 6		
Henry Garnet, Clerk ... ..	75 0 0		
William M'Donell, Clerk ... ..	75 0 0		
J. W. Jenkins, Clerk ... ..	56 5 0		
John Wise, Clerk ... ..	43 15 0		
David Moores, Foreman of Warehouse	43 15 0		
Jeremiah Reardon, Armourer... ..	58 6 8		
Felix Short, Warehouseman ... ..	100 0 0		
John Hayes, Warehouseman ... ..	30 0 0		
Henry Daniel, Warehouseman ... ..	80 0 0		
Henry Heiser, Watchman ... ..	56 13 4		
Denis Costigan, Assistant Armourer... ..	19 5 0		
John Cracknell, Assistant Armourer... ..	22 19 0		
Thomas Canavan, Assistant Armourer ... ..	22 19 0		
John Kingston, Assistant Armourer ... ..	11 14 0		
		811 4 6	
Carried forward ... ..	£ .....	811 4 6	



COLONIAL STOREKEEPER'S DEPARTMENT.

PARTICULARS.	AMOUNT.	AMOUNT.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.
1861.			
DEPARTMENTAL EXPENSES— <i>continued.</i>			
(Old Department)— <i>continued.</i>			
Brought forward ... ..		811 4 6	
<i>Contingencies.</i>			
William M'Donell, Extra Service ... ..	0 12 0		
J. W. Jenkins, Extra Service... ..	25 1 6		
David Moores, Extra Service ... ..	0 18 0		
Felix Short, Extra Service ... ..	9 17 0		
Henry Daniel, Extra Service ... ..	9 17 0		
John Hayes, Extra Service ... ..	0 12 0		
		46 17 6	
(Departments under New Arrangement.)			
<i>Police Store Branch—Salaries.</i>			
Francis Spence, Clerk in charge ... ..	187 10 0		
John Wise, Foreman of Stores ... ..	131 5 0		
John Hayes, Storeman ... ..	90 0 0		
Henry Daniel, Storeman ... ..	40 0 0		
Joseph Kerr, Messenger ... ..	6 13 4		
J. Burn, Laborer ... ..	9 10 0		
J. Woods, Laborer ... ..	9 10 0		
P. Murphy, Laborer ... ..	9 10 0		
J. Hall, Laborer ... ..	9 10 0		
C. Owen, Laborer ... ..	3 14 0		
J. Harrington, Laborer ... ..	2 12 0		
G. Greenwood, Laborer ... ..	1 2 0		
		500 16 4	
<i>Stationery Branch—Salaries.</i>			
L. I. Brennand, Clerk in Charge ... ..	187 10 0		
Michael D'Arcy, Foreman of Stores... ..	58 6 8		
succeeded by			
David Moores, Foreman of Stores ... ..	58 6 8		
		304 3 4	
<i>Harbor Defence Store Branch—Salaries.</i>			
David Moores, Foreman of Stores ... ..	72 18 4		
succeeded by			
Michael D'Arcy, Foreman of Stores... ..	58 6 8		
		131 5 0	
<i>Light-house Store Branch—Salaries.</i>			
John Robson, Foreman of Stores ... ..		116 13 4	
STORES AND STATIONERY.			
General Stores ... .. 33,641 19 2			
Warlike Stores ... .. 8,149 12 6			
	41,791 11 8		
Stationery ... .. 5,669 1 4			
Paper for Printing ... .. 6,863 7 3			
	12,532 8 7		
Fuel and Light ... ..	3,128 8 8		
Conveyance of Stores ... 1,232 4 5			
Packing and other expenses. . 8 15 6			
	1,240 19 11		
		58,693 8 10	
			60,604 8 10
1862.			
DEPARTMENTAL EXPENSES.			
<i>Police Store Branch—Salaries.</i>			
Francis Spence, Clerk in charge ... ..	250 0 0		
John Wise, Foreman of Stores ... ..	175 0 0		
John Hayes, Storeman... ..	120 0 0		
Joseph Kerr, Messenger ... ..	40 0 0		
		585 0 0	
<i>Stationery Branch—Salaries.</i>			
L. I. Brennand, Clerk in Charge ... ..	250 0 0		
David Moores, Foreman of Stores ... ..	175 0 0		
		425 0 0	
Carried forward ... .. £		1,010 0 0	

## COLONIAL STOREKEEPER'S DEPARTMENT.

PARTICULARS.		AMOUNT.			AMOUNT.			TOTAL.		
1862.		£	s.	d.	£	s.	d.	£	s.	d.
DEPARTMENTAL EXPENSES— <i>continued.</i>										
Brought forward					1,010	0	0			
<i>Harbour Defence—Store Branch.</i>										
Michael D'Arcy, Foreman of Stores					175	0	0			
<i>Light-house—Store Branch.</i>										
John Robson, Foreman of Stores					175	0	0			
STORES AND STATIONERY.					1,360 0 0					
General Stores	£28,586 2 4									
Warlike Stores	20,360 5 1									
					48,946	7	5			
Stationery	£5,178 10 3									
Paper for Printing	1,750 0 4									
					6,928	10	7			
Fuel and Light					3,135	1	6			
Conveyance of Stores	£1,319 4 4									
Packing and other Expenses	44 19 11									
					1,364	4	3			
1863.					60,374 3 9			61,734 3 9		
DEPARTMENTAL EXPENSES.										
<i>Police Store Branch—Salaries.</i>										
Francis Spence, Clerk in Charge (to 30 June)		125 0 0								
John Wise, Foreman of Stores		100 0 0								
John Hayes, Storeman		60 0 0								
Henry Daniel, Storeman		60 0 0								
Joseph Kerr, Messenger		20 0 0								
R. Stewart, Tailor		53 18 0								
William Pattison, Armourer		87 10 0								
Alfred Crook, Assistant Clerk		12 10 0								
					518 18 0					
<i>Stationery Branch—Salaries.</i>										
L. I. Brennand, Clerk in Charge (to 30 June)		125 0 0								
David Moores, Foreman of Stores		100 0 0								
J. A. White, Messenger		20 0 0								
					245 0 0					
<i>Harbour Defence—Store Branch.</i>										
Michael D'Arcy, Foreman of Stores					100 0 0					
<i>Light-house—Store Branch.</i>										
John Robson, Foreman of Stores					83 6 8					
(Department under latest Arrangement.)										
<i>Salaries.</i>										
J. B. Cole, Colonial Storekeeper		75 0 0								
L. I. Brennand, Chief Clerk		150 0 0								
Francis Spence, Clerk		125 0 0								
Samuel Chatto, Foreman		54 3 4								
Henry Daniel, Assistant Foreman		60 0 0								
James Burr, Storeman		55 0 0								
Timothy Mahony, Storeman		55 0 0								
Robert Stewart, Storeman		55 0 0								
J. A. White, Messenger and Assistant Clerk		26 13 4								
John Wise		16 13 4								
David Moores		16 13 4								
Michael D'Arcy		33 6 8								
John Robson		16 13 4								
Alfred Crook		4 3 4								
John Hayes		10 0 0								
William Pattison		72 18 4								
Joseph Kerr, Messenger		16 13 4								
Richard Webster, Temporary Clerk		26 1 11								
					869 0 3					
<i>Contingencies.</i>										
J. B. Cole, Lodging Allowance		58 0 0								
					927 0 3					
Carried forward		£			1,874 4 11					

## COLONIAL STOREKEEPER'S DEPARTMENT.

5

PARTICULARS.	AMOUNT.	AMOUNT.	TOTAL.
1863.	£ s. d.	£ s. d.	£ s. d.
Brought forward ... ..	.....	1,874 4 11	
<b>STORES AND STATIONERY.</b>			
General Stores ... ..	£41,794 5 4		
Warlike Stores ... ..	8,974 5 0		
	50,768 10 4		
Stationery ... ..	5,679 9 3		
Paper for Printing ... ..	6,026 14 3		
	11,706 3 6		
Fuel and light ... ..	1,587 3 7		
Advances not yet accounted for ... ..	806 8 7		
	2,393 12 2		
Conveyance of Stores ... ..	1,382 6 6		
Packing and other expenses	24 11 6		
	1,406 18 0		
		66,275 4 0	
			68,149 8 11

*Audit Office, Sydney, New South Wales,  
29th February, 1864.*

W. C. MAYNE,  
Auditor General.



Sydney : Thomas Richards, Government Printer.—1864.

[Price, 6d.]



1863.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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**MR. KEIGHTLY.**

(CORRESPONDENCE BETWEEN THE LATE CLERK OF PETTY SESSIONS AND LAND AGENT AT TAMWORTH,  
AND THE GOVERNMENT, IN 1857 AND 1858.)

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*Ordered by the Legislative Assembly to be Printed, 22 September, 1863.*

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RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 29 January, 1861, That there be laid upon the Table of this House,—

“ All Correspondence between Mr. Keightly, the late Clerk  
“ of Petty Sessions and Land Agent at Tamworth, and  
“ the Government, in 1857 and 1858, respecting the Sale  
“ of Lands, at Nundle and Tamworth, to Robinson and  
“ M‘Pherson, together with all Memoranda attached to such  
“ Correspondence.”

*(Mr. T. Garrett.)*

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**MR. KEIGHTLY.**

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No. 1.

MR. KEIGHTLY to COLONIAL TREASURER.

(10,822.)

*Police Office, Tamworth,  
24 December, 1857.*

SIR,

I do myself the honor to enclose a cheque for three hundred and six pounds, one shilling and three-pence, being the balance purchase money for lots sold on the 2nd and 3rd instant, at Nundle, to the individuals mentioned in the margin.

Vouchers in support thereof are herewith enclosed.

I have, &c.,

HENRY M. KEIGHTLY.

57/181.

Mills.  
Brennan.  
Robinson.  
Roe.  
M'Pherson.

MINUTES ON THE FOREGOING LETTER.

*By the Chief Clerk of Revenue Branch (Mr. Hollinworth.)*

Mr. Keightly should be called upon to explain why this remittance has been forwarded, unsupported by the voucher or return furnished by the Surveyor General; secondly, why he has forwarded the official receipts to this Office, instead of to the individual paying the money.—E. W. H.—30.

*By the Under Secretary (Mr. Lane.)*

The Agent is instructed in paragraph 15, "to give the receipts to the purchasers"; and in paragraph 16, "to transmit a Return to the Under Secretary to the Treasury, accompanied by all moneys received."

Mr. Keightly has not attended to these instructions. As to Mr. Hollinworth's suggestion, that Mr. Keightly should be called upon to explain, I am forced to express the opinion, grounded on past experience, that it is useless for me to ask explanation. (See paper 10,733 herewith.)

Submitted for the Treasurer's decision.—30 Dec.—H. L.

*By the Treasurer (Mr. Jones.)*

Bring Mr. Keightly's gross negligence under the notice of the Chief Secretary, and the Secretary for Lands and Works, from whom he holds his two appointments as Clerk of Petty Sessions and Crown Land Agent.—R. J.—30 Dec., 1857.

No. 2.

MR. KEIGHTLY to COLONIAL TREASURER.

(10,733.)

*Police Office, Tamworth,  
16 December, 1857.*

SIR,

I have the honor to enclose vouchers in support of the sum of £19 8s. 10d. sent you in my letter, No. 57-172, dated 1st instant.

I have, &c.,

HENRY M. KEIGHTLY,  
C.P.S.

57/183.

MINUTES ON THE FOREGOING LETTER.

*By the Under Secretary.*

Mr. Keightly has not explained the delay in sending the vouchers?—23.—H. L.

*By the Chief Clerk.*

No. E. W. H.

Mr. Keightly's remittance was by cheque for £19 8s. 10d. The vouchers are for £19 10s. 8d. I cannot, therefore, carry his collections to account.—E. W. H.—23.

*By the Under Secretary.*

Does the Clerk of Petty Sessions, Tamworth, render his accounts to the Auditor General in a satisfactory manner?—23.—H. L.

*By*

*By the Auditor General.*

Mr. Keightly's accounts for the September quarter were not received within the time required by the regulations; his salary was, in consequence, suspended until the 22nd October. A circular, dated 10th November, was sent to him, with a request that he would acknowledge its receipt, which he has not done. His collections during the months of October and November have not yet been credited at the Treasury.

*Audit Office,*  
28 December, 1857.

W. C. MAYNE,  
A.G.

*By the Under Secretary.*

Submitted for instruction as to the course to be taken with Mr. Keightly.  
30 December.

H. L.

No. 3.

MR. KEIGHTLY to COLONIAL TREASURER.

*Police Office, Tamworth,*  
1 December, 1857.

SIR,

I have the honor to forward a cheque for £19 8s. 10d., being amount of <sup>57/172.</sup> fines and fees collected by me up to the present date.

I have, &c.,  
HENRY M. KEIGHTLY,  
C.P.S.

MINUTES ON THE FOREGOING LETTER.

*By the Chief Clerk.*

Mr. Keightly has not sent any vouchers in support of this remittance.—E. W. H.—7.

*By the Under Secretary.*

Mr. Keightly is requested to send the vouchers.—7 Dec., 1857.—HENRY LANE.  
B.C.—To be returned.

No. 4.

(10,733.)  
(10,822.)

The Under Secretary will have the goodness to submit these papers for the consideration of the Chief Secretary.—30 Dec., 1857.—H. L.

*Minute by Chief Secretary.*

Mr. Keightly to be required to comply with the regulations. If he will not, he must be prepared to give way to some person who will. Let him be reprimanded also for his negligence.—C. C.—30 Dec.

Agent informed accordingly.—5 January, 1858.

*Minute by Under Secretary for Lands.*

Papers now returned to the Secretary to the Treasury, who will perhaps, if necessary, return the receipts to the Agent.—B.C.—8 January, 1858.—M. F.

The receipts may now be returned to Mr. Keightly.—E. W. H.—11 Jan.  
Returned.—13/1/58.—F. M'K.

No. 5.

UNDER SECRETARY FOR FINANCE AND TRADE to MR. KEIGHTLY.

*The Treasury, New South Wales,*  
1 February, 1858.

SIR,

With reference to previous correspondence on the subject of the sale at Nundle, on 2nd and 3rd December last, I have the honor to request that you will furnish vouchers in detail for the amount remitted by you on account of that sale.

I have, &c.,  
HENRY LANE.

## No. 6.

UNDER SECRETARY FOR FINANCE AND TRADE to MR. KEIGHTLY.

*The Treasury, New South Wales,  
17 February, 1858.*

SIR,

I have to draw your attention to my letter of the 1st instant, addressed to you at Nundle, and to request that you will, without any further delay, furnish detailed vouchers in respect of your remittance on account of the sales at the above place, on 2nd and 3rd December last, in order that the accounts of last year may be closed.

I have, &c.,  
HENRY LANE.

## No. 7.

UNDER SECRETARY FOR FINANCE AND TRADE to MR. KEIGHTLY.

*The Treasury, New South Wales,  
20 February, 1858.*

SIR,

I am directed to request that you will forward the sum of two-pence, as the balance of the deposit on lots 1 and 7 of the sale at Tamworth on the 12th instant, and, at the same time, to call upon you to report why the printed sheet, setting forth the conditions of the sale, has been detached from the sale list, and omitted to be sent to this office.

I am, &c.,  
HENRY LANE.

## No. 8.

MR. KEIGHTLY to UNDER SECRETARY FOR FINANCE AND TRADE.

*Police Office, Tamworth,  
25 February, 1858.*

SIR,

I do myself the honor to enclose a draft for the sum of twenty-five pounds five shillings and eight-pence, being the balance purchase money, together with the deeds fees, for the lots sold to the individuals mentioned in the margin, on the 28th ultimo, at Nundle.

I have, &c.,  
H. M. KEIGHTLY,  
Land Agent.

Alexander  
McLelland.  
James Haydon  
Leslie.

MINUTE of the Clerk of Land Sales (Mr. Smith) on the foregoing letter.

The crediting upon this letter as a voucher will add to the confusion already in existence. The Agent should be required to send proper forms, otherwise it will be utterly impossible to keep the accounts clear.

	£	s.	d.
McLelland—land .....	9	15	5
Deposit paid .....	0	19	10
	<hr/>		
	8	15	7
Deed .....	1	0	0
	<hr/>		
	9	15	7
	<hr/>		
Leslie's land .....	15	0	0
Deposit paid .....	1	10	0
	<hr/>		
	13	10	0
Deed .....	2	0	0
	<hr/>		
	15	10	0
	<hr/>		

E. O. S.—3.

No. 9.



MR. KEIGHTLY.

5

## No. 9.

UNDER SECRETARY FOR FINANCE AND TRADE to MR. KEIGHTLY.

*The Treasury, New South Wales,  
4 March, 1858.*

SIR,

With reference to repeated applications made to you from this office, for correct vouchers, in the form prescribed by the regulations under which you hold your appointment as Agent for the sale of Crown Lands, I have now to enclose a statement shewing the position of your accounts with this department, in reference to your remittances on account of land.

It will be seen that the whole of your remittances on account of the sales of 2nd and 3rd December had to be carried to account upon temporary vouchers, prepared in this office; and it is absolutely necessary that vouchers in the proper form should be substituted, without any further delay.

On account of the sales held in the month of January, amounting, exclusive of deed fees, to £1,049 2s. 10d., a sum of £137 1s. 2d. only has been carried to account, an amount of £932 11s. 7d. remaining in suspense, as it is utterly impossible to credit the same upon the document accompanying the remittance, which does not sufficiently distinguish balances and deed fees, and is otherwise deficient in necessary information.

The form of voucher required would be the same as that referred to in paragraph 16 Form D. of the letter of instructions, supplies of which can be obtained from the Government Printer.

I have, therefore, once more to call upon you immediately to comply with the requirements of this department, as I shall, otherwise, however reluctantly, be compelled to make a formal report on the case.

I have, &c.,  
HENRY LANE.

[Enclosure in foregoing letter.]

H. M. KEIGHTLY, Land Sales Agent, Tamworth.

Date of Sale.	Amount Realized.	Date of Credit.	Amount Credited.	How Vouched for.	Remarks.
1857.	£ s. d.	1857.	£ s. d.		
2 Dec.....	123 17 7	15 Dec.....	113 12 6	} On temporary vouchers prepared in the Treasury.	
3 ".....	1,012 6 5	18 ".....	20 16 9		
		21 ".....	77 19 9		
		".....	382 8 6		
		28 ".....	154 0 0		
		30 ".....	283 16 3		
		".....	11 5 0		
		1858.			
		13 Jan.....	29 14 6		
	1,136 4 0		1,078 13 3		
1858.		1858.			
11 Jan.....	325 6 0	20 Jan.....	32 11 4	} Form D. Temporary. Form D. Temporary.	£932 11s. 7d. in suspense, on account of January sales.
12 ".....	637 17 3	22 ".....	63 16 0		
		30 ".....	7 4 0		
28 ".....	85 19 7	13 Feb.....	8 4 3		
		3 Mar.....	25 5 7		
	1,049 2 10		137 1 2		

## No. 10.

UNDER SECRETARY FOR FINANCE AND TRADE to MR. KEIGHTLY.

*The Treasury, New South Wales,  
6 March, 1858.*

SIR,

With reference to the sale of land at Tamworth on 12th January last, I have to inform you that the sum of £1 12s. 4d. appears to be still due on lot 9 sold to T. £1 12s. 4d. Hobbs.

I have therefore to request that you will forward the amount with as little delay as possible, together with the sum of £2 deducted by you as premium paid to the Bank on £2 your remittance of 6th ultimo.

I am, &c.,  
HENRY LANE,  
Secretary to Treasury.

No. 11.

## No. 11.

MR. KEIGHTLY to COLONIAL TREASURER.

Police Office, Tamworth,  
8 March, 1858.

SIR,

I do myself the honor to enclose the vouchers, in detail, in form D, of report of sales held by me, at Nundle, on the 2nd and 3rd of December last, as also of sales in Tamworth on the 11th and 12th of January last.

I also beg to express my thanks for the kind information conveyed in your enclosure of the 4th instant, and to state that, from not knowing the information required, it prevented my replying earlier to your communication, as otherwise was my intention.

I have, &amp;c.,

HENRY M. KEIGHTLY,  
Land Agent.

[Extracts from enclosures in the foregoing letter.]

*Extract from Report of the Sale of Crown Lands held at Nundle, on the 3rd day of December, 1857.*

Lot ... ..	18
Situation, town, or place ... ..	Nundle.
Extent sold ... ..	64 acres.
Price—Upset, £1—Realized ... ..	£1.
Purchaser—Name ... ..	Richard Robinson.
"    Residence ... ..	Nundle.
Amount realized ... ..	£64 0 0
Fee on preparation of deed ... ..	0 10 0
Fee on enrolment of deed ... ..	0 15 0
Deposit paid ... ..	6 8 0
Balance to be paid to the Agent ... ..	57 12 0

*Extract from Report of the Sale of Crown Lands held at Nundle, on the 3rd day of December, 1857.*

Lot ... ..	20
Situation, town, or place ... ..	Nundle.
Extent sold ... ..	46 acres.
Price—Upset, £1—Realized ... ..	£1 9s.
Purchaser—Name ... ..	Isabella M'Pherson.
"    Residence ... ..	Nundle.
Amount realized ... ..	£66 14 0
Fee on preparation of deed ... ..	0 10 0
Fee on enrolment of deed ... ..	0 15 0
Deposit paid ... ..	6 13 3
Balance to be paid to the Agent ... ..	60 0 9

*Extract from Report of the Sale of Crown Lands, held at Nundle, on the 3rd day of December, 1857.*

Lot ... ..	24.
Situation, town, or place ... ..	Nundle.
Extent sold ... ..	68 acres.
Price—Upset, £1—Realized ... ..	£1 3s.
Purchaser—Name ... ..	Joseph Roe.
"    Residence ... ..	Nundle.
Amount realized ... ..	£88 4 0
Fee on preparation of deed ... ..	0 10 0
Fee on enrolment of deed ... ..	0 15 0
Deposit paid ... ..	8 16 3
Balance to be paid to the Agent ... ..	79 7 9

*Extract from Report of the Sale of Crown Lands, held at Nundle, on the 3rd day of December, 1857.*

Lot ... ..	25.
Situation, town, or place ... ..	Nundle.
Extent sold ... ..	30 acres.
Price—Upset, £1—Realized ... ..	£1.
Purchaser—Name ... ..	William Ryan.
"    Residence ... ..	Nundle.
Amount realized ... ..	£34 10 0
Fee on preparation of deed ... ..	0 10 0
Fee on enrolment of deed ... ..	0 10 0
Deposit paid ... ..	3 0 0
Balance to be paid to the Agent ... ..	27 0 0

Extract

Extract from Report of the Sale of Crown Lands, held at Nundle, on the 3rd day of December, 1857.

Lot	...	...	...	...	26.
Situation, town, or place	...	...	...	...	Nundle.
Extent sold	...	...	...	...	61 acres.
Price—Upset, £1—realized	...	...	...	...	£1.
Purchaser—Name	...	...	...	...	William Ryan.
„ Residence	...	...	...	...	Nundle.
Amount realized	...	...	...	...	£61 0 0
Fee on preparation of deed	...	...	...	...	0 10 0
Fee on enrolment of deed	...	...	...	...	0 15 0
Deposit paid	...	...	...	...	6 2 0
Balance to be paid to the Agent	...	...	...	...	54 18 0

No. 12.

REPORT from Clerk in charge of Land Accounts, Treasury (Mr. Lennon.)

1. The total amount of the sale of land, held at Nundle, on the 2nd December, 1857, should be £123 17s. 6d., instead of £120 17s. 6d., as stated in the report of the sale.

2. The total amount of the sale of land, held at Nundle, on the 3rd December, 1857, should be £1,012 6s. 5d. instead of £1,007 16s. 5d., as stated in the report. The fees on deeds of the same sale should be £15 5s., instead of £15 15s., as stated also in the report of land sold.

3. The total amount of the sale of land, held at Tamworth, on the 11th January, 1858, should be £310 18s., instead of £325 6s., as stated in the report; and the fees on deeds should be £44, instead of £46 as stated. These discrepancies arise from lots 35 and 36 having been forfeited, as stated by the Surveyor General.

4. The total amount of the sale, held at Tamworth, on the 12th January, 1858, should be £630 13s. 3d., instead of £637 17s. 3d., as stated in the report of the sale of land; and the fees on deeds should be £47, instead of £35, as stated. These discrepancies arise from lots 11 and 12 having been forfeited, as stated by the Surveyor General.

I have to add that Mr. Keightly has reported subsequently to the Surveyor General, that the forfeitures alluded to in the sales of the 11th and 12th January, 1858, have not taken place.

J. G. L.

No. 13.

UNDER SECRETARY FOR FINANCE AND TRADE to MR. KEIGHTLY.

The Treasury, New South Wales,  
25 March, 1858.

SIR,

I do myself the honor to transmit an account current of the land sales held by you on the dates specified in the margin, and your remittances to the Treasury on account thereof, by which you will observe that the sum of £84 0s. 10d. is still due to the Treasury.

£84 0 10
Recd. on 25th 3 12 4
Balance..... 80 8 6

In your report to the Surveyor General, it appears that lots 35 and 36 of the sale of 11th January, and lots 11 and 12 of the sale of the 12th January, have become forfeited, in which case a set off of £25 12s. will be made, reducing the balance to £58 8s. 10d., which, it is requested, will be transmitted by return of post.

I have, &c.,  
HENRY LANE.

P.S.—Since signing the above, the further sum of £3 12s. 4d. has been received, leaving the balance £54 16s. 6d.

[Enclosure

[Enclosure in the foregoing.]

H. M. KEIGHTLY, Land Agent, Tamworth—Account Current.

Dr.			Cr.		
Date of Sale.	Place.	Amount of Sale, including Deed Fees.	Date of Credit.	Particulars.	Amount.
1857.		£ s. d.	1857.		£ s. d.
Dec. 2 ..	Nundle .. ..	140 17 6	Dec. 15 ..	By Cash .. ..	12 7 9
" 3 ..	Do. .. ..	1,027 11 5	" 18 ..	Do. .. ..	23 16 9
			" 21 ..	Do. .. ..	77 19 9
1858.			" 30 ..	Do. .. ..	288 16 3
Jan. 11 ..	Tamworth .. ..	371 6 0	" 15 ..	Do. .. ..	101 4 9
" 12 ..	Do. .. ..	686 17 3	" 21 ..	Do. .. ..	382 8 6
			" 21 ..	Do. .. ..	13 0 0
			" 21 ..	Do. .. ..	5 15 0
			" 28 ..	Do. .. ..	154 0 0
			" 30 ..	Do. .. ..	11 5 0
			" 30 ..	Do. .. ..	5 0 0
			" 30 ..	Do. .. ..	1 0 0
			1858.		
			Jan. 13 ..	Do. .. ..	29 14 6
			" 20 ..	Do. .. ..	32 11 4
			" 22 ..	Do. .. ..	63 16 0
			" 30 ..	Do. .. ..	7 4 0
			Mar. 6 ..	Do. .. ..	320 6 8
			" 6 ..	Do. .. ..	612 4 11
			" 8 ..	Do. .. ..	0 0 2
			" 25 ..	Do. .. ..	3 12 4
					2,146 3 8
				By Balance .. ..	80 8 6
		£ 2,226 12 2			£ 2,226 12 2

## No. 14.

UNDER SECRETARY FOR FINANCE AND TRADE to MR. KEIGHTLY

*The Treasury, New South Wales,  
22 April, 1858.*

SIR,

With reference to the sale of land held at Nundle on the 3rd December, 1857, and to the purchase of 91 acres by William Ryan at that sale, I am directed to call upon you to state, without delay, if the above-named purchase, amounting to £88 4s., including the fees on the deeds, has been completed, and to point out to you that, from the extremely negligent manner your accounts have been kept, and the defective vouchers forwarded in support thereof, it is impossible to trace the payment into this office for the land above alluded to.

I have, &c.,  
HENRY LANE,  
Under Secretary.

## No. 15.

MR. W. RYAN to COLONIAL TREASURER.

*Nundle, 6 May, 1858.*

SIR,

On the 3rd of December, 1857, I purchased at the land sale held at Nundle, two farm allotments near the town of Nundle, Nos. 25 and 26, at the upset price of £1 per acre, which, with the deed fees, amounted to the sum of £93 5s; of this, I paid deposit £9 2s., on the day of the sale, to Mr. Keightly, the Land Agent; the balance I remitted to the Treasury.

As one cheque forwarded by me, £30 14s. 3d., was returned as not negotiable, I paid to Mr. Keightly at Tamworth, on the 1st January, 1858, the amount then due from me on the purchase, namely, the sum of £28 10s., for which I hold his receipt.

I have now, therefore, to request that I may be furnished with a receipt in full for the total amount paid by me, namely, £93 5s.

I have, &c.,  
WILLIAM RYAN.

## No. 16.

MR. KEIGHTLY.

9

No. 16.

MR. KEIGHTLY to COLONIAL TREASURER.

*Police Office, Tamworth,*  
13 May, 1858.

SIR,

I have the honor to acknowledge the receipt of your communication of the 22nd ultimo, respecting the payment of William Ryan for land sold at Nundle on the 3rd December last.

In reply, I beg to state that, having had to perform a journey of some distance to see Ryan and ascertain the particulars, it has occasioned the present delay.

It appears that Ryan sent his balance purchase money to the Treasury, amounting to £88 4s., and for which he received an acknowledgment; but at the same time a cheque for the sum of £28 10s., which had been tendered by him in part payment, was returned as being dishonored, accompanied by a request that he would make the amount, viz., £28 8s. 9d., good, and pay the same to me, which he accordingly did; and the amount, together with an explanation of the same, were duly forwarded by me in my communication of the 6th of January, No. 58-10.

I have, &amp;c.,

HENRY M. KEIGHTLY,  
Land Agent.

No. 17.

*REPORT from the Clerk in charge of Land Accounts.*

31 May, 1858.

In reporting on Mr. Keightley's letter of the 13th instant, I beg to point out the discrepancies which appear. In the first instance, he states the sum forwarded by Ryan amounted to £88 4s., whereas the amount received was £86 8s. 4d. Again, he states that a cheque for £28 10s. was returned dishonored. He is again in error, for the amount of the cheque was for £30 14s. 3d. And in the latter part of his letter he contradicts himself, by stating the amount to be paid was £28 8s. 9d.; in fact, his statements are unintelligible.

With reference to the second paragraph of the letter above alluded to, it is quite clear to my mind that Mr. Keightley does not keep records of land sales in his office, and has therefore had occasion to pursue the highly objectionable course of applying to a private party for information which he should certainly have in his own possession.

I now beg leave to bring under the notice of the Secretary to the Treasury that the sum of £8 6s. 5d. is still due, to complete the purchases of land sold at Nundle on the 2nd and 3rd of December, 1857.

J. G. L.—25.

No. 18.

MR. KEIGHTLY to COLONIAL TREASURER.

*Police Office, Tamworth,*  
8 April, 1858.

SIR,

I do myself the honor to acknowledge the receipt of your communication of the 25th ultimo, No. 302, respecting an inaccuracy with reference to land sales in the months of December and January, and requesting me to forward the sum of £54 16s. 6d. in support thereof.

In reply, I do myself the honor to state, that I should have replied to your communication at an earlier date, had I not been obliged to ride a journey of some distance to obtain the signature of a Magistrate.

With reference to the sale of the 2nd of December, the gross amount, including deed fees, realized £140 5s. 6d., the receipts for which have been forwarded.

In respect to the sale of the 3rd of December, I beg to state that, according to my copy sale list, the gross amount appears to be £1,013 1s. 5d., receipts for which have been returned, with the exception of the lots purchased by Ryan, who states he forwarded the necessary amount.

Should be £140  
17s. 6d.Should be £1,027  
11s. 5d.

J. G. L.

In the sale of the 11th January, I do myself the honor to state that lots 35 and 36 were the only ones forfeited, and that receipts have been duly returned for the amount realized, viz., £371 6s.

In reference to the sale of the 12th of January, I beg to state that lots 11 and 12, alluded to in your correspondence as forfeited, were paid for, as the receipt for the same, No. 46, of 30 January, is in this office, as also receipts for the gross amount of sale—in all £686 17s. 3d.

I have, &amp;c.,

H. M. KEIGHTLY,  
Land Agent.

86—B

No. 19.

## No. 19.

ISABELLA M'PHERSON to UNDER SECRETARY FOR FINANCE AND TRADE.

(2,846.)

Nundle, 9 June, 1858.

SIR,

I beg to inform you that I purchased, at the land sale held at Nundle, on the 3rd December, 1857, allotment No. 20, of forty-six acres, near Nundle, at 29s. per acre, which, with the deed fee of £1, amounts to the sum of £67 14s. As I paid to Mr. Keightly, on his demand, the sum of £68 13s. 6d., in proof of which I beg to enclose his receipts, I shall feel obliged by your causing the overcharge of 19s. 6d. to be returned to me.

I have, &amp;c.,

ISABELLA M'PHERSON.

[Receipts enclosed in the foregoing letter.]

1.

Received £6 13s. 3d. from Isabella M'Pherson, for deposit.—H. M. K.

2.

Received from Isabella M'Pherson, of Nundle the sum of £62 sterling, as balance purchase money for a lot of forty-six acres sold at Nundle.

HENRY M. KEIGHTLY,  
Land Agent.Tamworth,  
21st December, 1857.

3.

Police District of Tamworth, 1857.

Received from Isabella M'Pherson, of Nundle, the sum of £61 5s. 8d. sterling, being the balance of price of lot 20, at the sale on Wednesday, 2nd December, 1857, containing forty-six acres, and situated at Nundle, including deed fee of £1 5s.

HENRY M. KEIGHTLY,  
Agent.

## MINUTES ON THE FOREGOING LETTER.

By Lands' Clerk.

Lot 20, of sales at Nundle on 3rd December last, was sold to J. M'Pherson, at 29s. per acre, price £66 14s. being for forty-six acres, and thus it is entered in the sale list, and final report.—E. O. S.—16.

By Clerk in charge.

From Mr. Smith's report, it appears that the sum of 19s. 6d. is an overcharge by the Land Agent at Tamworth, for the land herein alluded to.—J. G. L.—16.

By Under Secretary.

What amount did the Agent pay in to the Treasury on account of the sale?—H. L.—16.

By Clerk in charge.

I am unable to state the exact amounts, from the irregular way in which Mr. Keightly rendered his payments for land to the Treasury.—J. G. L.—16.

## No. 20.

MRS. MARY ROBINSON to UNDER SECRETARY FOR FINANCE AND TRADE.

3,091.)

Albion House,  
Elizabeth and Campbell Streets,  
Sydney, 29 June, 1858.

SIR,

I do myself the honor to lay before you the following statement:—

On the 3rd of December last, at a Crown Lands Sale, held at the Court House, Nundle, my husband, Mr. Richard Robinson, of that place, became the purchaser of a certain lot of land, containing sixty-four acres, for the sum of £65 5s., being the upset price of the land, including deed fees. At the time, or immediately after the purchase was made, he paid the money, £65 5s., into the hands of Mr. Keightly, the Clerk of Petty Sessions for Tamworth, and for which he received the written receipt enclosed, marked A.

My husband on the same occasion purchased other land, viz. sixty-eight acres, situate at Nundle, and for which he paid £79 9s., being at the rate of £1 3s. per acre, and which, including deed fee, brings it to that amount. For this second purchase, as payment, he received the written receipt, also enclosed, marked B.

About

About January last Mr. Keightly forwarded to my husband the two printed receipts (respectively marked C D) enclosed herewith, by which it will be seen that in reference to the purchase of the sixty-four acres the printed receipt is for less money than paid. In the purchase of the sixty-eight acres, the receipt is for more money than paid.

My husband sent the receipts to Mr. Keightly, for correction; but after a considerable time had elapsed, and after three successive written applications, they were forwarded back to him through another party, unaltered and unexplained.

I have been put to considerable trouble and expense, in coming to Sydney for the purpose of having this matter properly settled, and I therefore trust respectfully that I may be put in possession, at the earliest convenience, of the necessary instructions or documents for procuring the deeds of the lands above referred to.

I have, &c.,  
MARY ROBINSON.

[Receipts referred to in foregoing letter.]

A.

Received from Richard Robinson, the sum of £65 5s., for land sold, this 3rd of December.

H. M. KEIGHTLY.  
(On behalf of Government.)

B.

Received from Joseph Roe, the sum of £79 9s., for land sold, this 3rd December, 1857.

H. M. KEIGHTLY.  
(For the Government.)

C.

(No. 2,702.)

Police District, Tamworth  
1857.

Received from Richard Robinson, of Nundle, the sum of fifty-eight pounds seventeen shillings and pence sterling, being the balance of price of lot 18, at the sale on Wednesday, 3rd December, containing sixty-four acres, and situated at Nundle.  
Including deed fee of £1 5s.

Agent—

HENRY M. KEIGHTLY.

D.

(No. 2,704.)

Police District, Tamworth,  
1857.

Received from Joseph Roe, of Nundle, the sum of eighty pounds twelve shillings and seven pence sterling, being the balance of price of lot 24, at the sale on Wednesday, 3rd December, containing sixty-eight acres, and situated at Nundle.  
Including deed fee of £1 5s.

Agent—

HENRY M. KEIGHTLY.

MINUTE ON THE FOREGOING LETTER.

The Surveyor General is requested to report.—H. L.—2 July.

## No. 21.

### REPORT OF THE SURVEYOR GENERAL.

*SALE of Crown Lands at Nundle, on 3rd December, 1857.*

Lot 18, sixty-four acres, sold at 20s. per acre, to R. Robinson.

£64 0 0 it is stated in the list, that a dep.  
of 6 8 0 was paid, leaving due for land

57 12 0  
1 5 0 deed fee.

£58 17 0 as per receipt No. 2,702.

Lot

Lot 24, sixty-eight acres, sold at 23s. per acre, to J. Roe.

£88 4 0 (should be £78 4 0)  
8 16 5 dep. said to be paid.

79 7 7 balance of land.  
1 5 0

£80 12 7 as per receipt, No. 2704.

Mr. Keightly has paid £10 in excess of the sum required, and of the sum paid to him by Roe.—E. O. S.—3.

Blank Cover.—Secretary to the Treasury.—GEO. BARNEY, S. G.

Surveyor General's Office,  
3 February, 1858.

MEMORANDUM by Clerk in charge of Land Accounts.

It appears from the report of the Surveyor General, that the manuscript receipts, herewith marked A and B, are for the correct amounts, according to the rate the land was sold at, but the printed receipts, No. 2,704, makes the amount £10 more on lot sold to Joseph Roe.—J. G. L.—7 July.

No. 22.

MINUTES ON THE FOREGOING PAPERS, TREASURY NOS. 2,846 AND 3,091.

By the Under Secretary.

In these cases, receipts have been issued contrary to the regulations. (See Circular of December, 1856.) A manuscript receipt is first given, then a printed one—both referring to the same transaction. The sums stated in each are different.

It is difficult, in such cases, to ascertain which are the correct sums.

H. L.—7 July.

By the Treasurer (Mr. Campbell.)

The Chief Secretary—Urgent.—Rt. C.—20 July.

(Circular referred to.)

The Treasury, New South Wales,  
December, 1856.

Sir,

In forwarding a book containing 100 receipts for moneys which may be received by you, from the 1st January next, on account of the public service, I am directed to communicate to you the following rules, for your guidance in the issue of the receipts in question.

- 1st.—That no money be taken on public account, be the amount however small, without a receipt being given for the amount, even when not taken away by the party paying the money.
- 2nd.—That the butts of the receipts, next the binding, be forwarded to the Auditor General, the outer butts being cut off and retained by you as your voucher.
- 3rd.—That any deviation from these instructions, by your receiving any moneys without duly recording the same in the receipt book, will be treated as a grave dereliction of duty, and will be visited accordingly.

A copy of the *Government Gazette*, containing a notice to the public respecting these receipts, is enclosed, in order that it may be posted in the most conspicuous place in your office, for the information of the public.

You will be good enough to inform me, with as little delay as possible, what number of the forms of receipts you will probably require for the ensuing twelve months, in order that they may be furnished to you.

I am,

Sir,

Your most obedient Servant,

To



## No. 23.

MR. R. ROBINSON to COLONIAL TREASURER.

*Nundle, 24 November, 1858.*

SIR,

I bought a block of ground in December the 3rd, 1857, of 64 acres, and one of 68, on behalf of Government; one was for myself and one for Joseph Roe, and when I got the receipts they was not correct. The two receipts I left at the Treasury last June, for your inspection. I wish you to forward the two receipts as soon as possible to the care of the Commissioner, as he has been kind enough to forward this to you from me, and by doing so, you will oblige,—

Your humble servant,  
RICHARD ROBINSON.

Send the receipts, keeping copies—H. L.—20.

Originals, four in number, forwarded—20 Dec.—F. M'K.

## No. 24.

*Minute by the Treasurer (Mr. Campbell.)*

Mr. Keightly, Clerk at Tamworth. Irregularities as regards land sale remittances. Mr. Lane—Is there any truth in this report?—Inquire.—Rt. C.—20 May.

*By Mr. Lennon.*

Mr. Keightly has given a great deal of trouble to the Treasury, by the irregular way in which he has kept his accounts of land sales.—J. G. L.—20.

*By Mr. Campbell.*

Bring all papers before me.—22 May.—Rt. C.

Upon a perusal of these papers, which shew continued irregularities and negligence, and from a verbal communication in reference to Mr. K.'s general conduct of public business, made this day to Mr. Elyard, the Under Secretary, by Mr. Durbin, late C. C. and P. M., I recommend that Mr. Keightly be suspended from his office.—Rt. C.—27 May.

To the Chief Secretary and Secretary for L. and P. Works.

The Lands and Public Works Department.—C. C.—27 May.

Mr. Robertson will perhaps confer with me.—C. C.

Mr. Keightly has been suspended as Clerk of Petty Sessions.—28 May, 1858.

## No. 25.

UNDER SECRETARY FOR LANDS to MR. KEIGHTLY.

*Department of Lands and Public Works,  
Sydney, 28 May, 1858.*

SIR,

It having been intimated to this department that you have been suspended from your office of Clerk of Petty Sessions at Tamworth, in consequence of alleged irregularities, I am directed to inform you, that your suspension from the office of Land Sales Agent for the District of Tamworth must therefore ensue.

I have, &c.,  
MICHL. FITZPATRICK.

## No. 26.

PRINCIPAL UNDER SECRETARY to BENCH OF MAGISTRATES, TAMWORTH.

*Colonial Secretary's Office,  
Sydney, 28 May, 1858.*

GENTLEMEN,

It having been represented that the Clerk of Petty Sessions at Tamworth has been for some time past very irregular in his mode of performing his public duties, and negligent in the remittance of the proceeds of land sales, and in the business relating to intestate estates, I am directed by the Colonial Secretary to request that you will call upon Mr. Keightly for an explanation, and that you will suspend him until his explanation has been considered and determined upon by the Government.

I have, &c.,  
W. ELYARD.

## No. 27.

PRINCIPAL UNDER SECRETARY to BENCH OF MAGISTRATES, TAMWORTH.

*Colonial Secretary's Office,  
Sydney 31 May, 1858.*

GENTLEMEN,

With reference to my letter of the 28th instant, I am directed to inform you that, in addition to the negligence of the Clerk of your Bench in the remittance of the proceeds of land sales to the Treasurer, it has been represented that Mr. Keightly has received the sum of £103 on account of the intestate estate of one Alexander Campbell, which, although repeatedly requested to do, he has not accounted for to the Curator, and to request that you will call upon him for his explanation.

I have, &c.,  
W. ELYARD.

## No. 28.

MINUTE OF EXECUTIVE COUNCIL.

*No. 58-23, 31 May, 1858.*

HIS Excellency the Governor General brings under the consideration of the Council a memorandum by J. H. Scott Durbin, Esq., late Commissioner of Crown Lands for the District of Liverpool Plains, reporting that, having had occasion, prior to his removal from Tamworth, to be dissatisfied with the carelessness displayed by Mr. H. M. Keightly, the Clerk of Petty Sessions, in the performance of his official duties, he considered it expedient, on his recent arrival in Sydney, to inquire whether a sum of £103, which was paid into Court in November last, as part of the effects of Mr. A. Campbell, deceased, intestate, and was received by Mr. Keightly in his presence, had been duly remitted to the proper office, and has ascertained from the Curator of Intestate Estates that Mr. Keightly has neither remitted the money, which he should not have received without an order from the Curator, nor even notified its receipt, and although three letters have been written to him on the subject, has not forwarded the usual affidavit of death.

2. The Council see in this transaction alone sufficient to call for Mr. Keightly's removal from office, and, as it appears from the records of the Treasury, that the like irregularity and negligence is displayed by him with regard to his accounts as Land Sales Agent, they advise that he be forthwith required to shew cause why he should not be so removed.

## No. 29.

BENCH OF MAGISTRATES, TAMWORTH, to COLONIAL SECRETARY.

*Goonoo Goonoo,  
11 June, 1858.*

SIR,

I have the honor of acknowledging your letters bearing dates 28th and 31st May, addressed to the Bench of Magistrates, Tamworth; in the first of which you direct the suspension of the Clerk of the Bench, Mr. Keightly, and demanding an explanation of the charges laid against him in that and the last letter.

In reply, I have the honor of stating that Mr. Keightly was suspended on Thursday the 10th instant, on which day your letters of the 28th May were taken into consideration.

On Monday the 7th instant, the day on which your letters were laid before the Bench, being a very busy day, I retained his services till the business was settled.

I have the honor of stating that he now remains suspended, awaiting your decision consequent upon your consideration of his explanation, which I now enclose.

I have the honor of further stating, that I have looked over his books, which appear to me to have been kept in a regular manner; and I have seen the vouchers for the sums marked and in his explanation.

From what I can make out, I fancy that the whole mistake has arisen through one Ryan paying the sum of £54 14s. 3d. into the Treasury, which has not been placed to the credit of Mr. Keightly, although he is debited with that sum in the land sales. *Vide* his letter of the 8th April to the Honorable Colonial Treasurer, and also his letter of the 13th May to that officer, now enclosed.

I have, &c.,  
ARTHUR S. KING, J.P.  
(For the Bench of Magistrates, Tamworth.)

[Enclosure]

[Enclosure 1 in No. 29.]

Police Office, Tamworth,  
7 June, 1858.

Gentlemen,

The Honorable the Colonial Secretary having requested that I should furnish a report, in explanation of alleged irregularities in the performance of my duties in the remittance of the proceeds of land sales to the Treasury, as also in business relating to intestacy,—I do myself the honor, in reply, to furnish the following statement:—

In reference to the alleged irregularities in remitting the proceeds of sale of Crown Lands, I do myself the honor to state, that after a diligent search through the correspondence received by me from the Honorable the Colonial Treasurer during the year 1857, and up to the present date, in relation thereto, I find that the communications I received respecting irregularities in the remittance of proceeds of land sales to be of the following dates:—

20th February, No. 58-209.—Respecting a deficiency of 2d., being a part of deposit, and which was duly forwarded in a communication under date 2nd March, No. 58-49.

6th March, No. 58-253.—Respecting a deficiency of £1 12s. 4d., as part purchase money, which amount was duly forwarded 25th March, No. 58-302.

Respecting a deficiency of £54 16s. 6d., as balance purchase money.

This report was replied to in a communication under date 8th April, No. 58-101, copy of which is herewith enclosed. I do myself the honor, in explanation of the above apparent deficiency, to state as follows, which I conclude has given rise to the complaint of the alleged irregularities.

At a land sale held by me at Nundle, on December 3rd, 1857, and immediately after the regulation came in force respecting payments being made to the Land Agents, and not to the Treasury as formerly, a man named Ryan omitted paying his balance purchase money to this office, but forwarded it to the Treasury, for which he states he received an acknowledgment, but which amount not having been notified from the Treasury to me as paid, was therefore not credited, and consequently gave rise to a long correspondence, but which was explained in my report to the Colonial Treasurer of the 13th ultimo, No. 58-135, copy of which I beg to enclose.

As I am not aware of any other cause or case of complaint excepting the above, and which, though I much regret should have ever occurred, was not in my power to have prevented,—

I feel it incumbent on me, in self-justification, in reference to the way my duties have been performed as Land Agent in this locality, to state that ever since I have had the honor of holding office here as Clerk of Petty Sessions, since August, 1855, there has been a minute and correct book kept of all sales of land, and everything relating thereto, for reference; and I should feel obliged if the Bench would do me the favour of inspecting those records and reporting on their condition. With reference to the complaint respecting the intestate estate of one Alexander Campbell, I do myself the honor to state as follows:—

In December last, a man named Clift, who came in from the country, paid in open Court the sum of £103, as having been found on the person of the deceased, Alexander Campbell. I there took Clift's affidavit of the death, and at the same time was informed that deceased was a cattle drover, and had a partner with him, who would probably give me further information respecting deceased. I consequently in a few days saw the partner of deceased, who voluntarily stated that he was indebted to deceased in the sum of £100, but that he had not then the money conveniently, it being invested in stock, but that if I would allow him some time to proceed overland to Victoria, before the demand was made on him, as he knew deceased's friends he would then be enabled to sell his stock, and pay the amount when the demand for payment was made from Court.

Consequently, allowing him some time to get on his route, as requested, I sent the affidavit of death to the Curator of Intestate Estates, in a communication under date the 18th February, No. 58-44, but which was returned as being informal, accompanied with a request that I would furnish another.

I have the honor to state, that the delay that has occurred arose in consequence of the party who was required to make the affidavit of death being at the same time travelling with stock, and information to that effect was conveyed to the Curator in a communication of the 13th ultimo, No. 58-128.

I further beg to state, that I have made four separate communications to the parties who could furnish the information, requesting as a favour that the affidavit might be made here as soon as possible; and furthermore, in my last communication, volunteered to pay the expenses attendant on his journey, as an inducement and to prevent any further delay.

These circumstances I explained in a communication to the Curator of Intestacy, on the 6th instant, No. 58-191, enclosing at the same time a cheque for the sum of £103, and stating that as I had had such difficulty in trying to get the individual to come and make his affidavit in Tamworth, to prevent further delay I should make it my duty to go the journey myself, however inconvenient, in order to obtain the same.

I must add, that it is with feelings of the deepest regret that I observe that any performance of my duties should have occasioned so strong a mark of censure from the Government, my wish having always been to merit their confidence.

Trusting my explanation will shew, that having endeavoured to carry out the instructions conveyed, as far as practicable, I beg to express my regret if, in so doing, I should have incurred the displeasure of Government.

I therefore, gentlemen, have the honor to request that the Bench will have the goodness to inspect the manner in which the various branches connected with this office have been generally conducted by me, in reference to this locality; and at the same time will confer the favour of stating if those duties of late have not been considerably increased, so much so that, to prevent public inconvenience and delay, I have frequently employed clerical assistance, at my own expense, in order to facilitate a prompt performance of the same; and also if, from inattention, absence, or otherwise, any complaint, either verbally or by letters, has been laid before the Bench by a resident in this district, to the effect that I have afforded inconvenience by neglect or delay.

I beg to add, that during the time I have had the honor to hold this appointment, being since August, 1855, at no one period has an application been made by me for a fortnight's absence from duty; and that within the last three months, when this Bench had not the support of one single Justice of the Peace, thereby causing confusion and accumulation in the performance of public duties, I voluntarily proceeded to the adjoining Police District, a distance in all over seventy miles, to procure the required signature of a Justice, and if possible to prevent affording confusions and unnecessary correspondence in transmission of returns required in Sydney within a prescribed date.

In conclusion, I have to express a hope the foregoing will tend to prove that, although labouring from difficulties, I have voluntarily endeavoured to afford satisfaction when practicable, and to retain that confidence and trust which I hope this explanation will tend to restore.

I have, &amp;c.,

HENRY M. KEIGHTLY.

To the Bench of Magistrates,  
&c., &c., &c.,  
Tamworth.

[Enclosure

[Enclosure 2 in No. 29.]

Police Office, Tamworth,  
8 April, 1858.

Sir,

I do myself the honor to acknowledge the receipt of your communication of the 25th ultimo, respecting inaccuracy with reference to land sales in the months of December and January, and requesting me to close the sum of £54 16s. 6d. in support thereof.

In reply, I do myself the honor to state, that I should have replied to your communication at an earlier date, had I not been obliged to ride a journey of some distance to obtain the signature of a Magistrate.

Amount as per  
account received,  
£140 17s. 6d.

In reference to the sale at Nundle on the 2nd of December, I beg to state, that the amount realized, together with the deed fees, amounted to £140 5s. 6d., for which amount receipts have been duly forwarded.

In respect of the sale of the 3rd December, I beg to state, that the gross amount by my account sales appears to be £1,013 1s. 5d., including deed fees, and for which, with the exception of the lot purchased by Ryan (and for which I am informed the money has been duly forwarded), receipts have also been forwarded to me.

With respect to the sale of the 11th January, at Tamworth, I beg to state, that lots 35 and 36 were the only ones forfeited at that sale, and that Government receipts for the amount of £352 18s. (A) have been duly forwarded to me.

In reference to the sale of the 12th January, I do myself the honor to state, that lots 11 and 12, alluded to in your correspondence as forfeited, were paid for, as the receipt for the same, No. 646, 30 January, 1858, is retained in this office, and the receipts for the gross amount of sale of that day, in all £686 17s. 3d. (B), have been likewise duly forwarded to me.

I have, &amp;c.,

H. M. KEIGHTLY,  
Land Agent.

The Honorable  
The Colonial Treasurer,  
&c., &c., &c.,  
Sydney.

[Enclosure 3 in No. 29.]

Police Office, Tamworth,  
13 May, 1858.

Sir,

I have the honor to acknowledge the receipt of your communication of the 23rd ultimo, respecting the payment of William Ryan for land sold at Nundle on the 3rd December last.

In reply, I beg to state that having had to perform a journey of some distance to see Ryan and ascertain the particulars, it has occasioned the present delay.

It appears that Ryan sent his balance purchase money to the Treasury, amounting to £88 4s., and for which he received an acknowledgment; but at the same time a cheque for the sum of £28 10s., which had been tendered by him in part payment, was returned, as being dishonored, accompanied by a request that he would make the amount, £28 8s. 9d., good, and pay the same to me, which he did accordingly; and the amount, together with an explanation of the same, were duly forwarded by me, in my communication of the 5th of January, No. 53-10.

I have, &amp;c.,

H. M. KEIGHTLY,  
Land Agent.

The Honorable  
The Colonial Treasurer,  
&c., &c., &c.,  
Sydney.

No. 30.

MR. KEIGHTLY to COLONIAL SECRETARY.

Sydney, 24 July, 1858.

SIR,

I do myself the honor, in explanation of certain irregularities, complaints in support of which have been made against me, to state as follows:—

1. In reference to the transmission of the sum of £103, in the intestate estate of one Campbell, I beg to state that the detention of the payment of the money never occurred from any intention on my part; and that although the affidavit of death, as forwarded by me on the 18th of February last, in order to enable my obtaining an order of Court for the payment of the same, was returned as informal, still had I received a request from the Curator to forward the amount it would have been done at once, as at any moment I was prepared to pay the same.

But as such a request was never made, and because I was unfortunate enough in not being able to obtain another affidavit of death, although I made repeated efforts to do so, and reported the same to the Curator, it has placed me in the unpleasant position I now occupy.

I may add, that the fact of my forwarding the affidavit at a period of more than five months ago, shews that it was my wish to obtain an order of Court for the transmission of the amount and settlement of the estate; and that although the affidavit might have been accidentally informal, still it was my intention to shew there was an estate awaiting collection.

2. In reference to certain written receipts for land sold at Nundle on the 2nd and 3rd December last, I beg to state that the books for issuing the proper receipts for deposits and balance purchase moneys were never received by me until some days after the sale in question. In respect to the receipt of the balance purchase money of one Richard Robinson,

Robinson, on the 3rd of December, for the sum of £58 17s., I beg to state that the receipt in question is correct, and corresponds to the amount received as balance purchase money, which was forwarded and mentioned in my report sale list in support thereof.

I beg respectfully to acknowledge that the receipt given by me for land sold on the 3rd December, to Joseph Roe, was incorrect, insomuch as it exceeded the amount I received, but that I forwarded to the Treasury the amount as contained in the receipt.

On examination of the receipts for land sold to Mary Anne Durbin, and to which allusion has been made by Mr. Durbin in his memo., it is a matter of the utmost astonishment to me, how that gentleman can call the attention of Government to those receipts, when subsequent to their issue he came to me, mentioning they were inaccurate, as the body of the receipts had been made out by an assistant in the office; and at his request and in his presence I filled up fresh receipts, in my own handwriting, which he received from me, acknowledging them to be correct.

I beg to express my regret that I should have occasioned so much inconvenience at the Treasury, with reference to the sales of the 2nd and 3rd of December; and, in extenuation, can only say that at that period, owing to the new regulations coming into force, and my not being acquainted with their detail, may have occasioned the inconvenience alluded to, as prior to that date, under the old regulations, my duties were performed in a more satisfactory manner.

I however trust that, on consideration of this explanation, the Government will perceive, that although I may have in some instances been accidentally irregular or informal, still the various circumstances attendant on the same afford some extenuation, and that the fact of my having been suspended for so long a period may be considered a sufficient mark of censure.

In conclusion, I beg to state, that trusting I may be permitted to resume my duties, I shall make every effort to establish that confidence in the performance of those duties, and merit the approval of the Government, which I regret, from circumstances, I have not done on the present occasion.

I have, &c.,  
HENRY M. KEIGHTLY.

### No. 31.

#### MINUTE OF EXECUTIVE COUNCIL.

No. 58-30, 26 July, 1858.

His Excellency the Governor General lays before the Council a letter of explanation from Mr. H. M. Keightly (Clerk of Petty Sessions at Tamworth, who, in accordance with their recommendation on the 31st May last, has been called upon to shew cause why he should not be dismissed from the public service, by reason of the following charges, viz.,—1st, of having failed to hand over to the proper office a sum of £103 which came into his possession by virtue of his office; and 2nd, of general carelessness and irregularity in rendering his public accounts, more especially those relating to land sales.

2. Upon a perusal of this letter, the Council regard the explanation afforded by Mr. Keightly, with respect to the grave charge, as sufficiently satisfactory; but regret that they are unable to acquit him of the minor charge, in support of which abundant evidence is afforded by various documents submitted to them. They are of opinion, therefore, that he cannot be allowed to remain in a position where it appears that large sums of public money must necessarily pass through his hands, and they accordingly advise that he be appointed Clerk of Petty Sessions in some other district where this will not be the case.

3. The Honorable the Colonial Secretary, in his place, then informs the Council that provision has been made in the Estimates for a Clerk of Petty Sessions at Gunnedah, on the Namoi River, and that it is desirable that the appointment should now be made; whereupon, the Council, being invited thereto by His Excellency the Governor General, advise that Mr. Keightly be appointed such Clerk accordingly; that Mr. John Macdonald, Clerk of Petty Sessions at Wollombi, be appointed to succeed Mr. Keightly at Tamworth; and Mr. Joseph Biscoe, to fill the vacancy thus created at Wollombi.

### No. 32.

#### THE UNDER SECRETARY to BENCH OF MAGISTRATES, TAMWORTH.

*Colonial Secretary's Office,  
Sydney, 6 August, 1858.*

GENTLEMEN,

I am directed to inform you that a letter of explanation has been submitted to the Executive Council, from Mr. H. M. Keightly, Clerk of Petty Sessions at Tamworth, who was called upon, by the letter addressed to you from this office, on the 28th May last, to shew cause why he should not be dismissed from the public service, by reason of the following charges, viz.:—1st. Of having failed to hand over to the proper officer a sum of £103, which came into his possession by virtue of his office; and 2nd, of general carelessness and irregularity in rendering his public accounts, more especially those relating to land sales.

2. Upon perusal of this letter, the Council regarded the explanation afforded by Mr. Keightly, with respect to the grave charge, as sufficiently satisfactory, but regretted that they were unable to acquit him of the minor charge, in support of which abundant evidence has been afforded by various documents submitted to them. They were of opinion, therefore, that he could not be allowed to remain in a position where it appears that large sums of public money must necessarily pass through his hands, and they accordingly advised that he be appointed Clerk of Petty Sessions in some other district where this will not be the case.

3. As provision has been made in the Estimates for a Clerk of Petty Sessions at Gunnedah, on the Namoi River, Mr. Keightly has been appointed Clerk at that place, and Mr. John MacDonal, Clerk of Petty Sessions at Wollombi, has been appointed to succeed Mr. Keightly at Tamworth.

4. The appointment of those gentlemen will be notified in the *Government Gazette*, and I am to request that you will instruct Mr. Keightly to present himself to the Bench of Magistrates at Gunnedah, at his earliest convenience.

I have, &c.,  
W. ELYARD.

1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MR. GOLD COMMISSIONER KEIGHTLEY'S LATE  
CAMP-KEEPER.  
(CORRESPONDENCE RESPECTING.)

*Ordered by the Legislative Assembly to be Printed, 15 July, 1863.*

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 9 July, 1863, That there be laid upon the Table of this House,—

“ Copies of all Correspondence between the Government and  
“ a Camp-keeper lately in the service of Government, under  
“ Mr. Keightley, a Gold Commissioner, relative to his  
“ treatment and dismissal from office by that gentleman.”

*(Mr. Dalgleish.)*

SCHEDULE.

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## MR. GOLD COMMISSIONER KEIGHTLEY'S LATE CAMP-KEEPER.

No. 1.

MR. H. J. WILLIAMS to SECRETARY FOR LANDS.

20, Devonshire-street,  
Sydney, 28 January, 1863.

SIR,

My attention has been called, by a mere accident, to a debate in the Legislative Assembly, on the 4th of December, 1862, in which Mr. Dalgleish, M.L.A., calls the attention of the House to a case of a discharged Camp-keeper. Myself being that person, and as you remarked, if the case was properly reported, it should be inquired into, I beg most respectfully to state, that I wrote a full statement of the case to the Honorable the Colonial Secretary in November last, enclosing the correspondence I had with Mr. Keightley, relative to my proceeding to Bathurst with my wife. The following is a statement I submitted by letter to the Colonial Secretary's Office, believing as I did, that was the proper quarter to make my complaints:—

*“ To the Honorable the Colonial Secretary.*

“ Sir,

“ I beg most respectfully to call your attention to the following facts, relative to an engagement with Mr. Keightley, a Gold Commissioner at Rockley, as a Camp-keeper. About the middle of August, having heard that Mr. Rotton, M.L.A., required a respectable married couple to proceed to Bathurst—the man to act as Camp-keeper, the woman to cook and act as house-servant, and wash for the Commissioner's family—with my wife I had an interview with Mr. Rotton in Sydney. He informed me that my duties would be (if engaged) to look after two horses, take charge of the establishment during the Commissioner's absence, be able to write a fair hand, do what writing was required during the Commissioner's absence, and take charge of the establishment. The wages were to be for myself £100 per annum, finding myself with rations; my wife £10 per annum, and, as I understood, she was to have her board in the kitchen the same as any other domestic servant.

“ We had a second interview with Mr. Rotton; he was satisfied with the reference we gave him, and in one instance called upon a lady with whom my wife lived as servant, and after about a fortnight's delay I received two telegrams (enclosed with the letter)—the first was to know when I could come up, to which I replied in three days, provided my expenses were paid up. The second telegram was, that seats were paid, per Cobb's coach, to Bathurst from Penrith, and that our luggage was to come per Wood's van. I obeyed his instructions, we broke up our home, and on the 29th of August we proceeded to Bathurst, paying our own fares per rail, and our expenses on the way up, including one night's stoppage at Hartley. We arrived at Rockley on the 1st of September. Mr. Keightley appeared highly satisfied with our appearance, gave me my instructions and charge of the premises, and on the following day, his business calling him away, he left myself and wife solely in charge, saying it was probable he should be away for a week or more. During his absence we performed the employment he instructed us to do.

“ Although we found the place was not such as had been represented to us, for in lieu of two horses to look after there were seven horses in a paddock, a draught and a saddle horse in the stable, a buggy, about 200 fowls and other kinds of poultry, two cows, two sheep, two goats and kids. The room myself and wife had to sleep in was an open slab hut, with spaces between the slabs we could put our hands through; and the weather being very wet and cold, my wife caught a severe cold. I had also to work in a large garden, and to feed two pigs, one of which I had to kill and scald.

“ Upon Mrs. Keightley's arrival with her child and nurse, my wife found the work very heavy; and having to ration herself out of the £10 per annum she was allowed, she naturally complained, more so because it was so difficult to get meat; and finding Mr. Keightley wished me to do many menial duties that was not exactly the thing, I told him that the place was not such as had been represented to us by Mr. Rotton, and also that I objected to ration the nurse-girl with ourselves, for 5s. a week, which he wished us to do. The girl was sixteen years of age, and we could not get meat for ourselves, upon which Mr. Keightley said if my wife objected to the work, and that we would not board the girl, we had better leave at once. I said we were not prepared to leave at once (giving a month's notice), but finding he wished us to go at once I agreed to do so, naturally expecting he would pay me the wages due to us. We had then been on the establishment eleven days. After signing a voucher for the eleven days' salary (under protest), he gave me a cheque for £1 7s. 5d., deducting the remainder towards our coach fare from Sydney.

“ This occurred on the 11th of September. On that day we left Mr. Keightley's camp, my wife being at the time very unwell. We had to walk to Bathurst (a distance of more than

“ twenty



MR. GOLD COMMISSIONER KEIGHTLEY'S LATE CAMP-KEEPER. 3

" twenty miles) where fortunately we found an acquaintance, with whom I left my wife, and proceeded myself to Sydney on foot. On my arrival in Sydney I wrote to Mr. Keightley asking him to pay for seat per coach for my wife to come to Sydney, but he took no further notice.

" My object in this statement is, believing I was in the situation of a public officer, that Mr. Keightley did not act justly in discharging me at a minute's notice, without paying me what was justly due to me without deducting any. I was at a great expense. I broke up my home in anticipation of a good situation. I paid 8s. 6d. fare by rail, and 25s. it cost us on the road up, besides having to pay 15s. carriage for our luggage per Wood's van. My wife was in Bathurst six weeks before I was enabled to send for her. That was a further expense of £2 10s., and 12s. more for our luggage back to Sydney per Wood's van.

" Under these circumstances, I humbly request that you will be pleased to consider my case, and cause my expenses to be refunded to me—that is all I ask, and for which, as in duty bound, I shall ever pray.

" HENRY J. WILLIAMS."

[No record of the receipt of the foregoing document can be traced in the Colonial Secretary's Office.]

No. 2.

MINUTE OF UNDER SECRETARY.

REFER for Mr. Keightley's explanation through Commissioner Maclean.—M. F. B.C.—  
2nd February.

No. 3.

MR. GOLD COMMISSIONER MACLEAN to UNDER SECRETARY FOR LANDS.

Western Gold Fields Office,  
Bathurst, 16 March, 1863.

SIR,

In returning you the complaint of Henry J. Williams, formerly acting as Camp-keeper at Rockley, together with the report thereon of Mr. Assistant Commissioner Keightley, I have the honor to state my opinion, that Mr. Keightley's report appears to refute the allegations of Williams as to unfair treatment.

2. It is my custom to leave the selection of Camp-keepers entirely to the several Commissioners. They are allowed first to take their Camp-keepers as acting, or, as it were, on trial. The present was a case of this description, and I received no complaint, nor had I a knowledge of any difficulty concerning Williams. He was paid as acting Camp-keeper for eleven days, through Mr. Keightley, as is usual. The deduction for expenses seems to have been a matter of private arrangement between Mr. Keightley and Williams, and not inequitable.

3. It is clear, however, that a considerable amount of work of a domestic character was expected by Mr. Keightley of Williams, by whom the extent has probably been exaggerated. Williams, however, not having been prepared to take up the appointment for which Mr. Keightley states that he would have felt bound to recommend him, I do not see that any case for further interference has been made out.

I have, &c.,

HAROLD MACLEAN.

[Enclosure in No. 3.]

Gold Camp, Dunn's Plains,  
13 February, 1863.

Sir,

With reference to the enclosed, of Camp-keeper Williams, I have the honor to state as follows:—

Requiring a Camp-keeper, I sent to a friend in Sydney, requesting he would procure me a married couple suited for the appointment, "stating the necessary qualifications." I also intimated, for further convenience, I would advance out of my own pocket their mail expenses, on this understanding,—that should they remain six months it would be as a bonus, but in the event of their remaining only three months they would have to refund half. This, I must observe, was done only with the view of assisting them should their funds be limited.

Camp-keeper Williams appears to labour under the idea that I was to pay his travelling expenses to enable him to hold a Government appointment. His statements are greatly perverted, and in many cases are not in accordance with facts. Williams was perfectly well aware that he and his wife were to board themselves on his salary, as is the rule on every camp on the Gold Fields.

The morning after I returned to my camp, the 10th of the month—so that Williams had actually been only one day on duty—I was quietly informed by his wife, that the place did not suit, and that they gave a month's warning. This I need not observe was very unsatisfactory, as I had just advanced £4 for his mail fare, besides lending him £1 on his arrival. I went outside, and asked him the reason: he replied, he was discontented with the place, and desirous of leaving. I then told him if he was so dissatisfied

## 4 MR. GOLD COMMISSIONER KEIGHTLEY'S LATE CAMP-KEEPER.

dissatisfied, I would have no objection, if he wished it, to foreclose the month's warning, and let him leave the next day, as I never cared detaining a man when it was in opposition to his wishes. He left next day, and, by his conduct, I was left without servants, and had to sustain the loss of £2—his half mail fare—having had, I may say, the benefit of his services for only a few hours. His statement to the effect that "because his wife had said she would not ration my nurse at a certain rate, I considered they had better leave at once," I beg to state is utterly devoid of truth.

I need scarcely observe that, where he alludes to his wife complaining of the work being so great, he appears to have lost sight of the fact that they had not then been actually one clear day in service.

The quarters he speaks of so disparagingly, I beg to state consist of a good-sized shingled hut, slabbed, plastered, and watertight; and I can only say that there are quarters on other Gold Fields, which I have occupied, and are still in occupation by other Commissioners, not nearly so desirable as those Camp-keeper Williams rejects.

In conclusion, I beg to state that from what I have seen of the matter, "Camp-keeper Williams" has imposed on myself and others, having represented himself as qualified as a groom and servant, whereas, from his own statements, I have been led to understand that he never filled either situation before, having been a plasterer or bricklayer by trade, and afterwards an assistant in some store.

I can only regret that the same accuracy of detail that Williams has shewn in his complaint did not guide him in the settlement of the only transaction he performed during his short servitude, as he omitted to defray the expenses of a pair of blankets that he had obtained at a store in Bathurst on my account, without informing me he had done so, at the same time receiving payment from me for the blankets in question, on his leaving my service.

H. Maclean, Esq.,  
Chief Gold Commissioner, Bathurst.

I have, &c.,  
HENRY M. KEIGHTLEY,  
Assistant Gold Commissioner.

## No. 4.

UNDER SECRETARY FOR LANDS to MR. H. J. WILLIAMS.

*Department of Lands,  
Sydney, 21 April, 1863.*

SIR,

With reference to your letter of the 28th January last, respecting certain payments alleged to be due to you for services rendered by you in the capacity of Camp-keeper, I am directed by the Secretary for Lands to inform you, that so far as the payments said to be due to you are concerned, the statements of Mr. Assistant Gold Commissioner Keightley are directly opposite to your own, and that the proper mode of proving your claim would be to sue for wages.

I have, &c.,  
MICHL. FITZPATRICK.

1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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REPORT FROM THE SELECT COMMITTEE

ON THE

EUROPEAN ASSURANCE SOCIETY'S BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

7 August, 1863.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

[Price, 6d.]

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1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 24. FRIDAY, 31 JULY, 1863.

22. European Assurance Society's Bill :—Mr. Cowper moved, pursuant to notice,—  
 (1.) That the European Assurance Society's Bill be referred to a Select Committee for consideration and report.  
 (2.) That such Committee consist of Mr. Alexander, Mr. Burdekin, Mr. C. Cowper, junior; Mr. Hart, Mr. Leary, Mr. Piddington, Mr. Stewart, and the Mover.  
 Question put and passed.

VOTES, No. 28. FRIDAY, 7 AUGUST, 1863.

4. European Assurance Society's Bill :—Mr. Cowper, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee to whom this Bill was referred on 31st July last.  
 Ordered to be printed.  
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1863.

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EUROPEAN ASSURANCE SOCIETY'S BILL.

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REPORT.

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THE SELECT COMMITTEE of the Legislative Assembly, to whom was referred, on the 31st July last, the "*European Assurance Society's Bill*," beg leave to report to your Honorable House,—

That they have examined the Secretary\* to the Society, whose Evidence is appended hereto; and that, the Preamble having been proved to the satisfaction of your Committee, they proceeded to consider the several Clauses of the Bill, in which it was not deemed expedient to make any amendment.

\* Mr. F. J. Jackson.

And your Committee now beg to lay before your Honorable House the Bill, without amendment.

CHARLES COWPER,  
Chairman.

*Legislative Assembly Chamber,*  
*Sydney, 7 August, 1863.*

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PROCEEDINGS OF THE COMMITTEE.

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FRIDAY, 7 AUGUST, 1863.

MEMBERS PRESENT :—

Mr. Cowper,                     |                     Mr. Burdekin,  
   Mr. Hart.

Mr. Cowper called to the Chair.

Printed copies of the "European Assurance Society's Bill," on the Table; and  
Petition for leave to introduce the Bill,—before the Committee.

Present for the Promoters :—Mr. W. C. Curtis, *Solicitor for the Bill*. Mr. F. J.  
Jackson, *Secretary to the Society*.

Mr. F. J. Jackson, *Secretary to the European Assurance Society*, examined.

Room cleared.

Preamble read and considered.

Motion made (*Chairman*), and *Question*—That this Preamble stand part of the  
Bill—*agreed to*.

Parties called in.

The several clauses of the Bill then read and agreed to, without amendment.

Chairman requested to report the Bill, without amendment, to the House.

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1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

## EUROPEAN ASSURANCE SOCIETY'S BILL.

FRIDAY, 7 AUGUST, 1863.

**Present:—**

MR. BURDEKIN, | MR. COWPER,  
MR. HART.

CHARLES COWPER, Esq., IN THE CHAIR.

W. C. Curtis, Esq. (of the firm of Messrs. Billyard & Curtis) appeared as Solicitor for the promoters of the Bill.

Frederick James Jackson, Esq., called in and examined:—

1. *By Mr. Curtis:* You are Secretary to the Local Board of the European Society in Sydney? I am. F. J. Jackson,  
Esq.
2. Has a Joint Stock Company been established in England, by the name of the European Society? Yes. 7 Aug., 1863.
3. When was it established? The 2nd September, 1854.
4. Under what name was it established? Under the name of the People's Provident Assurance Society.
5. When was the statute to change the name of the Society to its present one passed? In April, 1859. 22 Vict., cap. 25.
6. Under what did the Society act previous to this? Under a deed of settlement.
7. Have you the date of that? The 2nd of September, 1854.
8. What was the object of the Act of April, 1859? To change the name of the Society.
9. Had the Act any other object than that of changing the name? Yes, it was "for authorizing the taking of the guarantee of the Society, instead of other security required from persons in public offices and employments, and for other purposes."
10. Under what power did the Society appoint Local Boards of Directors? Under the 39th clause of the deed of settlement, which empowers the Board in London, for the time being, to appoint Agents and Local Boards in the Colonies as well as in the United Kingdom.
11. Has a Local Board been appointed for the City of Sydney and Colony of New South Wales? It has.
12. What was the date of appointment of the present Local Board? The 25th November, 1861.
13. Of whom does the Local Board at present consist? Of George Thornton, J. G. Waller, and G. O. Allen.
14. Has that Board been appointed for carrying on the business of the Society? It has—  
under power of attorney.

- F. J. Jackson, Esq.  
7 Aug., 1863.
15. *By the Chairman:* What is the capital of the Company? £250,000, with power to increase to half a million.
16. Have you branches established in any of the adjoining Colonies? We have in Melbourne, and agencies in Adelaide, Queensland, and New Zealand.
17. Have you commenced operations in New South Wales? We have been in operation for the last two years, under a Local Board; and for the ten years previously, under agencies.
18. There is a distinction then made between carrying on business under a Local Board and by an agency? Yes; a Local Board has power to deal with all matters in the Colony; agencies have to refer to the nearest branch offices having Local Boards.
19. Can you state to what extent operations have already been carried on in the Colony? Our annual income is about £6,000 for premiums.
20. *By Mr. Curtis:* How is that disposed of? All that is raised is invested in the Colony. We have power to draw upon the head office for claims if necessary, but since the establishment of the Company no money has ever been sent out of the Colony.
21. Is it within your knowledge that there has been any difficulty felt by this Company with reference to suing or being sued? In the recent case of the Bank of New South Wales, when a clause was made and action entered, the Bank found a difficulty in ascertaining whom they should sue. A similar difficulty was felt by the Liverpool and London Fire and Life Assurance Company, which was remedied by the Act of last Session.
22. *By Mr. Burdekin:* Is the capital of the Company paid up? Subscribed, but not all paid up.
23. Is the liability of the shareholders limited or unlimited? Unlimited.
24. Is there any register of the shareholders open to the public? A register of the shareholders is open to the public at the head office, and lists from time to time are published.
25. *By Mr. Curtis:* The power of attorney is duly registered in the Colony? Yes, and a return is made periodically, to the Board at Home, of all the changes that have been made in the shareholders.
26. *By Mr. Hart:* Are there any proprietors resident in this Colony? There are, I think, five. The Local Board are shareholders, and the medical officer of the Company is also a shareholder.



1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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REPORT FROM THE SELECT COMMITTEE

ON

PARNELL'S TRUST BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
25 *September*, 1863.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

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1863.

[*Price*, 1s.]

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1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 48. FRIDAY, 11 SEPTEMBER, 1863.

9. Parnell's Trust Bill :—Mr. Cowper moved, pursuant to notice,—  
 (1.) That Parnell's Trust Bill be referred to a Select Committee, for consideration and report.  
 (2.) That such Committee consist of the following Members, viz., Mr. Alexander, Mr. Cunneen, Mr. Gray, Mr. Hart, Mr. Holt, Mr. Mate, Mr. Rotton, Mr. Samuel, Mr. Suttor, and the Mover.  
 Question put and passed.

VOTES, No. 56. FRIDAY, 25 SEPTEMBER, 1863.

4. Parnell's Trust Bill :—Mr. Cowper, as Chairman, brought up the Report from, and laid upon the Table the Minutes of the Proceedings of, and of Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 11th September, 1863,—together with Appendix.  
 Ordered to be printed.

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1863.

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 PARNELL'S TRUST BILL.
 

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 REPORT.
 

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THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 11th instant, "*Parnell's Trust Bill*,"—beg leave to report<sup>†</sup> to your Honorable House :—

That they have examined the witnesses named in the margin\* (whose respective evidence will be found appended hereto), \* Mr. R. R. Jones, Mr. C. Parnell. and that, the Preamble having been altered<sup>†</sup> consistently with the † *Vide* Schedule of Amendments. Standing Orders of the House applicable to the Bill, with a view to the perfect accuracy of certain allegations therein contained, the same was proved to the satisfaction of your Committee, who then proceeded to consider the several Clauses and Schedules of the Bill, in which it was not deemed necessary to make any amendment.

And your Committee now beg to lay before your Honorable House the Bill, as amended by them.

CHARLES COWPER,  
Chairman.

*Legislative Assembly Chamber,*  
*Sydney, 25 September, 1863.*

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PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 24 SEPTEMBER, 1863.

MEMBERS PRESENT:—

Mr. Cowper, Mr. Suttor,	 Mr. Mate.	Mr. Cunneen, Mr. Gray,
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Mr. Cowper called to the Chair.

Votes containing the Order of Reference—on the Table.

Printed copies of "Parnell's Trust Bill" and original Petition for leave to introduce the same—before the Committee.

Present for the Promoters:—Mr. W. Barker, *Solicitor for Bill*.

Mr. William Barker, *Solicitor*, opened the case for the Promoters.

Mr. Rees Rutland Jones examined.

Probate of the Will referred to in the Preamble, *produced*.

The following Papers *handed in* by witness:—

Copy Petition of William and Charles Parnell to the Primary Judge in Equity, praying that His Honor will be pleased to give his opinion and advice as to the management and administration of the several runs therein referred to.

Affidavit verifying the allegations in the Petition.

Judicial opinion and advice of the Primary Judge in Equity on the subject.

Plans of the runs described in Schedule—marked A and B.

Mr. Charles Parnell examined.

Room cleared.

Committee deliberated as to certain amendments in the Preamble, proposed by the Solicitor for the Bill,—

And the same not appearing to be inconsistent with the Standing Orders of the House applicable to the Bill,—

Amendments agreed to. (*Vide Schedule of Amendments.*)

Motion made (*Chairman*) and *Question*,—That the Preamble, as amended, stand part of the Bill,—*agreed to*.

Parties called in and informed.

The several Clauses of the Bill read *seriatim*, and agreed to without amendment.

Schedules 1 and 2 read and agreed to without amendment.

Chairman to report the Bill, as amended, to the House.

SCHEDULE OF AMENDMENTS.

- Page 2, Preamble, line 38. *After* "received" *insert* "a portion of"  
 Page 2, Preamble, line 39. *After* "testator" *add* "and the remainder of such shares are  
 " now being mustered for the purpose of being delivered to them and removed  
 " from the said runs"  
 Page 2, Preamble, line 42. *After* "thereon" *insert* "belonging to the infant children of  
 " the said testator"  
 Page 2, Preamble, line 43. *Omit* "of the said testator"

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1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

PARNELL'S TRUST BILL.

THURSDAY, 24 SEPTEMBER, 1863.

Present:—

MR. COWPER, MR. CUNNEEN,		MR. GRAY, MR. MATE,
MR. SUTTOR.		

CHARLES COWPER, ESQ., IN THE CHAIR.

W. Barker, Esq., appeared as Solicitor for the Promoters of the Bill.

Mr. Rees Rutland Jones called in and examined:—

1. *By Mr. Barker:* What are you? Clerk to Messrs. Norton and Barker.
2. Do you produce the Probate of the Will of the late Mr. Thomas Parnell, of Richmond? Mr.  
R. R. Jones.  
Yes. (*The witness produced the same.*)
3. Have you examined the recitals in the preamble of the Bill with the Will? I have. 24 Sept., 1863.
4. Are those recitals strictly in accordance with the Will? They are.
5. Do you produce an examined copy of the Petition presented by Mr. William Parnell and Mr. Charles Parnell to the Supreme Court, in the matter of the trusts of the Will of Thomas Parnell, deceased? I do. (*The witness handed in the same. Vide Appendix A. No. 1.*)
6. And also a true copy of the affidavit verifying the allegation of the petition? Yes. (*The witness handed in the same. Vide Appendix A. No. 2.*)
7. That petition was filed under the 26th Victoria, No. 12? Yes.
8. Do you produce the judicial opinion and advice given by the Primary Judge in Equity upon that petition presented by the trustees, advising that this application should be made? I do. (*The witness handed in the same. Vide Appendix A. No. 3.*)
9. The opinion you now produce is signed by the Master in Equity, in the usual form in which such documents are signed? Yes, and sealed with the seal of the Equity Branch of the Supreme Court.

Charles Parnell, Esq., called in and examined:—

10. *By Mr. Barker:* You are one of the petitioners for this Bill? Yes.
11. And a trustee under the will of your late father? Yes. C. Parnell,  
Esq.
12. You and your brother William are now the only surviving trustees? Yes. 24 Sept., 1863.
13. Have all the children of the testator who are interested in the stations, runs, and stock under the trusts of the will, attained their majority? All, with the exception of four, who are still under age.
14. What are the ages of the four? The eldest of the four is twenty, the next is eighteen, the next fifteen, and the next twelve.

15.

- C. Parnell,  
Esq.  
24 Sept., 1863.
15. Have all the children of the testator who have already attained the age of twenty-one, received the shares of stock to which they are entitled under the will? They have; not the whole of them, but they have received part, and would have received the whole but for the late heavy rains. The muster is now going on, and in a very short space of time will be complete, and the stock will then be removed.
16. Then, if I understand you, you inform the Committee that those children who have already attained their majority, have received a portion of their stock, and that the remainder are now in course of being delivered? They will be.
17. They are being mustered, for the purpose of being delivered and of being removed from the run? Yes.
18. The delivery would have been completed but for the late rains? Yes; they will be taken away within a fortnight or three weeks at the very outside, perhaps sooner.
19. Are you of opinion that it will be advantageous for the four minors of whom you have spoken, that you should be authorized to sell the stock and stations in which they are interested? I am of that opinion, for the several reasons embodied in the petition presented by myself and my co-trustee to the Supreme Court.
20. Will you state very briefly why you think so? In the first instance, it is necessary to protect the runs from trespass, and to secure that it would be necessary to expend a large sum of money in the purchase of land to avail ourselves of the pre-emptive right, and to do that will cost upwards of £3,000, as we are near to a population of some 300 persons—within a few miles of them. It is also necessary to make large reservoirs for water. Besides, the grasses have deteriorated very much, and a great portion of the run is only fit for horse stock, and that is not considered by any person as a judicious investment. We have no power to expend that money, nor have we the power to purchase stock of any description, and we do consider on these grounds that it is necessary the station should be sold.
21. How much do you say it would be necessary to spend on the purchase of land, for the protection and successful management of the run? Over £3,000.
22. And you have no power to purchase land at all under the will? No; besides it would be necessary to spend a large sum of money in the formation of reservoirs.
23. Would the stock belonging to the minors be sufficient to stock the runs to which they are entitled? They would be totally inadequate, and I have no power to purchase other stock; indeed it is difficult now to say what description of stock it would be desirable to purchase; certainly not sheep, and to purchase cattle it would be necessary to spend a large sum of money in preserving water.
24. What would be the proportion of the expense of management, with regard to the income derivable from the property of the minors—Would not the expense of managing the diminished number be as great as it has hitherto been to manage the whole? Very nearly; indeed with the cattle I consider it would cost just as much with the fewer number as it would with the whole.
25. Would not a considerable part of the income be consumed in the expense of management? I question whether there would not be a deficiency; I believe the whole would be consumed. The license and assessment alone amount to £437 5s.
26. Have you, or your co-trustee, Mr. William Parnell, any personal interest in the property you now desire to sell? Not the least.
27. You are simply trustees for your own brothers and sisters who are minors? Simply trustees.
28. Was it because you and your co-trustee were convinced of the necessity to sell, that you presented your petition to the Supreme Court? Yes.
29. *By Mr. Mate:* You certify that that is the signature of your co-trustee (*handing paper to witness*)? It is.
30. *By Mr. Suttor:* Have leases been granted for these runs? No, I have no lease.
31. For none of them? No.
32. Can stock be obtained upon terms to stock these runs? They may of course be obtained, but I do not think any person interested in squatting would like that.
33. *By Mr. Cunneen:* Do you think that the interests of the minors would be better served by selling the stock as proposed by this Bill, or by leaving them unsold? Decidedly I am of opinion that it would be better for them to be sold.
34. I suppose your co-trustee is of the same opinion? Decidedly.

PARNELL'S TRUST BILL.

APPENDIX.

(To Evidence given by Mr. R. R. Jones, 24 September, 1863.)

A. No. 1.

No. 1914 A.—*Brief Petition for the Petitioners.*

In the Supreme Court of New South Wales. }  
In Equity. }

IN the Matter of the Trusts of the Will of Thomas Parnell, late of Richmond Bottoms, in the County of Cumberland, and of Osterley, in the County of Northumberland, in the Colony of New South Wales, grazier, deceased.

And of the Trust Property Act of 1862.

To the Honorable Samuel Frederick Milford, Esquire, the Primary Judge in Equity of the Supreme Court of New South Wales.

The humble Petition of William Parnell, of Richmond, in the County of Cumberland, and Colony of New South Wales; and Charles Parnell, of Osterley, Hunter River, in the County of Northumberland, in the said Colony, the surviving Trustees and Executors of the Will of the above-named Thomas Parnell, deceased,—

SHEWETH AS FOLLOWS:—

1. The said Thomas Parnell duly made and executed his last will and testament in writing, bearing date the eighteenth day of October, one thousand eight hundred and fifty-two; and the said testator, after appointing his wife, Elizabeth Parnell, since deceased, and your petitioners, to be executors and trustees of his will, proceeded to direct and bequeath, in the words and figures following, that is to say: "In the first place, I direct that all my just debts, and funeral and testamentary expenses, be paid and satisfied as soon as can be after my decease: And I charge my freehold estates with the payment thereof in aid of my personal estate: And I direct my executors, in the first place, to apply that part of my personal estate as may consist of ready money, and money at my bankers, and money that may be owing to me, in or towards payment of my just debts and funeral and testamentary expenses: I give and bequeath unto my said wife absolutely all my household furniture, pictures, plate, linen, china, glass, musical instruments, watches, horses, carts, drays, and carriages, and furniture belonging thereto, cows, poultry, and other live stock growing, and other crops, implements of husbandry, wines, liquors, and consumable stores, and other the household effects in or about my dwelling-house called Rose Cottage, and upon my farm belonging thereto, situate at Richmond Bottoms aforesaid: And I hereby, so far as I lawfully or equitably may or can, exempt and discharge the personal estate so bequeathed to my said wife as aforesaid, from the payment of my debts, funeral and testamentary expenses: I direct my trustees or trustee, for the time being, out of the income and proceeds arising from the residue of my personal estate to provide my father, Thomas Parnell, with proper and sufficient board, lodging, clothing, attendance, and all other necessaries during his life: And as to for and concerning all the residue and remainder of my personal estate and effects, whatsoever and wheresoever, and of what nature or kind soever, of which I shall be possessed at the time of my decease: I give and bequeath the same unto the said Elizabeth Parnell, William Parnell, and Charles Parnell, their executors, administrators, and assigns: Upon trust that they or the survivors, or survivor of them, or the executors or administrators of such survivor, will or shall with all convenient speed after my decease possess, collect, and get in any moneys which may be due and owing to my estate, with full powers for my said trustees or trustee, in their or his discretion, to refer to arbitration any dispute concerning any debts or credits owing by or belonging to, or claimed to be owing by or belonging to my estate, and also to compound for any moneys due or owing to my estate, upon such terms and in such manner as my said trustees or trustee shall think proper: And to give or allow time for the payment of any moneys owing to my estate without being answerable for any loss in respect thereof: And to pay any debt or debts claimed to be owing by me, notwithstanding the want or defect of strict legal evidence or title in support thereof: And upon further trust to lay out and invest the clear residue of the moneys to be received and got in as aforesaid in the purchase of shares in the capital stock of one or more of the banks in Sydney, and to stand possessed thereof, in trust, for all and every my daughters living at my decease (except my daughter Mary Cope, wife of Joseph Cope, of Windsor, who I have already provided for) as shall have attained the age of twenty-one years or been married, or shall afterwards live to attain the age of twenty-one years or marry before that age, if more than one, in equal shares: And to pay unto or permit and empower my said wife to receive the annual income and dividends thereof for and towards the maintenance, education, and bringing up of my said daughters until they respectively shall attain the age of twenty-one years, or be married under that age: And to stand and be possessed of the residue of my live stock, upon trust, for my said wife and for all and every my children living at my decease (except my son Edward Parnell, and my daughter the said Mary Cope, who I have already provided for) as shall have attained the age of twenty-one years, or been married, or as shall afterwards live to attain the age of twenty-one years or marry before that age, to be divided between or amongst them in equal shares: And I direct that the shares of such of my said children as shall be a son or sons of and in the residue of my said live stock shall be delivered to him or them respectively at his or their respective ages of twenty-one years, and that the share or shares of such of my said children as shall be a daughter or daughters of and in the said bank shares and of and in the residue of my said live stock shall be paid, transferred, and delivered to her or them respectively at her or their respective ages of twenty-one years or day or respective days of marriage which shall first happen: And I direct that a partition and division of the said bank shares and of the said live stock shall be made when and as each of my said children shall become entitled to his or her share: And that such partitions and divisions shall be made by the trustees or trustee for the time being of my will in such manner as they or he or she in their, his, or her discretion shall think proper: And I direct my said trustees or trustee for the time being to pay unto or permit and empower my said wife to receive the net annual income and profits to be derived from the sale of the wool to be produced from my said sheep and the increase and produce thereof, and also from the sale of such of my said sheep as may be fit and proper to be killed for food and as my said trustees or trustee

"may

"may think advisable: And also the net annual income to be derived from the sale of such of my said horned cattle and horses as my said trustees or trustee may think advisable: She thereout maintaining, educating, and bringing up such of my sons as shall for the time being be under the age of twenty-one years, and such of my daughters as shall for the time being be under that age and unmarried." And the said testator, after giving certain directions in case of the marriage again of his said wife, which event did not happen, directed his said trustees or trustee by and with and out of the moneys to be derived respectively from the wool of the said sheep, and from the sale of the said sheep, horned cattle, and horses as therein aforesaid to pay all lawful charges for the depasturing such sheep, cattle, and horses, and the increase and produce thereof respectively, and for the management, charge, and care of the same: And also the Government assessment and license fees due in respect of any land upon which the said sheep, cattle, and horses might be depasturing: And the said testator authorized his said trustees or trustee in their, her, or his discretion, to convert into money by sale or mortgage and apply not more than one half of the expectant share or shares of any of his said children, for his, her, or their advancement in life: And the said testator gave and bequeathed all his right, title, and interest in and to all the sheep and cattle stations or runs that he might be possessed of at the time of his decease, unto his two youngest children that should be living at the time his youngest child should attain the age of twenty-one years, as tenants in common: And the said testator by his said will, after giving and devising unto his said trustees the real estate vested in him as mortgagee or trustee in manner therein mentioned, made specific devises in manner and form therein contained of his real estate, in favour of his son, Matthew James Parnell, his wife, Elizabeth Parnell, his son, your petitioner, William Parnell, his son, John Henry Parnell, his son, Thomas Liverpool Parnell, and his son, your petitioner, Charles Parnell, charged as to the last mentioned devise to his said son, your petitioner, Charles Parnell, with a sum of three hundred and fifty pounds which the said testator gave to his daughters who should be living at his decease, except as therein mentioned.

2. The said testator duly made and executed a codicil in writing to his said will, dated the seventeenth day of November one thousand eight hundred and fifty-two, but the said codicil in no way affects the disposition of the said personal estate and cattle and sheep stations of the said testator in his said will contained.

3. The said testator duly made and executed a second codicil in writing to his said will, dated the 8th day of October, 1853; and the said testator thereby revoked the trusts of the residue of his personal estate in his said will contained, so far as two of his daughters and one of his sons therein named were concerned; but the said codicil in no other respect affects the disposition of the said personal estate and cattle and sheep stations of the said testator in his said will contained.

4. The said testator died on the 11th day of September, 1856, without having revoked or altered his said will and codicil or either of them, save only in so far as the said will was revoked or altered by the said codicils; and the said will and codicils were, on the 17th day of November, 1856, duly proved in this Honorable Court, in its Ecclesiastical Jurisdiction, by the said Elizabeth Parnell and your petitioners, the executrix and executors therein named.

5. The said Thomas Parnell, the father of the said testator, died in the year 1853, in the lifetime of the said testator; and the said Elizabeth Parnell, the widow of the said testator, died on the twenty-sixth day of December, 1862.

6. Your petitioners and Edward Parnell, of Jerry's Plains, Mary Cope, widow, of Windsor, formerly Mary Parnell, spinster, Elizabeth Baker, the wife of Henry Baker, of Newcastle, solicitor, formerly Elizabeth Parnell, spinster, Thomas Liverpool Parnell, of Wetalibah, Namoi River, Sarah Cooper, the wife of Theophilus Cooper, of New England, in the said Colony, formerly Sarah Parnell, spinster, Agnes Thompson, the wife of Lindsay George Thompson, of Sydney, formerly Agnes Parnell, spinster, John Henry Parnell, of Osterley, Hunter River, Susan Hester Parnell, Margaret Isabella Parnell, Emma Jane Parnell, Matthew James Parnell, and Wilhelmina Alice Parnell, of Sydney, were the only children of the said testator left by the said testator him surviving, of whom the said Agnes Thompson, John Henry Parnell, Susan Hester Parnell, Margaret Isabella Parnell, Emma Jane Parnell, Matthew James Parnell, and Wilhelmina Alice Parnell were then infants under the age of twenty-one years; and of whom the said Agnes Thompson, then Agnes Parnell, spinster, John Henry Parnell, and Susan Hester Parnell have, since the death of the said testator, attained their respective ages of twenty-one years, that is to say:—The said Agnes Thompson on or about the 13th day of September, 1857, the said John Henry Parnell on or about the 12th day of February, 1860, and the said Susan Hester Parnell, on or about the 21st day of June, 1862.

7. The debts and funeral and testamentary expenses of the said testator have been long since paid and satisfied by the said executors and trustees of the said testator, and the said Elizabeth Parnell, the widow of the said testator, received and enjoyed the personal estate specifically bequeathed to her by the said will: And the said executors and trustees long since collected and got in the moneys due and owing to the estate of the said testator at his death; and the moneys so received and got in have been invested in conformity with the directions in the said will in that behalf contained: And the said executors and trustees have held and managed the cattle, sheep, and horses, and live stock of the said testator, together with the sheep and cattle stations of the said testator, for the benefit of all the children of the said testator interested therein under the said will of the said testator.

8. The sheep and cattle stations, or runs of which the said testator was possessed at the time of his death, and which are now held by your petitioners as such surviving trustees of the said will and codicils of the said testator as hereinbefore mentioned, consist of two runs adjoining to each other, situate in the District of Liverpool Plains, and called or known respectively by the names of the Burrell or Wetalibah and Tulcumbah Runs, a plan whereof is hereunto annexed marked with the letter A; and also of seven runs adjoining to each other, situate on the River Darling, and called respectively Geera or Wyaberry, Willoi Ulouri, Back Willoi, Back Ulouri, Ginge, and Back Ginge, a plan whereof is hereunto annexed, marked with the letter B.

9. The value of the said Burrell or Wetalibah and Tulcumbah Runs is in danger of being entirely destroyed, inasmuch as at the expiration of the existing tenancy, which will determine on the 31st day of December, 1865, your petitioners will be liable at any time to be deprived of the most valuable portions of the said runs, and without the possession of which it would be impossible profitably to hold the said runs, by means of the said portions being open to free selection under the provisions of the Act 25 Victoria, No. 1.

10. The portions of the said Burrell or Wetalibah Run to which your Petitioners refer in the last paragraph of this petition, are marked with the figures I, II, III, and IV, on the map or plan hereunto annexed marked with the letter A. The said figure I indicates land in the neighbourhood of land which now forms part of the public reserve for the town of Gunnedah, the said town of Gunnedah being separated from the said Burrell or Wetalibah Run by the River Namoi, and containing a population of 200 inhabitants or thereabouts. The said figure II indicates land in the immediate neighbourhood of a certain piece of water called the Gunnebal Lagoon; the said Gunnebal Lagoon being the only available watering place for cattle on that part of the said run. The said figure III indicates land in the immediate neighbourhood of the said River Namoi; and the said figure IV indicates land in the immediate neighbourhood of a certain piece of water called the Gap Creek, the said Gap Creek being a dry creek, but where, by the expenditure of money in constructing a dam and other works, a supply of water may be obtained for the use of a portion of the said run.

11. Your petitioners are advised and believe that, in order to secure to your petitioners as such trustees as hereinbefore mentioned, the secure and proper use and enjoyment of the said Burrell or Wetalibah Run, it would be necessary to purchase 320 acres of land, or thereabouts, in the immediate neighbourhood of the westerly end of the said public reserve for the said town of Gunnedah, and 320 acres of land, or thereabouts, in the immediate neighbourhood of the westerly end of the said public

reserve;



reserve; 320 acres of land, or thereabouts, in the neighbourhood of the said Gunnibal Lagoon; 160 acres of land, or thereabouts, in the said neighbourhood of the said River Namoi; and 320 acres of land, or thereabouts, in the said neighbourhood of the said Gap Creek—the object of purchasing the said several portions of land, with the exception of the said land in the said neighbourhood of the said Gap Creek, being to preserve an adequate supply of water for the use of a portion of the said Wetalibah Run, and to protect the said run against trespass; and the object of purchasing the said land in the said neighbourhood of the said Gap Creek being to preserve free access to the said Tulcumbah Run from the said Wetalibah run, such access being necessary to the convenient management and enjoyment of both the said runs, and also to secure a supply of water for the said Burrell or Wetalibah Run.

12. The portions of the said Tulcumbah Run to which your petitioners refer in the 8th paragraph of this petition, are marked with the figures V, VI, VII, VIII, IX, X, XI, XII, and XIII, on the said map or plan hereunto annexed marked with the letter A. The said figure V indicates land in the immediate neighbourhood of the said Gap Creek. The said figure VI indicates land in the immediate neighbourhood of a certain piece of water called Barney's Springs, at which station are valuable improvements, consisting of a newly-erected stockyard, shepherd's huts, watering troughs, and other improvements. The said figure VII indicates land in the immediate neighbourhood of a certain station, consisting of sheep-yards, huts, and other buildings, called the Gap Station. The said figure VIII indicates land in the immediate neighbourhood of a certain other station, consisting of stockyards, huts, and other buildings, called the Borah Station. The said figure IX indicates land in the immediate neighbourhood of a certain piece of water marked in the said map as the reservoir and well, and where there is a station consisting of stockyards, huts, and other buildings. The said figure X indicates land in the immediate neighbourhood of a certain piece of water called Orphant's Well, and where there is also a station, consisting of yards, huts, and other buildings. The said figure XI indicates land in the neighbourhood of a certain station, consisting of a paddock, stockyards, woolshed, and other valuable improvements, marked in the said map as Tulcumbah Head Station. The said figure XII indicates land in the immediate neighbourhood of a certain piece of water called Gunambene Swamp. The said figure XIII indicates land in the immediate neighbourhood of a certain run called Peel Run.

13. Your petitioners are advised and believe that, in order to secure to your petitioners as such trustees as hereinbefore mentioned, the secure and proper use and enjoyment of the said Tulcumbah Run, it would be necessary to purchase 320 acres of land, or thereabouts, in the immediate neighbourhood of the said Gap Creek; 160 acres of land, or thereabouts, in the immediate neighbourhood of the said Barney's Springs; 160 acres of land, or thereabouts, in the immediate neighbourhood of the said Gap Station; 160 acres of land, or thereabouts, in the immediate neighbourhood of the said Borah Station; 320 acres of land, or thereabouts, in the immediate neighbourhood of the said reservoir; 160 acres of land, or thereabouts, in the immediate neighbourhood of the said Orphant's Well; 160 acres of land, or thereabouts, in the immediate neighbourhood of the said Tulcumbah Head Station; 160 acres of land, or thereabouts, in the neighbourhood of the said Gunambene Swamp; and 160 acres of land, or thereabouts, in the immediate neighbourhood of the said Peel Run; the general object of purchasing the said several pieces of land being to preserve an adequate supply of water for the said Tulcumbah Run, and to protect the said run from encroachment.

14. Your petitioners are advised and believe that they, as such trustees as hereinbefore mentioned, have no power; and, as a matter of fact, your petitioners have no adequate pecuniary means in their possession to purchase the said several pieces of land hereinbefore mentioned. And your petitioners are advised and believe that, in the absence of such power and means as aforesaid, the only course, which, having regard to the interests of the parties entitled under the said will of the testator, can be advantageously pursued, is to sell the said Wetalibah and Tulcumbah Runs and the stock thereon, and to invest the proceeds of such sale in the manner directed by the said testator in reference to the residue of the moneys to be received and got in as part of his residuary personal estate, and to apply the annual income of such investment, and the securities on which such investment shall be made, for the benefit of the persons entitled under the said will to the stations and stock respectively, in conformity with the trusts of the said will, or as near thereto as the nature of the said investments will admit.

15. Your petitioners submit, as a further reason for selling the said Burrell or Wetalibah and Tulcumbah Runs, that the expense of managing the said runs is continually becoming more and more disproportionate to any advantage derived from such management, inasmuch as, according to the provisions of the said will of the said testator, the share of the stock depasturing on the said runs belonging to any one of the said testator's children is withdrawn from the said runs immediately on such child attaining the age of 21 years: And your petitioners submit that this reason is strengthened by the fact that it will be absolutely necessary, in order efficiently to manage the said runs, to spend a large sum of money in improvements on the said runs.

16. Your petitioners submit, as a further reason for selling the said Burrell or Wetalibah and Tulcumbah Runs that, in consequence of withdrawal of stock as hereinbefore mentioned, the said runs are becoming understocked, and are in consequence in danger of serious injury from encroachment, and that the most effectual way of obviating such danger and of preventing the said encroachment, would be fully to stock the said runs, but your petitioners are unable so to do consistently with the trusts of the said will of the said testator.

17. Your petitioners submit, as an additional reason for selling the said Burrell or Wetalibah and Tulcumbah Runs, that the grasses on the said runs have so much deteriorated that the sheep depasturing on the said runs are rapidly becoming injured and enfeebled in constitution, and that thereby the yield of wool is becoming less in quantity and inferior in quality, and the value of the said sheep as breeders is also greatly diminished.

18. Your petitioners are also advised and believe that the said seven runs called Geera or Wyaberry, Willoi and Ulouri, Back Willoi, Back Ulouri, Ginge and Back Ginge respectively, so appearing on the said map or plan annexed hereto, marked with the letter B hereinbefore mentioned, ought also to be sold, inasmuch as the said run called Geera or Wyaberry, is in consequence of its position with regard to the River Darling, exposed to continual trespass by persons travelling with cattle and other stock along the main road which runs along the bank of the said river; and inasmuch as the said run is in danger of being exposed to further encroachment, by reason of the two pieces or parcels of land situated within the said run, and marked on the said map or plan with the letter R, and coloured red, having been set out as Government Reserves, and being therefore liable, at the expiration of the existing tenancy, which will terminate on the 31st December, 1865, to be put up to public sale; and inasmuch as the said runs, called Willoi and Ulouri respectively, are so inadequately supplied with water, that a considerable outlay is required to render them suitable for the purpose of pasturing stock.

19. Your petitioners submit, as an additional reason for selling the said Geera or Wyaberry, Willoi, and Ulouri Runs, that in consequence of the shares of each of the children of the said testator in the said stock being from time to time withdrawn as each of such children comes of age, the expense necessary for rendering the said runs suitable for the purpose of pasturing stock as aforesaid will become quite disproportionate to the advantage derived from the use of the said runs for pasturing the stock continuing on the said runs.

20. Your petitioners are advised and believe, that all the said runs hereinbefore mentioned could be now sold much more advantageously than it is probable that they would be sold at a future time.

21. That the license fees and assessment payable to Government on the several runs hereinbefore referred to, amount, together, to the annual sum of four hundred and thirty-seven pounds five shillings.

22. Your petitioners are advised and submit that, under the circumstances hereinbefore mentioned, it is desirable that your petitioners should obtain the opinion, advice, and direction of your Honor, respecting the future management and administration of the several runs hereinbefore mentioned; in reference to the question of the propriety of your petitioners, under the circumstances hereinbefore mentioned, selling the said runs; and, in the event of such sale being proper, upon the further question, whether your petitioners have authority to carry such sale into effect; and if your Honor shall be of opinion that your petitioners have not such authority, then, upon the further question, whether your petitioners ought to take any, and if any, what steps—by an application to this Honorable Court, or to the Legislature, or otherwise, to obtain such authority.

Your petitioners, therefore, humbly pray that your Honor will be pleased to give to your petitioners your Honor's opinion and advice respecting the management and administration of the several runs hereinbefore mentioned; in reference to the question of the propriety of the sale of the said runs, under the circumstances hereinbefore mentioned; and in the event of your Honor's opinion and advice being in favour of selling the said runs, or any of them, then, that your Honor would be pleased further to give to your petitioners your Honor's opinion and advice, whether your petitioners have authority to sell the said runs or any of them; and if your Honor shall be of opinion that your petitioners have not such authority, then, that your Honor will be pleased to give to your petitioners your Honor's opinion, advice, and direction, whether your petitioners should take any, and if any, what steps—by application to this Honorable Court, or to the Legislature, or otherwise—to obtain such authority.

And your petitioners will ever pray, &c.

WILLIAM BARKER,  
Elizabeth-street, Sydney,  
Solicitor for the Petitioners.

A. No. 2.

Affidavit of William Parnell and Charles Parnell, sworn 18th June, 1863,—

STATES:—

1. The paper-writing hereunto annexed, marked with the letter A, is a true copy of the last will and testament of our deceased father, Thomas Parnell, deceased, dated the 18th day of October, 1852, and of the two codicils thereto, the first dated the 17th day of November, 1852, and the second dated the 8th day of October, 1853.

2. The said testator died on the 11th day of September, 1856, without having revoked or altered his said will or codicils, or either of them, save only in so far as the said will was revoked or altered by the said codicils; and the said will and codicils were, on the 17th day of November, 1856, duly proved in this Honorable Court, in its Ecclesiastical Jurisdiction, by the said Elizabeth Parnell, since deceased, and by us the executrix and executors therein named.

3. Thomas Parnell, the father of the said testator, in the said will named, died in the year 1853, in the lifetime of the said testator, and the said Elizabeth Parnell, the widow of the said testator, died on the 26th day of December, 1862.

4. We and Edward Parnell, of Jerry's Plains; Mary Cope, widow, of Windsor, formerly Mary Parnell, spinster; Elizabeth Baker, the wife of Henry Baker, of Newcastle, solicitor, formerly Elizabeth Parnell, spinster; Thomas Liverpool Parnell, of Wetalibah, Namoi River; Sarah Cooper, the wife of Theophilus Cooper, of Windemere, New England, in the said Colony, formerly Sarah Parnell; Agnes Thompson, the wife of Lindsay George Thompson, of Sydney, formerly Agnes Parnell, spinster; John Henry Parnell, of Osterley, Hunter River; Susan Hester Parnell, Margaret Isabella Parnell, and Emma Jane Parnell, Matthew James Parnell, and Wilhelmina Alice Parnell, of Sydney, were the only children of the said testator left by the said testator, him surviving, of whom the said Agnes Thompson, John Henry Parnell, Susan Hester Parnell, Margaret Isabella Parnell, Emma Jane Parnell, Matthew James Parnell, and Wilhelmina Alice Parnell, were then infants, under the age of 21 years, and of whom the said Agnes Thompson, then Agnes Parnell, spinster, John Henry Parnell, and Susan Hester Parnell have, since the death of their father, the said testator, attained their respective ages of 21 years—that is to say, the said Agnes Thompson, on or about the 13th day of September, 1857; the said John Henry Parnell, on or about the 12th day of February, 1860; and the said Susan Hester Parnell, on or about the 21st day of June, 1862.

5. The debts and funeral, and testamentary expenses of the said testator, have been long since paid by us, the said executors and trustees; and the said Elizabeth Parnell, the widow of the said testator, received and enjoyed the personal estate specifically bequeathed to her by the said will, and we have long since collected and got in the moneys due and owing to the estate of the said testator at his death, and the moneys so received and got in have been invested in conformity with the directions in the said will in that behalf contained: And we have held and managed the cattle, sheep, and horses, and live stock of the said testator, together with the sheep and cattle stations of the said testator, for the benefit of all the children of the said testator interested therein under the said will of the said testator.

6. The sheep and cattle stations, or runs, of which the testator was possessed at the time of his death, and which are now held by us as such surviving trustees of the said will and codicils of the said testator, as hereinbefore mentioned, consist of two runs adjoining to each other, situate in the District of Liverpool Plains, and called or known, respectively, by the names of Burrell, Wetalibah, and Tulcumba Runs, a plan whereof, marked with the letter A, is annexed to the petition presented by us to His Honor Samuel Edward Milford, Esquire, the Primary Judge in Equity of this Honorable Court; and also of seven runs adjoining to each other, situate on the River Darling, and called respectively Geera or Wyaberry, Willoi, and Ulouri, Back Willoi, Back Ulouri, Ginge, and Back Ginge; a plan whereof is also annexed to the said petition, marked with the letter B.

7. The value of the said Burrell and Wetalibah, and Tulcumba Runs, is, in our judgment and opinion, in danger of being entirely destroyed, inasmuch as, at the expiration of the existing tenancy, which will determine on the 31st day of December, 1865, we will be liable at any time to be deprived of the most valuable portions of the said runs, and without the possession of which it would be impossible probably to hold the said runs, by means of the said portions being open to free selection, under the provisions of the Act 25 Victoria, No. 1.

8. The portions of the Burrell and Wetalibah Run referred to by us in the last paragraph, are marked with the figures I, II, III, and IV on the said map or plan annexed to the said petition marked with the letter A; the said figure I indicates land in the neighbourhood of land which now forms part of the public reserve for the town of Gunnedah, the said town of Gunnedah being separated from the said Burrell or Wetalibah Run by the river Namoi, and containing a population of 200 inhabitants or thereabouts. The said figure II indicates land in the immediate neighbourhood of a certain piece of water called the Gunnibal Lagoon, the said Gunnibal Lagoon being the only available watering place for cattle on that run. The said figure III indicates land in the immediate neighbourhood of the said river Namoi, and the said figure IV indicates land in the immediate neighbourhood of a certain piece of water called the Gap Creek, the said Gap Creek being a dry creek, but where, by the expenditure of money in constructing a dam and other works, a supply of water may be obtained for the use of a portion of the said run.

9. We are advised and believe that, in order to secure to us, as such trustees hereinbefore mentioned, the secure and proper use and enjoyment of the Burrell or Wetalibah Run, it would be necessary to purchase 320 acres of land or thereabouts in the immediate neighbourhood of the westerly end of the said public reserve for the said town of Gunnedah, and 320 acres of land or thereabouts in the immediate neighbourhood of the westerly end of the said public reserve, 320 acres of land or thereabouts in the neighbourhood of the said Gunnibal Lagoon, 160 acres of land or thereabouts in the neighbourhood of the said Namoi River, and 320 acres of land or thereabouts in the said neighbourhood of the said Gap Creek; the object of purchasing the said several portions of land, with the exception of the said land in the neighbourhood of the said Gap Creek, being to procure an adequate supply of water for the use of a portion of the said Wetalibah Run, and to protect the said run against trespass; and the object of purchasing the said land in the said neighbourhood of the said Gap Creek, being to preserve free access to the said Tulcumbah Run from the said Wetalibah Run, such access being necessary to the convenient enjoyment of both the said runs: And also to secure a supply of water for the said Burrell or Wetalibah Run.

10. The portions of the said Tulcumbah Run to which we have referred in the sixth paragraph hereof, are marked with the figures V, VI, VII, VIII, IX, X, XI, XII, and XIII on the said map or plan hereinbefore mentioned as marked with the letter A and annexed to the said petition. The said figure V indicates land in the immediate neighbourhood of the said Gap Creek; the said figure VI indicates land in the immediate neighbourhood of a certain piece of water called Barney's Springs, at which station are valuable improvements consisting of a newly erected stockyard, shepherd's huts, watering-troughs, and other improvements. The said figure VII indicates land in the immediate neighbourhood of a certain station, consisting of sheep-yards, huts, and other buildings, called the Gap Station. The said figure VIII indicates land in the immediate neighbourhood of a certain other station, consisting of stockyards, huts, and other buildings, called the Borah Station. The said figure IX indicates land in the immediate neighbourhood of a certain piece of water marked on the said map as the reservoir and well, and where there is a station consisting of stockyards, huts, and other buildings. The said figure X indicates land in the immediate neighbourhood of a certain piece of water called Orphant's Well, and where there is also a station consisting of yards, huts, and other buildings. The said figure XI indicates land in the neighbourhood of a certain station, consisting of a paddock, stockyard, woolsheds, and other valuable improvements, marked on the said plan as Tulcumbah Head Station. The said figure XII indicates land in the immediate neighbourhood of a certain piece of water called Gunambene Swamp. The said figure XIII indicates land in the immediate neighbourhood of a certain run called the Peel Run.

11. We are advised and believe that, in order to secure to us, as such trustees as hereinbefore mentioned, the secure and proper use and enjoyment of the said Tulcumbah Run, it would be necessary to purchase 320 acres of land or thereabouts in the immediate neighbourhood of the said Gap Creek; 160 acres of land or thereabouts in the immediate neighbourhood of the said Gap Station; 160 acres of land or thereabouts in the immediate neighbourhood of the said Borah Station; 320 acres of land or thereabouts in the immediate neighbourhood of the said reservoir; 160 acres of land or thereabouts in the immediate neighbourhood of the said Orphant's Well; 160 acres of land or thereabouts in the immediate neighbourhood of the said Tulcumbah Head Station; 160 acres of land or thereabouts in the neighbourhood of the said Gunambene Swamp; and 160 acres of land or thereabouts in the immediate neighbourhood of the said Peel Run; the general object of purchasing the said several pieces of land being to preserve an adequate supply of water for the said Tulcumbah Run, and to protect the said run from encroachment.

12. We are advised and believe that we, as such trustees as aforesaid, have no power, and as a matter of fact we have no adequate pecuniary means in our possession to purchase the several pieces of land hereinbefore mentioned; and we are advised and believe that, in the absence of such powers and means as aforesaid, the only course which, having regard to the interest of the parties entitled under the said will of the said testator, can be advantageously pursued is, to sell the said Wetalibah and Tulcumbah Run and the stock thereon, and to invest the proceeds of such sale in the manner directed by the said testator in reference to the residue of the moneys to be received and got in as part of his residuary personal estate, and to apply the annual income of such investment and the securities in which such investment shall be made, for the benefit of the persons entitled under the said will to the stations and stock respectively, in conformity with the trusts of the said will, or as near thereto as the nature of the said investment will admit.

13. The expense of managing the said runs, called the said Burrell or Wetalibah and Tulcumbah Runs, is continually becoming more and more disproportionate to any advantage derived from such management, inasmuch as according to the provisions of the said will of the said testator, the share of the stock depasturing on the said runs belonging to any one of the said testator's children is withdrawn from the said runs immediately on such child attaining the age of twenty-one years; and we are advised and believe that it will be absolutely necessary, in order efficiently to manage the said runs, to spend a large sum of money on the improvement of the said runs.

14. That in consequence of the withdrawal of stock from the said Burrell or Wetalibah and Tulcumbah Runs, as hereinbefore mentioned, the said runs are becoming understocked, and are in consequence, in our judgment and opinion, in danger of serious injury from encroachment; and we believe that the most efficient way of obviating such danger and of preventing the said encroachment would be fully to stock the said runs, but we are unable so to do consistently with the trusts of the said will of the said testator.

15. That the grasses on the said Burrell or Wetalibah and Tulcumbah Runs have so much deteriorated, that the sheep depasturing on the said runs are rapidly becoming injured and enfeebled in constitution, and thereby the yield of wool is becoming less in quantity and inferior in quality, and the value of the said sheep as breeders is also greatly diminished.

16. We are also advised and believe that the said several runs, called Geera or Wyaberry, Willoi, and Olouri, Back Willoi, Back Olouri, Ginge, and Back Ginge, respectively so appearing on the said map or plan hereinbefore referred to as marked with the letter B, ought also to be sold, inasmuch as the said run called Geera or Wyaberry is, in consequence of its position with regard to the River Darling, exposed to continual trespass by persons travelling with cattle and other stock along the main road which runs along the banks of the said river; and inasmuch as the said run is in danger of being exposed to further encroachment, by reason of the two pieces or parcels of land situated within the said run marked on the said map or plan with the letter R, and coloured red, having been set out as Government Reserves, and being therefore liable, at the expiration of the existing tenancy, which will terminate on the 31st day of December, 1865, to be put up to public sale; and inasmuch as the said runs called Willoi and Olouri respectively are so inadequately supplied with water that a considerable outlay is required to render them suitable for the purpose of pasturing stock.

17. In consequence of the shares of the children of the said testator in the said stock on the said Geera or Wyaberry Willoi and Olouri Runs being from time to time withdrawn as each of such children comes of age, the expense necessary for rendering the said runs suitable for the purpose of pasturing stock as aforesaid will become quite disproportionate to the advantage derived from the use of the said runs for pasturing the stock continuing on the said runs.

18. We are advised and believe that all the said runs hereinbefore mentioned could be now sold much more advantageously than it is probable they could be sold at a future time.

19. The license fees and assessment payable to Government on the several runs hereinbefore referred to, amount together to the annual sum of £437 5s., or thereabouts.

## A. No. 3.

No. 1,914 A.—*Judicial Opinion and Advice.*

In the Supreme Court of New South Wales. }  
 In Equity. }

IN the matter of the Trusts of the Will of Thomas Parnell, late of Richmond Bottoms, in the County of Cumberland, and of Osterly, in the County of Northumberland, in the Colony of New South Wales, and of the Trust Property Act, 1862.

Friday, the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-three.

WHEREAS William Parnell and Charles Parnell, the surviving trustees and executors of the will of the above-named Thomas Parnell, deceased, did, on the twenty-ninth day of June last, prefer their petition to the Honorable Samuel Frederick Milford, Esquire, the Primary Judge in Equity of this Honorable Court, setting forth as therein is set forth, and praying that His Honor would be pleased to give to the petitioners His Honor's opinion and advice respecting the management and administration of the several runs therein mentioned in reference to the question of the propriety of the sale of the said runs under the circumstances therein mentioned, and in the event of His Honor's opinion and advice being in favour of selling the said runs, or any of them, that His Honor would be pleased further to give to the petitioners His Honor's opinion and advice whether the petitioners had authority to sell the said runs, or any of them, and if His Honor should be of opinion that the petitioners had not such authority, then that His Honor would be pleased to give to the petitioners His Honor's opinion and advice whether the petitioners should take any, and if any, what steps, by application to this Honorable Court, or to the Legislature, or otherwise, to obtain such authority; whereupon all parties concerned were ordered to attend the Primary Judge in Equity on the matter of the said petition; and all parties concerned attending this day accordingly before His Honor Samuel Frederick Milford, Esquire, the said Primary Judge; whereupon and upon hearing the said petition and the affidavit of the said William Parnell and Charles Parnell, sworn the eighteenth day of June last read, and upon hearing what was alleged by Mr. Gordon of counsel for the petitioners, and by Mr. Darley of the counsel for John Henry Parnell, the guardian *ad litem* of the infants Margaret Isabella Parnell, Emma Jane Parnell, Matthew James Parnell, and Wilhelmina Alice Parnell, interested under the said will of Thomas Parnell, deceased, in the several matters referred to in the said petition, His Honor is of opinion that it is advisable, and for the interest of all parties concerned, that a sale should be made of the several runs in the said petition mentioned, if the said William Parnell and Charles Parnell, the surviving trustees of the will of the said Thomas Parnell, deceased, had sufficient powers under the said will to effect such sale; and His Honor being of opinion that the said will did not contain sufficient power to enable them to effect such sale, he advises that an application should be made to the Legislature, for a private Act to enable the said trustees to sell the said several runs, and to do all necessary and proper acts for effecting such sale, and to invest the proceeds upon such of the trusts of the will of the said Thomas Parnell, deceased, as are still subsisting and capable of taking effect, or as near thereto as the nature of the circumstances may allow or the Legislature may direct.

GEORGE HIBBERT DEFFELL,  
 Master in Equity.

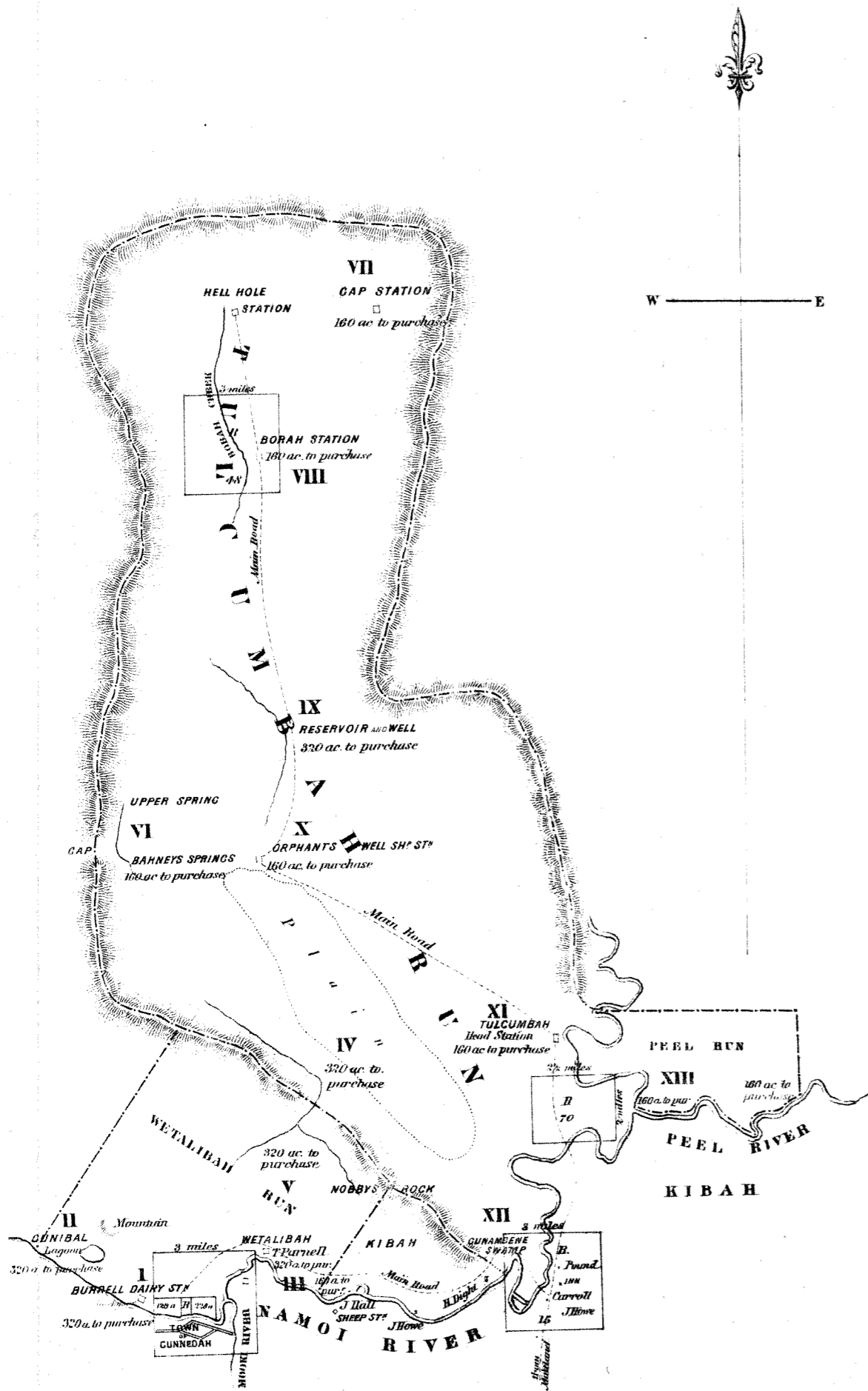
Passed, 22 July, 1863.—G.H.D.

Entered same day.—P.C.C.

# APPENDIX A. N<sup>o</sup> 4.

A

B



Scale 4 Miles to an Inch



Scale 4 Miles to an Inch

1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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REPORT FROM THE SELECT COMMITTEE

ON THE

COLONIAL SUGAR REFINING COMPANY'S BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
6 October, 1863.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

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VOTES, No. 57. TUESDAY, 29 SEPTEMBER, 1863.

25. Colonial Sugar Refining Company's Bill :—Mr. Samuel moved, pursuant to notice,—  
(1.) That the Bill to enable the Colonial Sugar Refining Company to sue and be sued in the name of such Company, and to vest the Property of the Company in the Trustees for the time being of such Company, be referred to a Select Committee.  
(2.) That such Committee consist of Mr. Smart, Mr. Garrett, Mr. Lucas, Mr. Caldwell, Mr. Mate, Mr. Dalgleish, Mr. Egan, and the Mover.  
Question put and passed.
- 

VOTES, No. 61. TUESDAY, 6 OCTOBER, 1863.

7. Colonial Sugar Refining Company's Bill :—Mr. Samuel, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee to whom this Bill was referred on 29th September, 1863.  
Ordered to be printed.

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1863.

## COLONIAL SUGAR REFINING COMPANY'S BILL.

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 REPORT.
 

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THE SELECT COMMITTEE of the Legislative Assembly, to whom was referred, on the 29th ultimo, the "*Bill to enable the Colonial Sugar Refining Company to sue and be sued in the name of such Company and to vest the Property of the Company in the Trustees for the time being of such Company,*" beg leave to report to your Honorable House,—

That they have examined the Solicitor\* for the Bill (whose evidence will be found appended hereto), and that, the Preamble having been satisfactorily proved by the evidence of that gentleman, they proceeded with the enacting part of the Bill, to which it was deemed expedient to add a new Clause.†

• Mr. G. P. Slade.  
† See Schedule of Amendment.

And your Committee now beg to lay before your Honorable House the Bill, as amended by them.

SAUL SAMUEL,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 6 October, 1863.*

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PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 2 OCTOBER, 1863.

MEMBERS PRESENT:—

Mr. Samuel,		Mr. Garrett,
Mr. Lucas,		Mr. Smart,
Mr. Dalglish,		Mr. Mate.

Mr. Samuel called to the Chair.  
 Printed copies of the "Colonial Sugar Refining Company's Bill," and original  
 Petition for leave to introduce the same, before the Committee.  
 Petition for leave to introduce the Bill, by direction of the Chairman, read by  
 the Clerk.

Present for the Promoters:—Mr. George Penbivil Slade, *Solicitor for the Bill*.  
 Mr. G. P. Slade, *Solicitor*, examined.  
 Deed of settlement referred to in the preamble, *produced*.  
 Room cleared.  
 Motion made (*Chairman*), and *Question*—That this preamble stand part of the  
 Bill—*agreed to*.

*Solicitor* called in and informed.  
 The several clauses read *seriatim*, and agreed to without amendment.  
 Motion made (*Mr. Garrett*), and *Question*—That the following new clause be  
 added, and stand clause 9 of the Bill:—

"9. In all cases where under the deed of settlement the Directors of the  
 "said Company are authorized or empowered to execute any deed or other  
 "instrument it shall be lawful for the Manager of the said Company when  
 "duly authorized by a resolution of the Directors to execute such deed or  
 "instrument for and on behalf of the Company and such deed or instrument  
 "shall be deemed as valid and effectual as if the same had been executed by  
 "the Directors or by the shareholders of the said Company."—*agreed to*.  
 Schedule read, and agreed to without amendment.  
 Chairman requested to report the Bill, as amended, to the House.

SCHEDULE OF AMENDMENT.

Page 4. *After* clause 8, *insert* the following new clause, to stand clause 9 of the Bill:—

Manager to sign  
 certain deeds.

9. In all cases where under the deed of settlement the Directors of the said  
 Company are authorized or empowered to execute any deed or other instrument it shall  
 be lawful for the Manager of the said Company when duly authorized by a resolution of  
 the Directors to execute such deed or instrument for and on behalf of the Company and  
 such deed or instrument shall be deemed as valid and effectual as if the same had been  
 executed by the Directors or by the shareholders of the said Company.

WITNESS.

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1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

COLONIAL SUGAR COMPANY'S BILL.

FRIDAY, 2 OCTOBER, 1863.

Present :—

MR. SAMUEL,		MR. GARRETT,
MR. DALGLEISH,		MR. SMART,
	MR. MATE.	

SAUL SAMUEL, Esq., IN THE CHAIR.

George Penbivil Slade, Esq., called in and examined :—

1. *By the Chairman* : You are Solicitor for the promoters of this Bill ? Yes, I am Solicitor for the Bill. G. P. Slade,  
Esq.
2. What are the objects of the Bill ? The objects of the Bill are simply to enable the Company to sue and be sued in the name of the Company, without incorporation, and without in any shape limiting the liability of the Company. 2 Oct., 1863.
3. The Company, I presume, have a deed of settlement ? The Company have a deed of settlement, which I produce. (*Deed produced.*) It is dated the 1st day of January, 1855, and is duly executed. The Company commenced business on the same day, and have since carried on business.
4. Does Mr. Knox's name appear to that deed of settlement ? It does. The present Directors are Edward Knox, Esq. (Chairman), Frederick Fanning, Esq., William Walker, Esq., Frederick Tooth, Esq., and Thomas Buckland, Esq. The capital of the Company is £150,000, in 3,000 shares of £50 each, the whole of which has been paid up.
5. *By Mr. Garrett* : The liability is unlimited ? Entirely unlimited, and we do not seek to limit it in any way. I should add, that the object of the Company is not only to sue and be sued, but also to vest the property of the Company in the present and future Trustees, as they shall be from time to time appointed, without the necessity for the usual conveyance.
6. *By the Chairman* : Is that a usual provision ? Yes. I may say that every clause of this Bill is identical with the similar clauses of two Acts passed for the Liverpool and London Fire and Life Insurance Company, by which these powers have been sought by that Company on two several occasions. In 1857 an Act was passed "to vest the Trust Moneys "Securities and Property of the Liverpool and London Fire and Life Insurance Company in "this Colony in the local Trustees of the said Company for the time being." The clauses of that Act, or such of them as were applicable to the subject, have been embodied in this Bill. In 1862 an Act was passed "to enable the Liverpool and London Fire and Life Insurance Company to sue and be sued in the name of such Company." The provisions of that Act, so far as they are applicable to this case, have also been embodied in this Bill. We are seeking solely and simply in this one Bill the powers given to the Liverpool and London Insurance Company in those two Acts. I may mention, as a reason for our not having applied for an Act before, that we have hitherto had no occasion to sue ; but we are now involved in some litigation, and it becomes necessary, and has in fact been done, to insert the names of the whole of the shareholders—an extremely inconvenient process, as well for the plaintiff as the defendant ; and in the event of any action being brought against the Company, it would subject persons seeking redress to very serious inconvenience.
7. The Company are now carrying on extensive operations in Sydney ? Yes.



1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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REPORT FROM THE SELECT COMMITTEE

ON THE

MORUYA SILVER MINING COMPANY'S  
INCORPORATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
11 *December*, 1863.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

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1863.

1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

---

VOTES, No. 70. TUESDAY, 1 DECEMBER, 1863.

20. Moruya Silver Mining Company's Incorporation Bill :—Mr. Leary moved, pursuant to notice,—
- (1.) That the Bill to incorporate The Moruya Silver Mining Company be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of the following Members, viz. :—Mr. Morris, Mr. Garrett, Mr. Egan, Mr. Stewart, Captain Moriarty, Mr. Burdekin, and the Mover.
- Question put and passed.
- 

VOTES, No. 77. FRIDAY, 11 DECEMBER, 1863.

3. Moruya Silver Mining Company's Incorporation Bill :—Mr. Leary, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee for whose consideration and report this Bill was referred, on 1st December, 1863.
- Ordered to be printed.
- \* \* \* \* \*
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1863.

## MORUYA SILVER MINING COMPANY'S INCORPORATION BILL.

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**REPORT.**

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THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 1st December instant, the "*Moruya Silver Mining Company's Incorporation Bill*," beg leave to report to your Honorable House,—

That they have examined the Solicitor for the Bill\* (whose \*R. J. Want, Esq. evidence will be found appended hereto), and that, the Preamble having been satisfactorily proved by the evidence of that gentleman, they proceeded to consider the several clauses of the Bill, in which it was not found necessary to make any amendment.

And your Committee now beg to lay before your Honorable House the Bill without amendment.

JOSEPH LEARY,

Chairman.

*Legislative Assembly Chamber,**Sydney, 9th December, 1863.*

---

PROCEEDINGS OF THE COMMITTEE.

---

WEDNESDAY, 9 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Leary, | Mr. Garrett,

Capt. Moriarty.

Mr. Leary called to the Chair.  
 Copies of Votes, containing Order of Reference, on the Table ; also, printed copies of the Bill referred.  
 Petition for leave to introduce the "Moruya Silver Mining Company's Incorporation Bill," by direction of the Chairman, read by the Clerk.  
 Present for the Promoters :—Mr. R. J. Want, *Solicitor for the Bill*.  
 Mr. R. J. Want, *Solicitor*, examined.  
 Deed of Settlement referred to in the Preamble, *produced*.  
 Room cleared.  
 Committee considered Preamble of the Bill.  
 Motion made (*Chairman*), and *Question*,—That this Preamble stand part of the Bill,—*agreed to*.  
 Parties called in and informed.  
 The several clauses of the Bill then read and agreed to without amendment.  
 Chairman requested to report the Bill without amendment to the House.

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1863.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

MORUYA SILVER MINING COMPANY'S  
INCORPORATION BILL.

WEDNESDAY, 9 DECEMBER, 1863.

Present:—

MR. GARRETT, | MR. LEARY,  
CAPT. MORIARTY.

JOSEPH LEARY, ESQ., IN THE CHAIR.

Randolph J. Want, Esq., called in and examined:—

1. *By the Chairman*: You are Solicitor to the promoters of the Bill? I am.
2. Will you be good enough to state generally what objects the promoters of the Bill propose to themselves? I produce the deed of settlement of the company, by which it is shewn that the object of the promoters or the shareholders of the company, is the working of mines on the company's purchased and leased land at Moruya. The name of the company is the "Moruya Silver Mining Company." It was formed in the year 1862, and has been in operation ever since. By the 4th clause of the deed of settlement the directors are directed to apply for an Act of incorporation. The capital of the company is £20,000, and all the shares have been taken up; the deed has been signed by sixty-six shareholders; the preamble of the Bill is true in every respect, and the Bill itself contains the usual clauses inserted in most of the mining incorporation Acts that have been passed in the Colony.
3. Ample provision has been made for the security of the shareholders? Yes, the usual clauses of the Colonial Mining Incorporation Acts have been inserted in the Bill.
4. *By Mr. Garrett*: The Bill enables you to sue and be sued? Yes, that is the principal object of the Bill.
5. How much of the £20,000 capital has been paid up? The original shares first taken up amounted to £10,000, all of which was paid. Since then there have been additional shares issued amounting to £10,000, of which sum £8,000 have been paid up.
6. *By Capt. Moriarty*: About nine-tenths of the whole capital have been paid up? Yes, about that.
7. *By Mr. Garrett*: And invested in machinery? Yes, principally.
8. Have the company raised much ore? Their attention has been principally directed to the opening of the mines rather than to the raising of ore.

R. J. Want,  
Esq.

9 Dec., 1863.



- R. J. Want,  
Esq.  
9 Dec., 1863.
9. How far are the mines from the place of shipment? Not above a mile or a mile and a quarter at the outside; that is from the mines to Wanban Creek; we have the ore carted from the mine and delivered on board vessels lying in the harbour at 25s. per ton.
10. What per centage of silver does the ore contain on an average? It is impossible to say—it varies so very much. From some of it we have got no silver at all—only gold, whilst from other ore we have got as much as 160 ounces of silver and 12 of gold to the ton of ore. It is, however, impossible to say with certainty, until it is worked, what the mine will turn out.
11. Have you power to increase your capital, and to what extent? Only by the issue of new shares—in no other way.
12. And what is the limit of the issue of new shares? The extent is not named, and will depend upon circumstances; but the capital can only be increased by the issue of new shares, which must be taken up, and there is therefore no further liability of the shareholders.
13. And this is in accordance with the deed of settlement? It is.
14. *By Capt. Moriarty*: The mine is above the township? Yes, it is three miles from the township.
15. On the river, above the township? Yes.
16. And at certain states of the tide you can send down your ore to the harbour, to be shipped? Yes, we have water carriage within a mile of the mines. There is a creek named Wanban Creek that is navigable for punts up to within a mile of the place.
17. Within a mile by your road to the creek? Yes, and once shipped there, the ore goes right down the harbour to the vessel. The navigation of the harbour is all done with punts to the heads.

1863.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

---

REPORT FROM THE SELECT COMMITTEE

ON

COX'S MARRIAGE SETTLEMENT BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
16 *December*, 1863.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

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1863.

[*Price*, 6d.]

413—A

1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

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VOTES, No. 70. TUESDAY, 1 DECEMBER, 1863.

19. Cox's Marriage Settlement Bill :—Mr. Holroyd moved, pursuant to notice,—  
 (1.) That Cox's Marriage Settlement Bill be referred to a Select Committee for consideration and report.  
 (2.) That such Committee consist of the following Members :—Mr. Samuel, Mr. Macleay, Mr. Rusden, Mr. Garrett, Mr. Leary, Mr. Mate, Mr. Bell, Mr. Emanuel, Mr. Harpur, and the Mover.  
 Question put and passed.
- 

VOTES, No. 79. WEDNESDAY, 16 DECEMBER, 1863.

2. Cox's Marriage Settlement Bill :—Mr. Holroyd, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 1st December, 1863.  
 Ordered to be printed.

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1863.

## COX'S MARRIAGE SETTLEMENT BILL.

## REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 1st December instant, "*Cox's Marriage Settlement Bill*," beg leave to report to your Honorable House,—

\* M. C. Stephen,  
Esq.

† C. C. Cox, Esq.  
G. Cox, Esq.

That they have examined the Solicitor for the Bill,\* and the witnesses named in the margin† (whose respective evidence will be found appended hereto), and that, the Preamble having been satisfactorily proved by their evidence, they proceeded with the enacting part of the Bill, in which they found it unnecessary to make any amendment.

And your Committee now beg to lay before your Honorable House the Bill without amendment.

ARTHUR T. HOLROYD,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 15 December, 1863.*

PROCEEDINGS OF THE COMMITTEE.

---

THURSDAY, 10 DECEMBER, 1863.

MEMBERS PRESENT :—

None.

In the absence of a Quorum, the meeting called for this day lapsed.

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TUESDAY, 15 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Samuel.	Mr. Rusden.
Mr. Leary.	Mr. Macleay.
Mr. Bell.	Mr. Holroyd.

Mr. Holroyd called to the Chair.

Printed copies of "Cox's Marriage Settlement Bill," together with the original Petition for leave to introduce the Bill,—before the Committee.

Present for the Promoters :—Mr. M. Consett Stephen, *Solicitor for the Bill*.

Mr. M. C. Stephen, *Solicitor*, examined.

Deed of Settlement of the land described in the Preamble, *produced*; also, a reconveyance of a mortgage cited in that deed.

Mr. Charles Clarendon Cox and Mr. George Cox, severally examined.

Room cleared.

Committee considered Preamble of the Bill

Motion made (*Chairman*), and *Question*,—That this Preamble stand part of the Bill,—*agreed to*.

Parties called in and informed.

The several clauses of the Bill then read and agreed to without amendment.

Chairman read Draft Report.

Motion made and *Question*,—That the Report, as read, be the Report of this Committee,—*agreed to*.

Chairman to report to the House.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

COX'S MARRIAGE SETTLEMENT BILL.

TUESDAY, 15 DECEMBER, 1863.

Present:—

MR. SAMUEL,  
MR. HOLROYD,  
MR. BELL,

MR. LEARY,  
MR. RUSDEN,  
MR. W. MACLEAY.

ARTHUR TODD HOLROYD, ESQ., IN THE CHAIR.

Montagu Consett Stephen, Esq., called in and examined:—

1. *By the Chairman*: Your name is Montagu Consett Stephen? Yes.
2. You are a solicitor of the Supreme Court? Yes.
3. And you are also solicitor for the petitioners? I am also solicitor for the petitioners.
4. Do you produce the deed of settlement? Yes, I produce the deed of settlement of the land described in the preamble of the Bill, which deed of settlement is in the terms in the Bill set forth. I also produce a reconveyance of a mortgage cited in that deed of settlement, also referred to in the Bill.
5. A reconveyance from whom? From Mr. Tebbutt. The land comprised in the marriage settlement was conveyed to the trustees of the settlement, subject to a certain mortgage.
6. And that mortgage has been paid off? Yes; it just simply makes the land subject to the trust of the settlement—it makes it free from the mortgage to which it was then subject, so that the land is not now liable to be interfered with by the mortgage. The marriage settlement is one made by Mr. George Cox, the father of Mr. Charles Clarendon Cox, on the latter's marriage with Miss Louisa Stafford Stuart. I propose to examine Mr. Charles Clarendon Cox.
7. Is there any power under that deed to sell the land comprised in the settlement? None whatever.

M. C.  
Stephen,  
Esq.

15 Dec., 1863.

Charles Clarendon Cox, Esq., called in and examined:—

8. *By Mr. Stephen (Solicitor to the petitioners)*: You are one of the petitioners? Yes.
9. And you are the same Charles Clarendon Cox whose name is in this settlement? Yes.
10. *By the Chairman*: What is the date? The 17th September, 1855.
11. *By Mr. Stephen*: Louiza Stafford Stuart, mentioned in that settlement, became your wife shortly afterwards? Yes.
12. Is she alive now? No.
13. Were there any children of the marriage? One.
14. State the name and age, if you please? She was seven years old last June.
15. And her name? Louiza Eliza.
16. *By the Chairman*: She is living? Yes.
17. And the only child? Yes.

C. C. Cox,  
Esq.

15 Dec., 1863.

- C. C. Cox,  
Esq.  
15 Dec., 1863.
18. *By Mr. Stephen*: Is there any one else interested under this marriage settlement besides yourself, that child, and your father, Mr. George Cox? No.
  19. He also is a petitioner in this Bill? Yes.
  20. Is this property let now? It is.
  21. What is it let for? £250, but including other lands as well.
  22. Have you any idea what it would sell for if it were put up for sale—that is, without reference to the other piece? Yes; I have had an offer for it.
  23. Of how much? £4,800 for this said property.
  24. Where is the property situated? Between Windsor and Richmond.
  25. How many acres does it comprise? 202.
  26. Are there any buildings on it? There are.
  27. What state are they in? They are in very good order now; they have been just repaired; but they are very old, and constantly require repairing.
  28. Is it possible with the land in its present state to make any more rental—is it let at its full annual value now? Yes, quite.
  29. *By the Chairman*: You say it is let with other lands for £250? Yes.
  30. What is the annual rent value of this piece of land which is comprised in the settlement? Well, I should say about — I can hardly tell without a little consideration.
  31. But you can give us some idea? About £200.
  32. *By Mr. Stephen*: How much of the rental per annum does it take to keep the place in repair—what proportion? About twelve months ago I spent nearly £1,000 on the property.
  33. And repairs to some extent are required continually? Yes.
  34. *By the Chairman*: Have you seen this Bill (*before the Committee*) Mr. Cox? Yes.
  35. Is that piece of land the land mentioned in the preamble of this Bill as “all that piece or parcel of land containing by estimation 200 acres more or less lying and situate in the district of Mulgrave-place in the Colony aforesaid”? Yes.
  36. And it is bounded as mentioned in the preamble? Yes.
  37. Then it will be for the benefit of both yourself and your child that a power should be given to you by the Legislature to sell this land, and re-invest under the terms of the settlement? Yes, that is the object of getting this Bill.
  38. *By Mr. Stephen*: You believe that a larger income would be produced by the property being sold and the money invested? Yes.
  39. *By Mr. Leary*: Could you, by any certain expenditure, obtain a very much larger yearly income from this estate? I think not; I have lost a great deal by floods during the last few years, in rent.
  40. And how will it pay anybody to give £4,000 for it—the amount of the offer? I believe he wants it as a homestead more than anything else; I do not think he expects ever to make much out of it.
  41. *By Mr. Stephen*: He owns the adjoining property, does he not? He does.
  42. *By Mr. Leary*: And £4,000 invested would yield a much larger interest? Much larger than I could obtain at present.
  43. *By Mr. Stephen*: Have you any funds belonging to this particular trust by which you could improve the estate so that it would produce more? No.
  44. And there is no money belonging to the same trust with which you could do it? No.

George Cox, Esq., called in and examined:—

- George Cox,  
Esq.  
15 Dec., 1863.
45. *By Mr. Stephen*: You are Mr. George Cox? I am.
  46. You were the conveying party in this deed of settlement? I was.
  47. You settled the property on your son and proposed daughter-in-law? Yes.
  48. You have a life interest under that deed, I believe? I have.
  49. And you join in this petition? I do.
  50. You are one of the petitioners for this Bill? Yes.
  51. You have heard the evidence just now given by Mr. Charles Clarendon Cox? I have.
  52. Is it correct? It is perfectly correct.
  53. *By the Chairman*: In your opinion, would it be to the advantage of the trust if this property were sold, and the proceeds invested under the terms of the settlement? No, I think not at all; I think quite the contrary; I think it would not be for the advantage of the child at all.
  54. To sell it? No, to keep it.
  55. Would it be of advantage to the child, and to Charles Clarendon Cox, to sell it under the terms of the settlement and to invest the proceeds? It would. It is an uncertain property; it is subject to floods; it is a very old establishment—it is father's oldest establishment.

1863-4.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

---

REPORT FROM THE SELECT COMMITTEE

ON THE

**BATHURST MARKET BILL;**

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER,

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1864.

[*Price*, 6*d.*]

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1863-4.

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EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

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VOTES, No. 131. WEDNESDAY, 30 MARCH, 1864.

4. Bathurst Market Bill (*"Formal" Motion*):—Mr. Driver moved, pursuant to notice,—
- (1.) That the Bill to transfer the Bathurst Market to the Municipal Council of Bathurst, be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of Mr. W. Forster, Mr. Wilson, Mr. Garrett, Mr. Wisdom, Mr. Cummings, Mr. Dangar, and the Mover.
- Question put and passed.
- 

VOTES, No. 132. THURSDAY, 31 MARCH, 1864.

4. Bathurst Market Bill:—Mr. Driver, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on the 30th instant,—together with Appendix.
- Ordered to be printed.

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1863-4.

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 BATHURST MARKET BILL.
 

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 REPORT.
 

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THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 30th day of March instant, the "*Bill to transfer the Bathurst Market to the Municipal Council of Bathurst*,"—beg leave to report to your Honorable House,—

That they have examined the Principal Under Secretary to the Government,\* whose evidence will be found appended hereto; \*W. Elyard, Esq and that, the Preamble having been satisfactorily proved by the evidence of that gentleman, they proceeded to consider the several clauses of the Bill, in which it was not found necessary to make any amendment.

And your Committee now beg to lay before your Honorable House the Bill, without amendment.

RD. DRIVER, JUN.,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 31 March, 1864.*

---

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 31 MARCH, 1864.

MEMBERS PRESENT:—

Mr. Driver,		Mr. Cummings,
Mr. Dangar,		Mr. Garrett.

Mr. Driver called to the Chair.

Printed copies of the "*Bill to transfer the Bathurst Market to the Municipal Council of Bathurst*," together with original Petition for leave to introduce the same,—on the Table.

Mr. William Elyard, *Principal Under Secretary*, called in and examined.

Copy of Correspondence, with opinion of Attorney General, respecting Bathurst Market, handed in. (*Vide Appendix.*)

Witness withdrew.

Preamble read and considered.

Motion made (*Chairman*) and *Question*,—That this Preamble stand part of the Bill,—*agreed to.*

Clauses 1 and 2 severally read and agreed to without amendment.

Draft Report submitted and read by Chairman.

Motion made (*Mr. Dangar*), and *Question*,—That this be the Report of the Committee,—*agreed to.*

Chairman to report.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BATHURST MARKET BILL.

THURSDAY, 31 MARCH, 1864.

Present:—

MR. CUMMINGS, | MR. DANGAR,  
MR. DRIVER.

RICHARD DRIVER, Esq., IN THE CHAIR.

William Elyard, Esq., called in and examined:—

1. *By the Chairman:* You are Principal Under Secretary to the Government? Yes.
2. Do you produce any documents from the Office of the Colonial Secretary, relating to the Bathurst Market? There is an application from the Mayor of Bathurst, to have the Market, established some years since in the town of Bathurst, legally vested in the Municipal Council, to which an answer was given, stating that the request could not legally be complied with. A further application was made by the Mayor, dated 7th September, 1863, to the Government, to introduce an Act to give the Municipal Council of Bathurst control over the Market at that place; and in reply it was stated that, owing to the urgency of financial questions, the Government desired to confine the business as much as possible to that subject, and therefore they could not take up the question referred to at present. That is all the correspondence on the subject. An opinion was given by the late Attorney General, by which it appears that, where a market has been established under the "Market Act," 3 Victoria, No. 19, notwithstanding the provision in the existing "Municipalities Act," 22 Victoria, No. 13, passed in 1858, regulating markets, such market does not become vested in the municipality of the district; and therefore, the Commissioners being all dead or absent, either the process prescribed by the Market Act should be gone through again, or some special law passed to transfer the market to the municipality. (*Copies of documents referred to handed in. Vide Appendix.*)
3. Was this market in the town of Bathurst established in or about the year 1847? On the 2nd November, 1847, there was a notice approving of a Market at Bathurst, in terms of the Market Act.
4. Are the Commissioners originally appointed, dead or absent from the Colony? In the letter from the Mayor, to which I have referred, it is stated that the whole of them, with one exception, are dead, and that one is understood to be resident in Victoria.
5. There is a Municipal Council in Bathurst? Yes.
6. Are you aware whether the Municipal Council derive any revenue from the Bathurst Market at present, or are they in a position to collect any dues? No, they cannot be in a position to do so, there being no persons having any power to act; and the Mayor states that the Municipality is in consequence losing an annual revenue of about £400.
7. Do you believe that statement to be correct? I have no reason to suppose it otherwise. Of course I can have no knowledge of the probable revenue, but I have no doubt of the other fact—that they have no means of acting in the absence of Commissioners.
8. Under these circumstances, do you consider it expedient to transfer to the Municipality of Bathurst the Market established in that town? I should think so, the Municipal Council being desirous of it, if no opposition is made by any of the inhabitants, who

600—B

may

W. Elyard,  
Esq.  
31 Mar., 1864.

W. Elyard, Esq.  
31 Mar., 1864.

may be supposed to be the parties interested. I may add that, in the Bill for amending the "Municipalities Act," introduced by Mr. Cowper on the 25th June, 1863, there is a provision enabling the Governor and Executive Council to authorize Municipal Councils to take upon themselves the charge of Markets, established in their respective districts, in the same way as that of Bathurst, but that Bill has not been passed into law.

9. Is there any objection, that you are aware of, on the part of the Government, to the transfer of this Market? I am not aware of any in this particular case, but, of course, I cannot give an opinion what the decision of the Government might be, if the matter were brought under their consideration.

10. *By Mr. Dangar*: Do you think this Bill is necessary? I have no doubt that, under the opinion given by the late Attorney General, it can only be done by a Bill.

11. Are there any similar cases elsewhere? Yes, Parramatta is much in the same situation, and, I think, Goulburn.

12. If the amended "Municipalities Act" were to become law — ? Of course that would render unnecessary any special Act.

## APPENDIX.

## BATHURST MUNICIPAL COUNCIL.

*Bathurst, 14 March, 1863.*

Sir,

I have the honor to state that I am instructed by the Mayor of the Municipality of Bathurst, to call your attention to the Markets in this town, which were a considerable time ago vested in Commissioners, who have ceased to act for many years, all of whom are now dead, and to request that the Markets, together with the Town Common, may be legally vested in the Municipal Council.

The Honorable  
The Colonial Secretary.

I have, &c.,  
WILLIAM BROWN,  
Town Clerk.

*Colonial Secretary's Office,  
Sydney, 26 June, 1863.*

Sir,

With reference to the Town Clerk's letter of the 14th March last, containing a request that the Market and Town Common of Bathurst may be vested in the Municipal Council, I am directed by the Colonial Secretary to inform you, that the desire of the Council in respect to the Market cannot legally be complied with, and that, with regard to the Town Common, application should be made to the Secretary for Lands, it being a matter appertaining to his department.

The Mayor of Bathurst.

I have, &c.,  
W. ELYARD.

*Bathurst, 7 September, 1863.*

Sir,

Some fourteen or fifteen years ago the market property of this township was vested in trustees, all of whom, with one exception, are dead, and he, I understand, is resident in Victoria. Upon instituting the necessary inquiries, I find that the powers of the trustees cannot be transferred, owing to the circumstances now stated, without the passing of a short Act by the Legislature, and the Corporation is in consequence losing an annual revenue of about £400.

I beg therefore to request, in behalf of the Municipal Council of Bathurst, that you will cause a Bill to be introduced for the purpose referred to, in order that the necessary steps may be taken for establishing markets and collecting market dues.

The Honorable  
The Colonial Secretary.

I have, &c.,  
R. COUSINS,  
Mayor.

*Colonial Secretary's Office,  
Sydney, 17 November, 1863.*

Sir,

With reference to your letter of the 7th September last, in which you apply for the introduction of an Act to give the Municipal Council of Bathurst control over the Market at that place, I am directed by the Colonial Secretary to inform you, that your application will receive due consideration; but that, owing to the urgency of financial questions, and the desirability of confining the attention of the Legislature to this important subject, it will not be possible for the Government to effect the legislative alterations suggested, during the current Session of Parliament.

The Mayor of Bathurst.

I have, &c.,  
W. ELYARD.

## OPINION OF ATTORNEY GENERAL.

*J. M. GOULD, respecting Commissioners of Parramatta Market and amount due from Lessee, &c.*

I GATHER from all these papers that the Commissioners, under 3 Victoria, No. 19, are *de facto* and *de jure* defunct, and that no restoration of any such body can take place without the actual consent of the Governor and Executive Council, and under the proceedings mentioned in that Act.

Assuming, therefore, that no such restoration be allowed, nor at any future time be attempted, the only question is as to the jurisdiction of the present Municipality over what may be called a vacant "Market." Now, although the words of the 72nd section, as "markets, market dues," are perfectly general, still I cannot advise that these words repeal the 18th, 19th, 21st, and other sections of the 3rd Victoria, No. 19, and transfer their estate as Commissioners to the Municipality. The case seems to me to be one not contemplated by either of these statutes, and therefore I cannot advise the Municipality to consider this Market as in any sense transferred to them.

The Principal Under Secretary.  
B.C., 7/1/63. W. E. P.

JOHN F. HARGRAVE,  
Attorney General.

1863-4.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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REPORT FROM THE SELECT COMMITTEE

ON THE

QUEENSLAND STEAM NAVIGATION COMPANY'S  
INCORPORATION BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

---

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
31 *March*, 1864.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

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1864.

[*Price, 6d.*]

601—A

1863-4.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 131. WEDNESDAY, 30 MARCH, 1864.

5. Queensland Steam Navigation Company's Incorporation Bill (" *Formal* " Motion) :—  
Mr. Leary moved, pursuant to notice,—  
(1.) That the Queensland Steam Navigation Company's Incorporation Bill be referred to a Select Committee for consideration and report.  
(2.) Such Committee to consist of Mr. Bell, Mr. Terry, Mr. Alexander, Mr. Garrett, Mr. Egan, Mr. Samuel, Mr. Sadleir, Mr. Burns, Mr. R. Forster, and the Mover.  
Question put and passed.

VOTES, No. 132. THURSDAY, 31 MARCH, 1864.

9. Queensland Steam Navigation Company's Incorporation Bill :—Mr. Leary, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 30th instant.  
Ordered to be printed.  
\* \* \* \* \*

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1863-4.

QUEENSLAND STEAM NAVIGATION COMPANY'S  
INCORPORATION BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly for whose consideration and report was referred, on the 30th March instant, the "*Queensland Steam Navigation Company's Incorporation Bill,*"— beg leave to report to your Honorable House,—

That they have examined one of the Solicitors for the Bill\* and the Secretary to the Company† (whose respective evidence will be found appended hereto); and that, the Preamble having been satisfactorily proved by the evidence of those gentlemen, your Committee proceeded with the several clauses of the Bill, in none of which did they find it necessary to make any amendment.

\* G. P. Slade, Esq.  
† Mr. W. Badcock.

And your Committee now beg to lay before your Honorable House the Bill, without amendment.

JOSEPH LEARY,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 31 March, 1864.*



PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 31 MARCH, 1864.

MEMBERS PRESENT :—

Mr. Leary,		Mr. Egan,
Mr. Samuel,		Mr. Bell,
Mr. Terry,		Mr. Alexander.

Mr. Leary called to the Chair.

Printed copies of the "Queensland Steam Navigation Company's Incorporation Bill," together with original Petition for leave to introduce the same,—before the Committee.

Present for the Promoters :—

Mr. George Penkivil Slade, *Solicitor for the Bill.*

Mr. William Badcock, *Secretary to the Company.*

Mr. G. P. Slade, *Solicitor*, examined.

And examination being concluded,—

Mr. W. Badcock, *Secretary to the Company*, examined.

Witness *produced* the original Deed of Settlement, and *handed in* a printed copy.

Mr. G. P. Slade re-examined with reference to the Deed of Settlement.

Strangers then withdrew, and Committee considered the Preamble of the Bill.

Motion made (*Chairman*), and Question,—That this Preamble stand part of the Bill,—*agreed to.*

Parties called in and informed.

The several clauses then read *seriatim*, and agreed to without amendment.

Chairman submitted and read Draft Report.

Motion made (*Mr. Samuel*), and Question,—That this be the Report of the Committee,—*agreed to.*

Chairman to report.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

QUEENSLAND STEAM NAVIGATION  
COMPANY'S BILL.

THURSDAY, 31 MARCH, 1864.

Present:—

MR. ALEXANDER,		MR. LEARY,
MR. BELL,		MR. SAMUEL,
MR. EGAN,		MR. TERRY.

JOSEPH LEARY, ESQ., IN THE CHAIR.

George Penkivil Slade, Esq., called in and examined:—

1. *By the Chairman:* You are Solicitor for this Bill? Yes.
2. Will you be good enough to state to the Committee the general objects of the Bill? This Company was formed in the Colony of Queensland, on the 1st April, 1861, for steam navigation purposes; the original capital was £25,000, in 2,500 shares of £10 each. It was afterwards, in the year 1862, deemed advisable to increase the capital of the Company by the issue of 3,500 new shares, so as to make the whole capital amount to £60,000, and those shares being thrown open to the New South Wales public, were to a great extent taken up by residents in that Colony, and it became expedient to alter the original constitution of the Company, by establishing a Board as well in Sydney as in Queensland. These various alterations were all properly carried out under the powers of the existing deed of settlement, and the alterations in the deed of settlement were ultimately carried into effect by a special general meeting, held on the 24th August, 1863. The Company being, under existing circumstances, as much a New South Wales as a Queensland Company, it is desirable that the privileges and benefits of incorporation should be extended to it in this Colony as well as in Queensland, and for this purpose alone and for no other is this Bill sought to be introduced. The Bill is identical with the Act of Incorporation already obtained in Queensland, save in so far as the altered constitution of the Company above alluded to and other incidental variations and improvements may be concerned.
3. Have you the deed of settlement? The Secretary is in attendance, and I propose to call him to produce the deed of settlement.
4. What is the present capital of the Company? £60,000.
5. Is it proposed to increase this capital? There is no present intention of doing so.
6. *By Mr. Samuel:* Does this Bill limit the liability of the shareholders? By clause 21, it is provided that "in no case shall any shareholder be liable for or to have execution issued against him for an amount in excess of his subscribed capital and a further amount equal thereto." The responsibility is limited, in fact, to double the amount of his shares. There is also a proviso that, after having ceased to be a shareholder for a certain specified time, no former shareholder shall be liable to have such execution issued against him.

G. P. Slade,  
Esq.  
31 Mar., 1864.

- . P. Slade, Esq.  
31 Mar., 1864.
7. *By the Chairman*: This Bill is, in point of fact, a protection to the public? No doubt it is an advantage to the public, because without it, in the event of legal proceedings being taken against the Company, they would have to make every individual shareholder a party.
8. *By Mr. Samuel*: And I take it they would have to sue in Queensland? They might sue in this Colony, but they would have to sue the shareholders as private individuals. The limit of liability is exactly identical with that which is already prescribed by the Queensland Act.
9. *By Mr. Alexander*: How are the public to understand or ascertain the separate liabilities of each of the shareholders—will the deed be registered? The deed will not be registered, but there is a register of shareholders provided for by the 19th clause, to be open to the public.

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William Badcock, Esq., examined:—

- W. Badcock, Esq.  
31 Mar., 1864.
10. *By Mr. Slade*: You reside in Sydney? Yes.
11. And you are Secretary to the Sydney Local Board of the Queensland Steam Navigation Company? Yes.
12. You have heard the evidence given by myself with reference to the establishment of the Company, the original capital, the increased capital, and the number of shares; and also the evidence given by me with reference to the alteration of the deed of settlement by a special general meeting, held on the 24th August, 1863? Yes.
13. Is that evidence correct? It is.
14. A special general meeting was also held on the 25th August, 1863? Yes.
15. On that occasion certain Directors were appointed? They were.
16. Will you be good enough to state who they were? For the Brisbane Local Board—Messrs. George Raff, John Petrie, Henry Buckley, S. B. Stephens, and W. J. Munce; and for the Sydney Local Board—Messrs. P. N. Russell, Edward Flood, and J. B. Rundle.
17. The Company is already incorporated in Queensland, by an Act of 20th Victoria? It is.
18. The sole object of obtaining this Bill is, I understand, to give the Company the same corporate privileges in New South Wales which it already possesses in Queensland? Yes.
19. *By the Chairman*: Do you produce the deed of settlement? I do. (*Original deed of settlement produced, and copy handed in.*)
20. Is this an exact copy of the deed of settlement? Yes.
21. *By Mr. Terry*: Have you any power to borrow under the deed of settlement? Yes, to the extent of one-third of the subscribed capital.
22. In what way—by bills or debentures? In any way the Directors approve of.

---

George Penkivil Slade, Esq., re-examined:—

- G. P. Slade, Esq.  
31 Mar., 1864.
23. *By the Chairman*: Are you aware whether the copy of the deed of settlement now produced is a correct copy? Yes; the printed copy now produced is a printed copy of the deed of settlement as it stands. The original deed of settlement is now before you. That original deed of settlement contains, amongst other clauses, a clause empowering a special general meeting, convened in a particular manner, to make such alterations in the deed as may become necessary. A special general meeting was, as I have already deposed, called, on the 24th August, 1863, and at that meeting a variety of alterations were made in the original deed of settlement, making it harmonious with the increase of the capital and the introduction of new blood on the Sydney side. These alterations were made by resolutions adopted at that meeting; and the present copy of the deed of settlement handed in is a copy of the deed as altered by that general meeting, and is in fact the deed of settlement as at present in force.

1863-4.

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LEGISLATIVE ASSEMBLY  
NEW SOUTH WALES.

---

REPORT FROM THE SELECT COMMITTEE

ON THE

EXCHANGE OF LAND, SCOTS CHURCH, JAMISON-  
STREET, LEGALIZING BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

---

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
1 April, 1864.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

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1864.

[Price, 1s. 6d.]

587-a

1863-4.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 44. FRIDAY, 4 SEPTEMBER, 1863.

14. Exchange of Land, Scots Church, Jamison-street, Legalizing Bill :—Dr. Lang moved, pursuant to notice,—
- (1.) That the Bill to legalize the Exchange of a portion of the Allotment of the Scots Church be referred to a Select Committee, for consideration and report.
- (2.) That the said Committee consist of Mr. Bell, Mr. Dalgleish, Mr. Robertson, Mr. Stewart, Mr. Sutherland, Mr. Mate, Mr. Piddington, Mr. Sadleir, Mr. Garrett, and the Mover.
- Question put and passed.

VOTES, No. 123. FRIDAY, 11 MARCH, 1864.

6. Exchange of Land, Scots Church, Jamison-street, Legalizing Bill :—Mr. Dalgleish, *with the concurrence of the House*, moved, without notice, That the Report from the Select Committee on the "Exchange of Land, Scots Church, Jamison-street, Legalizing Bill," together with the Proceedings of the Committee, Minutes of Evidence, and Appendix, brought up on the 14th November, 1862, be referred to the Committee now sitting, for whose consideration and report was referred the Bill to legalize the exchange of a portion of the allotment of the Scots Church.
- Question put and passed.

VOTES, No. 127. TUESDAY, 22 MARCH, 1864.

4. Exchange of Land, Scots Church, Jamison-street, Legalizing Bill :—Mr. Dalgleish, *with the concurrence of the House*, moved, without notice, That the Select Committee now sitting on the "Exchange of Land, Scots Church, Jamison-street, Legalizing Bill," have power to visit the two portions of land proposed to be exchanged by the Bill—accompanied by a Shorthand Writer.
- Question put and passed.

VOTES, No. 133. FRIDAY, 1 APRIL, 1864.

4. Exchange of Land, Scots Church, Jamison-street, Legalizing Bill :—Mr. Dalgleish, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence (together with Appendix) taken before, the Select Committee for whose consideration and report this Bill was referred, on 4th September, 1863.
- Ordered to be printed.

\* \* \* \* \*

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**EXCHANGE OF LAND, SCOTS CHURCH, JAMISON-STREET,  
LEGALIZING BILL.**

---

**REPORT.**

---

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 4th September last, the "*Bill to Legalize the Exchange of a portion of the Allotment of the Scots Church,*"—beg leave to report to your Honorable House,—

That they have examined several witnesses, whose evidence will be found appended hereto, and that the preamble having been proved to the satisfaction of your Committee, they proceeded to consider the several clauses of the Bill, wherein it was not deemed necessary to make any amendment.

And your Committee now beg to lay before your Honorable House the Bill, without amendment.

D. C. DALGLEISH,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 29 March, 1864.*

---

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 8 MARCH, 1864.

MEMBERS PRESENT :—

Mr. Dalgleish,		Mr. Mate,
Mr. Piddington,		Mr. Sutherland,
Mr. Stewart,		Dr. Lang.

Mr. Dalgleish called to the Chair.

Committee deliberated, and

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY, 11 MARCH, 1864.

MEMBERS PRESENT :—

Mr. Dalgleish in the Chair.

Mr. Piddington,		Mr. Mate,
Mr. Stewart,		Dr. Lang,
Mr. Sutherland,		Mr. Sadleir,
		Mr. Robertson.

Printed copies of the "*Exchange of Land Scots Church Jamison-street Legalizing Bill*," and Petition for leave to introduce the same,—on the Table.

Committee deliberated.

Mr. George Brown, one of the Promoters of the Bill, called in and examined.

Plan of triangular allotment of Scots Church, Jamison-street—*produced* by witness, for the temporary service of the Committee.

Mr. Edward Bell, *City Engineer*, called in and examined.

Tracing of a plan of Jamison-street, from Surveyor General's Office—*produced* by witness.

Room cleared.

Committee deliberated.

Motion made (*Mr. Stewart*), and *Question*,—That the Chairman be requested to move in the House, that the Report from the Select Committee on the "*Exchange of Land Scots Church Jamison-street Legalizing Bill*," together with the Proceedings of the Committee, Minutes of Evidence, and Appendix, brought up last Session, be referred to this Committee,—*agreed to*.

Committee further deliberated.

Motion made (*Mr. Sutherland*), and *Question*,—That a *facsimile* of the plan of the triangular allotment of the Scots Church, now before the Committee, be appended to the Report,—*agreed to*.

[Adjourned to Tuesday, 22nd instant, at *Eleven* o'clock.]

TUESDAY, 22 MARCH, 1864.

MEMBERS PRESENT :—

Mr. Dalgleish in the Chair.

Mr. Piddington,		Dr. Lang,
		Mr. Mate.

Copies of Report from Select Committee of last Session on "*Exchange of Land Scots Church Jamison-street Legalizing Bill*," referred to this Committee on the 11th inst.,—on the Table.

Mr. George Bowman called in and examined.

In the temporary absence of Chairman, Mr. Mate took the Chair.

And examination being concluded,—

Witness withdrew.

Committee proceeded to deliberate, when Mr. Dalgleish re-entered the room and resumed the Chair.

Motion made (*Mr. Piddington*), and *Question*,—That the Committee appoint a day to view the two portions of land proposed to be exchanged by the Bill,—*agreed to*.

Chairman requested to move the House for power to visit the said land, accompanied by a Shorthand Writer.

[Adjourned to To-morrow, at *Eleven* o'clock.]

WEDNESDAY,

WEDNESDAY, 23 MARCH, 1864.

MEMBERS PRESENT :—

Mr. Dalgleish in the Chair.

Mr. Piddington, | Mr. Stewart,  
Dr. Lang.

Committee deliberated, and proceeded from the Committee Room, on a visit of inspection to the two portions of land proposed to be exchanged by the Bill.

The Committee having inspected the same, and taken certain measurements thereof,—

[Adjourned to Tuesday next, at *Eleven o'clock.*]

TUESDAY, 29 MARCH, 1864.

MEMBERS PRESENT :—

Mr. Dalgleish in the Chair.

Mr. Piddington, | Dr. Lang,  
Mr. Mate, | Mr. Sutherland,  
Mr. Stewart.

Dr. Lang, a Member of the Committee, examined in his place.

And the examination being concluded,—

Motion made (*Mr. Piddington*) and Question proposed,—That the Evidence given before this Committee be printed, before a Draft Report is submitted for consideration.

Committee deliberated.

Question put.

Committee divided.

Aye, 1. | Noes, 2.  
Mr. Piddington. | Mr. Sutherland,  
Mr. Stewart.

Dr. Lang not voting.

Preamble of the Bill then read.

Motion made (*Chairman*) and Question put,—That this preamble stand part of the Bill.

Committee divided.

Ayes, 2. | No, 1.  
Mr. Sutherland, | Mr. Piddington.  
Mr. Stewart.

Dr. Lang not voting.

Clause 1 read.

Motion made and Question put,—That the clause, as read, stand part of the Bill.

Committee divided.

Ayes, 2. | No, 1.  
Mr. Sutherland, | Mr. Piddington.  
Mr. Stewart.

Dr. Lang not voting.

Clause 2 read and agreed to without amendment.

Clause 3 read.

Motion made and Question put,—That the clause, as read, stand part of the Bill.

Committee divided.

Ayes, 2. | No, 1.  
Mr. Sutherland, | Mr. Piddington.  
Mr. Stewart.

Dr. Lang not voting.

Schedule read and agreed to without amendment.

Chairman to report the Bill, without amendment, to the House.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

EXCHANGE OF LAND; SCOTS CHURCH, JAMISON-  
STREET, LEGALIZING BILL.

FRIDAY, 11 MARCH, 1864

Present:—

MR. DALGLEISH,	MR. SUTHERLAND,
MR. PIDDINGTON,	MR. MATE,
MR. STEWART,	MR. SADLEIR,
DR. LANG,	MR. ROBERTSON.

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

George Browne, Esq., called in and examined:—

1. *By the Chairman:* You are one of the petitioners for this Bill? Yes.
2. In what capacity? As one of the elders of the Church, and Chairman of the Committee of Management at present. G. Browne,  
Esq.
3. What object have you in view in putting this Bill forward? We desire to get a definite settlement, with regard to that portion of land which is sought to be exchanged. We wish to have it settled in time to prevent future litigation, which may occur perhaps, in the event of the decease of the present pastor of the church. 11 Mar., 1864.
4. Are you aware of the agreement which took place between the Trustees of the Scots Church and Sir John Jamison, who is named in this Bill as the owner of a portion of land that was exchanged? Yes, I am aware that an agreement did take place; at least, I have reason to believe that an agreement did take place. But it was previous to my arrival in the Colony. However, I believe that such an agreement did take place.
5. That was in the year 1830? Yes.
6. Have you seen a plan of the ground? Yes, I have. (*Plan produced.*)
7. Was it not an important part of that arrangement, that the Trustees of the Scots Church should surrender a portion of their allotment to Sir John Jamison? Yes.
8. In order to square the lines of the ground caused by the cutting of the street? Yes, I think it was rendered necessary by that.
9. Did not this render it necessary to purchase a portion of the ground so surrendered to Sir John Jamison? Yes.
10. To repurchase it from him at his sale? Yes.
11. Did the Church purchase either of the two allotments that were bought from Sir John Jamison, including the portion that was temporarily surrendered to him? „No.”
12. Who did? I believe that Dr. Lang did.
13. What extent of frontage to Jamison-street was acquired for the church by that purchase? 29 feet, I think. I forget exactly, but I think it was 29 feet.
14. Was it 29 or 31 feet? One was 31 and the other 29. I forget how they were situated exactly, just at present.
15. Did you consider the 31 feet frontage a fair equivalent for the 29 feet surrendered on the opposite side? Yes.

- G. Browne,  
Esq.  
11 Mar., 1864.
16. Do you consider that it was reasonable, under the circumstances, to run a line across the properties on the south side of Jamison-street—as the permanent boundary of the church allotment—to the eastward? Yes, I do.
  17. And you consider that it was a fair equivalent to exchange one for the other? Yes.
  18. Supposing a fair equivalent to be made to the Church for the back ground surrendered by Sir John, in addition to the allotment with 29 feet frontage to the street, do you consider such an arrangement an equitable one? Yes.
  19. Supposing the ground to be in the condition in which it was when the arrangement was made, do you consider the triangular piece A, on the sketch, a fair equivalent for the triangular piece marked B? Yes; the one is a little larger than the other, but I think the piece given was a fair equivalent.
  20. Are you a builder? Yes.
  21. And of course we must presume that you have a fair knowledge of the value of buildings. You know the gable end of the house nearest to the Scots Church? Yes.
  22. Do you consider the erection of the half of the gable end of the house occupied by Dr. Lang (that is, the house next to the church—the future manse for a minister) a fair equivalent for the back ground surrendered by Sir John Jamison? Yes, I think it is. It is more than an equivalent in proportion to what the ground was at that time.
  23. Do you think it is an equivalent, considering what the value of the back ground would be at the present time? Yes, I believe it is more so now; I think it is a fair equivalent for the value of the ground.
  24. Do you know what the frontage of Sir John Jamison's property in Jamison-street was sold at per foot? I believe it was sold at about £4 per foot.
  25. What do you consider to be the value of the half gable of the house alluded to? Well, I do not know, I have never valued it exactly; but I should imagine it to be worth something like £300.
  26. If the frontage to Jamison-street was worth £4 per foot, what would you consider to be the value of an allotment of land that had no frontage and no right of opening—a back allotment having no frontage and no right of way? It would be of very little value.
  27. I presume that a few shillings per foot would be its outside value? Yes, I conceive that it would be almost valueless.
  28. Excepting as an addition to land which had a frontage? Yes, it might be of some value to a house adjoining which had a frontage.
  29. Then you consider that the value given for this land would be about £150, if you value the gable at £300? Yes.
  30. Would not this back land be valued then almost at the same rate as the front allotment? It would, then.
  31. I am speaking of the value at that time, of course? Yes.
  32. Has the Church, or have the Trustees of the Church been in possession of the ground on both sides of the street since the year 1831? Yes, I believe so. They have been in possession ever since I came to the Colony, and I believe they were previously to that time.
  33. Do you know if Sir John Jamison ever made any allusion to the surrender of a portion of the Scots Church land to him, when he gave evidence before a Select Committee of this House? —
  34. In the first instance I will ask you, have you any knowledge of any evidence having been taken on a previous occasion, by a Select Committee, in reference to this subject? Yes.
  35. Have you read that evidence? Yes, I have read a portion of it.
  36. Did you read the evidence of Sir John Jamison? Yes.
  37. Did Sir John Jamison make any allusion to the land which had been surrendered by the Scots Church to him, when he gave that evidence? I believe not, so far as my memory serves me.
  38. Then he was guilty almost (no doubt by an inadvertence) of an act of injustice to the Scots Church, in thus hiding, as it were, the fact that he had obtained an equivalent portion of land, for the land held by the Scots Church? Yes.
  39. That omission on the part of Sir John, was likely to lead the Committee and others reading that evidence, to a very erroneous view of the whole arrangement? Yes, it was calculated to do so.
  40. Do you consider that it is at all material to the object of this Bill, as far as the church property is concerned, that the question as to the mortgage on that property should be determined before-hand? Well, I do not think it material. There is some legal difficulty probably in the way, but I do not think it material.
  41. As a matter of fact, the Church is in actual possession of the land in question? Yes.
  42. And no claim has ever been set up by any party to it? No.
  43. Would Dr. Lang be personally benefited by the passing of this Bill? No, I do not see that he would.
  44. Is it not a Bill, not to transfer the land to Dr. Lang as an individual, but to the Scots Church? Yes.
  45. And the Scots Church, you have already said, have given value for the land in question? Yes.
  46. Besides the convenience to both parties in squaring the lines of the property? Yes.
  47. It was a mutual advantage? It greatly enhanced the value of both properties I think.
  48. Do you know any members of the Scots Church that have any objection to the passing of this Bill? I am not aware of any.
  49. Do you know any members of the Scots Church who think that their interests would be damaged by the passing of this Bill? No, I do not think there are any.
  50. You know the tower of the said church? Yes.

51. It is in contemplation by this Bill, to erect another tower on the site of the one at present built? Yes. G. Browne,  
Esq.
52. Do you know of any objection to the rebuilding of this tower? Well, the Alignment Act would be an objection I believe—the present Alignment Act of the city of Sydney. 11 Mar., 1864.
53. Do you know if the tower stands on a proclaimed street? I am not positive whether Jamison-street is proclaimed or not; I rather think it is.
54. Would it be an advantage to the Church to have that tower rebuilt? Yes.
55. And you know of no wrong that would be done to any party by this Bill being passed? No, I am not aware how any wrong could be done to any one; it would be an advantage to all I think.
56. *By Mr. Piddington*: I think you have said, Mr. Browne, that you have read the evidence of Sir John Jamison, given before a Committee of the Legislative Council, on the subject of the loans to the Australian College? Yes.
57. And I think you have stated that in that evidence, you saw no allusion made by Sir John Jamison to his giving to the Scots Church a piece of land, in exchange for the right of running Jamison-street through the Scots Church allotment? I stated that I did not, so far as my memory guided me.
58. You must have a very bad memory, Mr. Browne? No, I think not.
59. I beg to read to you the third question put to Sir John Jamison before that Committee:—"Jamison-street was formed through a part of your property, and a part of the allotment belonging to the Scots Church?" His reply is:—"It was. I entered into an agreement with Dr. Lang, the late Mr. M'Vitie, and Dr. Ramsay, as Trustees of the Scots Church, to exchange a portion of my land for a portion of the land belonging to the Church, for the purpose of continuing Jamison-street through it."—Is that not an allusion to an exchange of land? It is an allusion to the street, but not to the land, I think, on the north side of the street.
60. I do not know what you allude to as the opposite side of the street. Does not Sir John Jamison state this: that he entered into an agreement with Dr. Lang, the late Mr. M'Vitie, and Dr. Ramsay, as Trustees of the Scots Church, to exchange a portion of his land for a portion of the land belonging to the Church, for the purpose of continuing Jamison-street through it;—now I ask you whether that is not an allusion to an exchange of land by Sir John Jamison, with the Trustees of the Scots Church? Yes, it appears so.
61. "Was there not an additional portion sold by you to the Trustees of the Scots Church?" That was the fourth question, and Sir John Jamison's reply is:—"In addition to the land which was given in exchange for the portion of the church allotment given up by me, two building allotments were sold by me to the trustees, at the average price of the adjoining allotments; on one of these, two houses were built, and the other allotment (a small angular one), on the opposite side of the street, is not yet built upon." The next question is—"Was it in contemplation at that time to found the Australian College, and was the land sold by you with a view to that object?" Sir John Jamison's reply is—"It certainly was." The next question is—"To whom has the land so disposed of by you been conveyed?" The answer is—"The conveyance was only completed lately. The land having been intended for public purposes, my solicitor, Mr. Norton, demurred as to making the conveyance to Dr. Lang individually; but Dr. Lang having furnished a statement shewing that the land was intended to be used for the purposes of the College, Mr. Norton consented to the conveyance, and it was executed accordingly." I suppose you are now convinced that Sir John Jamison, in his evidence before that Committee, did refer to an exchange of land upon his part, with the Trustees of the Scots Church? Yes.
62. You alluded to this evidence when you spoke, did you not? Yes.
63. Are you aware that the congregation of the Scots Church have already lost a portion of their church allotment? I am aware that a portion of two houses, built on a part of the Scots Church allotment —
64. Have they lost that portion to which you now allude? It is not absolutely lost, I should imagine.
65. Have they absolutely or in any way lost it? The ground is occupied, but not lost.
66. Are you aware of any other portion of the Scots Church allotment which has been lost to that congregation? No, I never heard of any.
67. Will you have the goodness to direct your attention to the line of Jamison-street running through the allotment? The street is lost.
68. Are you aware that Sir John Jamison gave 29 feet frontage on the south side of Jamison-street to the Trustees of the Scots Church, as compensation for their loss of land by Jamison-street being allowed to run through their church ground? Yes.
69. And are you aware that Dr. Lang has obtained a conveyance from Sir John Jamison, for his own use and benefit, of the 29 feet frontage to the south side of Jamison-street, given by Sir John Jamison to the Trustees of the Scots Church? Yes.
70. You have stated that a certain other portion of land, on the north side of Jamison-street, has been in some way given to the trustees, in lieu of the 29 feet frontage on the south side of Jamison-street? Yes.
71. Are you aware that Dr. Lang has acknowledged that that has never been conveyed to the trustees? No, I am not aware.
72. Are you aware that it is conveyed? No, I am not aware that it is conveyed.
73. If it turns out that it is in no way conveyed to the trustees, in what way can the trustees have any right to the land? That would be settled, I imagine, partly by this Bill.
74. I am not asking you that question. If the portion of land on the north side of Jamison-street, which is stated by Dr. Lang to be given to the Trustees of the Scots Church, in lieu of a piece on the south side, which he has had conveyed to himself as an individual—if that

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that portion of land on the north side has been in no way conveyed to the trustees—in what way can they have any legal title to it? They cannot have any legal title to it until it is conveyed.

75. Then in what way has any compensation been given to the Scots Church, for the manner in which that congregation has been deprived of 29 feet frontage to the south side of Jamison-street, by Dr. Lang, in the way I have described? They have compensation in the erection of that gable.

76. But the compensation is stated to be derived from land on the north side, which is said to have been given by Dr. Lang to the Trustees of the Scots Church, on account of the land he has taken from them on the south side? It is understood that this land does or should belong to the Trustees of the Scots Church, and in addition there is the erection of that gable.

77. But what understanding can have any legal effect—I am speaking of law? It can have no legal effect.

78. Are you one of the Trustees of the Scots Church? No.

79. Who are the trustees? There is none except Dr. Lang now.

80. Then Dr. Lang is really asking the Committee to interfere in a matter where he is the only legal trustee living? Yes, just in order to have the question fairly settled—definitely.

81. You have stated that your object is to obtain a settlement;—what do you mean by that? To get a definite settlement and a title to the land.

82. In favour of whom? In favour of the Church.

83. But how is that to be done, when there are no trustees but Dr. Lang? There would have to be trustees appointed immediately after the settlement.

84. You acknowledge that Dr. Lang is the only surviving trustee? Yes.

85. Then, if this question be settled, how will any one be benefited but Dr. Lang, the sole surviving trustee? The congregation will be benefited.

86. By being deprived of a portion of their land upon which buildings are now erected, for another portion of land on which there is nothing? Yes, it will be an absolute benefit to both parties.

87. But what legal existence have the congregation if there is only one trustee—does not the trustee represent the congregation, in the legal aspect of the case? Yes.

88. Was not the Scots Church allotment granted by Sir Ralph Darling to trustees, for the use of the Scots Church congregation on Church Hill? Yes.

89. If from any cause there is only one trustee, and that trustee is Dr. Lang, does not the entire legal authority vest in the trustee? Yes, the entire legal authority.

90. I am speaking of that? Yes.

91. Taking it as a legal question at present, is not Dr. Lang the only person legally interested in this Bill? Legally he is, but morally he is not. Still Dr. Lang could not do anything with property without the sanction of the congregation.

92. That I am not asking you—I am asking you for the facts of the case? Yes.

93. Do you consider that a nominal surrender of a certain small portion of land on the north side of Jamison-street, is an equivalent for the deprivation, to the Scots Church, by Dr. Lang, of 29 feet frontage to the south side of Jamison-street? I consider it an equivalent along with what I have before stated.

94. But if there is no legal effect to that equivalent? If there is no legal effect it must be got I suppose.

95. But I am speaking of the present case at the present time? Yes.

96. Do you consider a promise, on the part of Dr. Lang, to surrender a portion of land on the north side of Jamison-street, an equivalent for a seizure by Dr. Lang of 29 feet on the south side, which he has accomplished by law? Well, a promise in some cases is as good as a legal authority.

97. I am not about to dispute that point with you, but I ask you this simple question: Do you consider a promise by Dr. Lang of a portion of land on the north side to the trustees, or to himself, as surviving Trustee of the Scots Church, equivalent to the land which he has obtained conveyed to him individually, on the south side of Jamison-street, and having a frontage of 29 feet? Well, legally it is not an equivalent; but morally —

98. That is all I ask—I have nothing to do with morality. You say you are acquainted with the value of land, generally speaking? Yes.

99. Upon what ground do you form an opinion that the triangular piece of land marked A (upon which a large portion of the house in which Dr. Lang resides, and a portion of the second house, which, I presume, is let by Dr. Lang), is an equivalent to the Scots Church for the piece of land marked B, upon which there are no buildings? It is an equivalent in so far as it squares the lines and gives a full size to the land.

100. You appear to misunderstand me. I am not asking you about squaring the lines, but about the money value of the proposed allotments. I ask you whether the money value of the triangular allotment marked A, upon which a portion of two houses known as College Buildings is built, is or is not more than equal to the money value of a triangular piece, marked B, at the back of the allotments, near to Barrack-lane? It is extremely difficult to fix any value upon these pieces of land as described upon the plan, because a portion of each of them would be entirely valueless, in my opinion.

101. Notwithstanding your knowledge of the value of property, you find it impossible to state your opinion of the value of these pieces of land? Yes, I do in the way in which they are put there.

102. Then do you think it possible that the triangular allotment marked B, adjoining Barrack-lane, or at the back of these allotments, is equivalent to the allotment marked A, forming a portion of the Scots Church allotment, and having a large frontage to Jamison-street? Yes.

103. Upon what ground do you estimate the value of property in Sydney? Well, according to the frontage. But frontage, without any depth or rear, is of no value. G. Browne,  
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104. Then do you consider that a triangular piece of land, at the back of the allotments in Jamison-street, is equivalent in value to another triangular piece of ground in front of the street? Yes, I consider it equivalent in value, in the case in which it exists there. 11 Mar., 1864.
105. Did you state that Dr. Lang repurchased certain allotments in Jamison-street, upon which two houses are built (I mean the two houses nearest George-street), out of his own funds? Yes, I believe he did. It was not out of the funds of the church, in any way, I know.
106. Did not Dr. Lang mortgage the buildings in Jamison-street; and at the same time that he executed the mortgage, obtain the money by that means for the purchase of these two allotments? I am not aware.
107. You are not aware of all the facts of the case, then? I am aware that there is a mortgage upon them, but whether Dr. Lang mortgaged those two houses for the purpose of purchasing that ground I do not know.
108. You are not aware of all the facts of the case, then? No.
109. Do you think it right, on the part of the congregation of the Scots Church, to allow their church property to be managed by a single gentleman, who is the only surviving trustee of that property? No, it is not right by any means.
110. Do you think that a great deal of the confusion which has arisen with regard to this property, has arisen from the neglect of the Trustees of the Scots Church? No doubt of it.
111. Do not you think that it would be a proper course for the Scotch congregation to elect a certain number of gentlemen as trustees, before any alteration of the church property is sanctioned by Parliament? No, I think it would be better if the sanction of the Legislature were given first, and the trustees elected afterwards. They would then know definitely what they had to do with.
112. Do you think it right for the congregation to allow a property that was granted to four or five gentlemen as trustees, to be managed by one single surviving trustee? It is not right.
113. Then why do you say that it is correct for the congregation to permit that neglect to continue? There would be a great difficulty, I think, in the congregation appointing trustees now, under the existing difficulties.
114. But is that difficulty any reason why the congregation should not adopt the usual course in such cases? Well, it would be difficult to get trustees to act until this is settled. In fact, that is our difficulty, or it would have been done previously, for this many years. At least, some years previous it would have been done.
115. You have stated that you read the evidence given by Sir John Jamison before a Committee of the Legislative Council? Yes, I have read it. I read it some considerable time since, though.
116. Did you also read the evidence of another witness before that Committee—a Mr. Norton? Yes, I read it all, but I can scarcely recollect much of it now.
117. I beg to draw your attention to the following question and answer, with the view of refreshing your memory. Mr. Norton was examined before the Committee, and he was asked this question—"Under these circumstances, why was the land conveyed to Dr. Lang, and not to the trustees, especially that part given in exchange for a part of the church land?" The answer is—"I conceive that the whole of the land ought to have been conveyed to the trustees, and I objected to the conveyance as prepared in favour of Dr. Lang. He, however, explained that Mr. M'Vitie, one of the trustees, was dead—that Capt. Piper had not taken an active part in the trust, and was absent, and that Dr. Ramsay, the other trustee, consented to the conveyance to him (Dr. Lang). I afterwards saw Dr. Lang and Dr. Ramsay, and they then explained that the College was indebted to Dr. Lang in a very large sum laid out by him in the building of the houses, and that to enable him to pay himself, and also to raise the amount due to Sir John Jamison [that is, the amount of this purchase money], "he (Dr. Lang) would be compelled to obtain a mortgage on the land, which could not be done if the land were conveyed to the trustees; and Dr. Lang added, that he was willing, subject to that loan, to convey the whole of the land to the trustees. The impression made on my mind by the statements of Dr. Lang and Dr. Ramsay was, that the whole of the funds for the erection of the College Buildings were provided by Dr. Lang. I also felt that a Court of Equity would at any time compel Dr. Lang to release the trustees. I was aware that a large sum had been advanced by the Crown on the Scots Church grant, but the chief part of this sum I always understood to have been expended in the erection of the church" [which was not the case]. "I was led to this belief from the fact of large advances having been made by the late Rev. Samuel Marsden to Dr. Lang, as I understood, on account of the building of the church, to secure the repayment of which to Mr. Marsden, I was instructed to prepare a mortgage on the church grant. This the title would not admit of. Mr. Marsden's loan was afterwards repaid by Dr. Lang. I prepared the Crown security at the instance of Dr. Lang, and the deed was approved by Dr. Kinchela, then Attorney General. At the time Mr. Marsden made his advance, Jamison-street was not formed, nor the erection of the College Buildings commenced"—Now, from that evidence, so read to you, are you of opinion that Dr. Lang imposed upon Mr. Norton, and so obtained a conveyance to him as an individual, of the land exchanged and given by Sir John Jamison to the Trustees of the Scots Church, as well as of the land which was said to be purchased by Dr. Lang, and which forms the two lower allotments nearest to George-street, on the south side of Jamison-street? Well, I do not know. I do not see that he imposed upon him exactly, from that evidence. 118.

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118. *By Mr. Stewart*: A square building is shewn here (*on the plan before the Committee*)—does the Scots Church hold this ground now? Yes.
119. Do they hold this square building which is represented here below this angular line? They do not hold the building at present, but the ground is still theirs.
120. Then in that case they at present hold a portion of the ground with considerable frontage, which would have been the property of Sir John Jamison? Yes.
121. Is it leased from the Church? Yes.
122. It is their property? It is not the property of any one under Sir John Jamison, but was handed over to the Church, as an addition to their property? Yes.
123. Then if they have lost some frontage on one side of the street, they, to some extent, possess additional frontage on the other? Yes, but they have no legal title to it.
124. Still they have possession, and have had since the street was opened? Yes.
125. *By Mr. Piddington*: In what way have they a legal title to the land outside the church allotment? They have no legal title.
126. *By Mr. Stewart*: They have built on it and they hold it? Yes.
127. This building was put on it in connection with the Church property? Yes.
128. That would represent a frontage nearly as large as that which it is desired to exchange? Yes.
129. *By Mr. Piddington*: What right or title have the Scots Church, or what right or title has any representative of the Scots Church to any house on that side? They have no legal title to it.
130. Dr. Lang has a legal title to 29 feet frontage on the south side, conveyed to him by Sir John Jamison? Yes, I believe so.
131. *By Mr. Sutherland*: Although they have no legal title to it, they hold it, and have continued to hold it for upwards of thirty years? Yes.
132. How long, of your own knowledge, have they held that land? About twenty-two years—ever since I came to the Colony.
133. They have, according to your own knowledge, held these two portions of land during that time, and appropriated them to their own use? Yes.
134. *By Dr. Lang*: Sir John Jamison, when before the Committee, was asked the following question (No. 3):—“Jamison-street was formed through a part of your property and a part of the allotment belonging to the Scots Church?” And he replied:—“It was; I entered into an agreement with Dr. Lang, the late Mr. McVitie, and Dr. Ramsay, as Trustees of the Scots Church, to exchange a portion of my land for a portion of the land belonging to the Church, for the purpose of continuing Jamison-street through it”;—now what portion does Sir John Jamison refer to, when he says that he entered into an agreement to exchange a portion of his land for a portion of the land belonging to the Church, for the purpose of continuing Jamison-street through it? This portion. (*Pointing to that portion marked A.*)
135. This portion marked A? Yes.
136. The reference on the chart is that “A” is a portion of land relinquished by Sir John Jamison to the Church. This (A) was the portion that Sir John Jamison surrendered for the privilege of running the street through our property. Well, Sir John Jamison states, in answer to the question,—“Was there not an additional portion sold by you to the Trustees for the Scots Church? In addition to the land which was given in exchange for the portion of the church allotments given up to me, two building allotments were sold by me to the trustees, at the average price of the adjoining allotments. On one of these, two houses were built, and the other allotment (a small angular one), on the opposite side of the street, is not yet built upon.” That is this small angular portion B;—does Sir John Jamison include in his answer this portion B that was surrendered to him? No, I think not.
137. *By Mr. Piddington*: You see this plan, Mr. Browne? Yes.
138. And this part of it coloured light green? Yes.
139. Do you believe that the 29 feet frontage from the side line of the church allotment at the end—taking the frontage to that point and running back, including all the portion marked A—is not a much more valuable piece of land than that piece on that side coloured pink? Certainly it is.
140. Do not you think that Dr. Lang has obtained a great advantage, at the expense of the Scots Church, by obtaining this land (which properly belongs to the Scots Church), on the ground that that small piece is equivalent to it in value? There is another equivalent—the end of the house.
141. But, in addition to the end of the house, do you think that that small piece coloured green is equivalent to this large piece containing 29 feet frontage? It perhaps might not be an equivalent now, but at the time the land was sold it was a full equivalent.
142. You think that when the land was sold this large piece was not more than an equivalent for that smaller one? It was not more than an equivalent.
143. *By the Chairman*: Did you not say, in answer to a previous question, that land was valuable only in proportion to its frontage? Yes.
144. Of what value would be the angular piece of land marked A cut off from the frontage of the street—would it not have been comparatively useless unless the frontage had been secured? Yes.
145. Does the triangular portion cut off represent much more value than the triangular portion given up by Dr. Lang to Sir John Jamison? Yes.
146. Did Sir John Jamison, in his evidence, make any allusion to that portion of land marked B upon the plan, and which had been given up by the Scots Church? No, I think not.
147. Did the evidence you gave a few minutes ago apply to that triangular piece of land marked B on the plan, or to the portions mutually given up by the Scots Church and Sir John

- John Jamison, which were the main features of the exchange—to which did your answers apply, to portion B or to portion A? To this marked A. G. Browne, Esq.
148. *By Mr. Piddington*: I wish to ask you whether you are acquainted with the fact that the part of this plan marked B is a portion of the Scots Church allotment granted to the Trustees of the Church by the Crown? Yes, I am fully aware of that. 11 Mar., 1864.
149. Then what authority would the trustees have to part with a single portion of that allotment—what authority would they have to part with one inch of it? They would have no legal authority.
150. Then in what way can this be held to be an equivalent for anything else, inasmuch as they could not part with it and never did? They could have no legal authority without getting a Bill, but mutually it was agreed to.
151. But what effect can any agreement have, where the parties have no authority to make an agreement? They ask now for a legal authority.
152. You know it is stated that this part of the Scots Church allotment is to be considered in reference to some exchange? Yes.
153. It is impossible that Sir John Jamison, or anybody else, could have had a legal title to one inch of the Scots Church allotment without an Act of Parliament? Yes.
154. Do you believe that Sir John Jamison had any title to any portion of this Scots Church allotment? He could have had none without an Act of Parliament.
155. *By Mr. Stewart*: He appeared at that time to be satisfied that he did get an equivalent? Yes.
156. *By Dr. Lang*: Did not Sir John Jamison receive for the frontage of this allotment, on the north side of Jamison street, as much as he would have received if it had included the portion of the church allotment that was formerly surrendered to him? Yes.
157. The questions put refer to the different values of the land which is waste, in the section B of the small sketch, and the triangular portion A of that sketch, as built upon. Is it not the fact, evidenced on the plan, that the exchange was made before there was any building on the land? Yes.
158. *By Mr. Mate*: Are you aware whether Sir John Jamison gave anything to the Scots Church in consideration of the road being made through their land? This was in consideration of it to some extent. ("A" on coloured plan.)
159. Then the permission to take this has added to the value of what would have been back land, if it had not been that an agreement had been made with the trustees to square the allotments? Yes.
160. What would have been the value of that land, had it not been for this triangular piece being taken out of the Scots Church land? It would have been of very little value.
161. This triangular piece being taken from the Scots Church has added to the value of these two allotments considerably? Yes.
162. These two allotments (A) are private property? Yes; these two allotments would be valueless without this other land.
163. *By Mr. Sadleir*: You say that the reason you desire to have this Bill passed is to prevent litigation? Yes.
164. Who with? With Dr. Lang or his heirs.
165. Do you think that the Parliament have any right to step in to prevent litigation between parties—do you think that is their office or function? Well, I think they have a right to step in and sanction such a fair exchange.
166. I am asking you whether they have any right to step in to stop litigation between parties who are contending for property? It is to prevent future litigation. I have no fear of litigation in the mean time.
167. But have the Parliament any right to step in to prevent future litigation between parties contending for property? I think so, in a case of this kind, where a grant was made by the Crown for educational or religious purposes.
168. Do you think that the occupancy of land for twenty-two years entitles people to take possession of it and keep it, or that it gives them any right to it whatever? I believe there is some law to that effect, but I am not exactly sure of the time it is necessary to be in possession.
169. *By the Chairman*: Are you a lawyer, Mr. Browne? No.
170. Then your opinion as to how long property must be held to give a title to the holder is of no value? No.
171. *By Mr. Sadleir*: If a person took your property and held it for twenty-two years, you would not think him entitled to it? No.
172. Would not you eject him if you could? Yes.
173. You say that Dr. Lang has no benefit in the exchange of these allotments? There would be a mutual benefit.
174. But you said that Dr. Lang had no benefit? Yes, there would be a benefit to him, but mutual.
175. In what way? The benefit would be mutual, inasmuch as it would give those two allotments (A) a value which they could not have without it; and it would also give to this land (B) a value which it would not otherwise possess.
176. But what has the Scots Church to do with any benefit to Dr. Lang? The Scots Church have a benefit by the land B.
177. *By Mr. Piddington*: No legal benefit? No, unless sanctioned by an Act of the Legislature.
178. *By Mr. Sadleir*: You spoke of the congregation having this Church property;—what right of property have the congregation got—is the deed made over to the congregation, or to the Scots Church generally, or to whom? There is no deed for this (B.)



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179. No, but you spoke of the congregation having a right over this property; now, I ask you, how the congregation have a right over it—the congregation are a fluctuating body? The trustees are the legally constituted parties appointed by the congregation, and sanctioned by the Government.
180. Not appointed by the congregation? No, chosen by the congregation, and appointed by the Government.
181. In whose favour do the trustees hold this land? In favour of the congregation.
182. Do you mean to say that they hold it in favour of the congregation, and not in favour of what is expressed in the deed, I presume—in favour of the Presbyterians generally, and not in favour of the congregation? It is in favour of the congregation, I think.
183. Is the word “congregation” in the deed? Yes.
184. Are you aware whether the trustees have any power to give up any portion of this land for a street, or for anything else, according to the deed? I am not exactly sure. The deed may not, but there may, perhaps, be some reservation or proviso. (*Witness referred to deed.*) There is nothing in that.
185. Then if the trustees acted illegally in giving up that land, do you think any subsequent agreement is good? None can be without an Act of the Legislature.
186. But the trustees have acted illegally, and all their subsequent acts are illegal, as founded upon an illegal act? That is the reason why we ask that they may be made legal.
187. Do you mean to say that the portions A and B are of equal value as pieces of land? When the exchange was formerly agreed to I believe they were.
188. *By Mr. Piddington*: Are they now? Not now, exactly.
189. *By Mr. Sadleir*: What kind of lane have you got here? I suppose it is 18 or 20 feet wide.
190. There must be a great difference between the value of these two pieces of land? There is a difference now. The ground, as it is laid down there, without any access to the street, is, as I said before, valueless.
191. *By Mr. Piddington*: We are asked to act for the future, and I have asked you whether the value of the land marked A is equal to the value of the land marked B? I cannot fix a value to it.
192. *By the Chairman*: Was there any lane there at the time the exchange was made? No; the back part is worth more now than it was then.
193. *By Mr. Piddington*: But is the back part of this land, with the advantage of the lane, equal in value to the part marked A, with two houses on it? No, of course it is not; but, as I stated before, it would be valueless almost, separated in that way.
194. *By Mr. Mate*: You said you were connected with the Church. Are you aware, if this Bill were passed to legalize this exchange, that trustees would be appointed, in accordance with the deed of grant, and security given to the Government equal to that which it has at the present time? I believe so.
195. You believe that sufficient security would be given to secure any right which the Government may have for the advance of money? Yes, I believe that would be done immediately.
196. *By Mr. Piddington*: Are you aware that the Government hold a mortgage of £3,500 upon every inch of land granted to the Scots Church? Yes, they hold a mortgage, I believe, upon that land.
197. If this Bill were passed, would not the value of the Government mortgage be diminished by the transfer of portions of two houses fronting Jamison-street, for a piece of land on which there are no houses? Well, the value would be diminished.
198. *By Mr. Sutherland*: Would not the value be increased to the Government by receiving the buildings on this side, where the line cuts right through the centre, in like manner? Yes.
199. Would this security not be increased by having a legal title to this portion (B), to which they have no title now? I believe it would.
200. Then would the whole security to the Government be less valuable than it would be represented by this line cutting through the whole? I think the security would be better to all parties—at least, commercially it would.
201. Would not the Trustees of the Scots Church receive—taking also into consideration the half of the party-wall for the parsonage—land more valuable than that which they are giving up? Yes.
202. *By Mr. Piddington*: They are giving up party-wall and all? No, that is to be conveyed—we get the party-wall.
203. *By Mr. Sutherland*: Will the party-wall now built form a portion of the property of the Scots Church allotment, as represented on this plan, or as it is supposed to be conveyed to the trustees? Yes.
204. And will the whole of this building not be conveyed to the trustees legally? Yes.
205. They have no legal right to it at all now? No.
206. Do you know the frontage to Barrack-lane, or to the lane abutting on the back of this property? Yes.
207. Is the frontage to that lane more than that given up in Jamison-street? Yes, it is some 18 inches or 2 feet more, as far as my recollection serves me.
208. By the Trustees of the Scots Church having a legal title to that, would that not improve the whole value of this block of ground? Certainly.

Edward Bell, Esq., called in and examined:—

209. *By the Chairman*: You are the City Engineer? Yes.
210. Are you aware of the object for which the Committee is sitting? It is something relating to the Scots Church tower, I understand.
211. Are you aware of the position of the Scots Church, at the top of Jamison-street? Yes.
212. Does the tower of that church stand upon the alignment of the street? I do not think the street is aligned so far as the tower.
213. Is the street proclaimed? Yes, it was proclaimed in the *Gazette* of the 28th December, 1841, or on the 14th—I will not be certain which—from George-street to Church Hill; and according to a plan which, it is stated in the *Gazette*, was exhibited at the time. The only tracing of the plan which I can get of Jamison-street is this (*tracing produced*) which I have obtained from the office of the Surveyor General. It shews the lines drawn in full, as far as the corner of Church Hill, and all the other lines to the westward are dotted in. The bearings of these angular lines, east and west of the tower, are given in like manner to that in the front, but the eastern angular line is a dotted line only. The proclamation says, “from George-street to Church Hill”; now, Church Hill ends at its junction with Jamison-street (*place pointed out on the tracing*), but Jamison-street is continued to between York-street and Clarence-street. This plan is not signed in any way, and does not appear to me to have been prepared as it ought to be to make the proclamation complete and of effect.
214. *By Mr. Stewart*: Is that plan similar to this (*the one before the Committee*)? Yes. There is a minute on it which says, “NOTE.—This was called for by the Colonial Secretary” [then there are some letters of reference], “in consequence of the width never having been determined on or proclaimed, and in consequence too of Dr. Lang’s request,” [I think it is “request,” but the word is almost obliterated], “to follow the present line, and not to set back 12 feet, as required by the Act of Council.” There is no signature to it, but it is the only plan they could shew me at the office of the Surveyor General. Jamison-street is proclaimed  $22\frac{1}{2}$  feet in the roadway,  $6\frac{1}{4}$  feet footpath on the north side, and 7 feet on the south side; in all,  $35\frac{3}{4}$  feet in width.
215. *By Mr. Piddington*: Do you infer from the “Note” you have read, that there is an encroachment of 12 feet on the proper line of alignment? No, I do not think the proclamation extends so far as the church.
216. What do you think the note alludes to when it says “not to set back 12 feet, as required by the Act of Council”? It says that “this” (I presume it means this “plan” or this “proclamation”) was called for by the Colonial Secretary, in consequence of the width of the street never having been determined on or proclaimed, and in consequence of Dr. Lang’s request to follow the present line (that is, I presume, the line in front of the church), and not to set back 12 feet, as required by the Act of Council.
217. But what is meant by not setting back 12 feet—the Act would come into force as soon as the proclamation was complete? The proclamation never was complete, as it appears to me, in consequence of Dr. Lang’s request.
218. *By Mr. Stewart*: Do you think that indicated that there was an exception sought in this case? It seems that this plan was prepared to proclaim the street originally; and partly in consequence of Dr. Lang’s application not to have this part subjected to the Alignment Act, the proclamation of it was allowed to remain in abeyance.
219. And it has not really been subjected to proclamation? It has not, at the part near the church. I was of opinion that it had been proclaimed before I looked into the matter so far as I did some twelve months ago, when I found that there had been no proper proclamation. The several properties on both sides of a street ought to be shewn in the plan distinctly, and the names of the proprietors should be given, but this has not been done.
220. *By Mr. Piddington*: In your opinion, considering the imperfection of this plan, is there any real proclamation of the street through the Scots Church allotments? No, there is none, beyond the junction of Jamison-street and Church Hill.
221. Inasmuch as there is no reference to the property on this plan, are you of opinion that there is no proclamation of the continuation of this street through the Scots Church allotment? Unless they can produce some better plan than this, I do not think it has been properly proclaimed.
222. And if the trustees wish to resume this piece of land, they may do so, as far as the proclamation is concerned? No, they cannot close the street. We have made it—the public funds have made it—and that is as good as a proclamation.
223. *By Dr. Lang*: Under these circumstances, does it require an Act of Parliament to legalize the re-erection of the present tower of the church (in the event of its being taken down) on its present foundations? No, I do not think the city can interfere with you in any way, or with the tower.
224. *By Mr. Stewart*: Would there be any serious objection on the part of the city authorities to this building being replaced—would they feel that it was an innovation or an exceptional case? I think from what I have heard expressed, that they would like to see it put back, but I do not think they could interfere unless they could shew that there had been a proper proclamation.
225. It would not be an impediment to any considerable extent? The only thing one could wish for would be to get a wider approach for the persons who attend the Scots Church. The general public are not inconvenienced by the narrow pathway, because very few people go down that way.
226. The greatest inconvenience would be to the persons who attend the church? Yes.

Edward Bell,  
Esq.

11 Mar., 1864.

- Edward Bell, Esq. 227. *By Mr. Piddington*: If this footpath were increased to treble its present width, who would have any title to complain? No one.
- 11 Mar., 1864. 228. Then might not the interference be extended to the actual resumption of the whole width of the street, if no party has any right to complain? No, all that we hold we are entitled to hold.
229. But you say that you have no title to it? We made it with the public funds, and are entitled to every inch we have made.
230. Then no further encroachment could be made without infringing on that portion of the street which is held by the city? No; and moreover, since the Scots Church gave to the Corporation the 12-foot footpath in York-street (which was never proclaimed), the city has been perfectly satisfied with what they have.
231. *By Mr. Stewart*: There could be no further encroachment? No.
232. *By the Chairman*: The proclamation to which you refer is dated 28th December, 1841? Yes, it refers to a plan. I applied at the office of the Surveyor General for the plan, to make a copy of it, and this is the only one they could shew me having any reference to the proclamation.
233. And that plan, from the absence of the names of the proprietors, is not such an one as to make the proclamation of legal effect? No; we have lost two or three cases, one of which was before the Supreme Court from similar causes.
234. *By Mr. Piddington*: In this proclamation to which you allude I see that the width of the carriage-way, of the north foot-way, and of the south foot-way is specifically mentioned? Yes.
235. Does not that proclamation carry with it the force of law? Only as far as Church Hill. If you came to try it in Court, you would find the case given against you, as it was given against us in the case of Victoria and Brougham Streets. We produced a plan containing the names of nearly every proprietor on both sides of those streets, but as it was not perfect, it was held that it was not such a plan as was required to sustain the Corporation in the course they sought to pursue.
236. *By Mr. Sutherland*: That was where we wanted to continue a street through property held by private individuals, but this is in possession of the public? Yes; in that case the street had been always open, but never "made," and an attempt was made to fence it in.
237. *By the Chairman*: Would any greater inconvenience arise to the public from the rebuilding of this tower than at present exists? I think not.
238. Would the public interests suffer in any way more than they do at the present time? I do not think they would suffer at all.
239. *By Mr. Sutherland*: Is the curbing and guttering not laid down now; and has it not been laid down for many years, in accordance with the dotted line shewn here (*on the tracing*)? Yes, nearly in accordance with the line on the plan. The present Corporation has taken it up and relaid it on the present line.
240. Does not that legalize their line as the true line to which they can go? I should think so.

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TUESDAY, 22 MARCH, 1864.

Present:—

MR. PIDDINGTON, | DR. LANG,  
MR. MATE.

DANIEL CAMERON DALGLEISH, Esq., IN THE CHAIR.

George Bowman, Esq., called in and examined:—

- G. Bowman, Esq. 241. *By the Chairman*: Are you one of the shareholders of the Australian College? I am.
- 22 Mar., 1864. 242. Do you know the land upon which the Scots Church is built, and the land belonging to it? I know it pretty nearly; it was a grant on Church Hill.
243. Do you know that a portion of that land has been exchanged for another piece of land? No, I do not.
244. Can you give the Committee any evidence on the subject? I always understood the Australian College was to be built on the Scots Church property, but that, not being sufficiently large, that there was a piece purchased from Sir John Jamison, to enable the College Buildings to be put up, partly on that and partly on the church property.
245. On which side of the street are the College Buildings erected? On the south side of Jamison-street.
246. Are you aware that a portion of that land was exchanged for another portion? No, I am not.
247. Can you give the Committee any evidence on the subject? If the Committee will ask me any questions, I will answer them to the best of my judgment.
248. Are you in possession of any information on the subject—can you give the Committee any evidence with regard to the exchange of any portion of the land belonging to the Trustees of the Scots Church for any other portion of land? No, I do not know that I can. I never heard of it until lately.
249. *By Mr. Piddington*: Are you a shareholder in the Australian College Buildings in Jamison-street? I am.
250. What is the amount of shares you have paid up in that project? Sixteen shares of £25 each; the total amount, £400.

251. Are you aware that the object of the Bill before the Committee is to legalize the exchange of a portion of the land belonging to the Scots Church, on which land portions of two College buildings are erected, for another portion of back land without any buildings on it? I have heard such a thing is in contemplation, and I have enquired with whom the exchange was to be made, considering that it was one property—the property of the Church and the College—and that the College was to be built on the Church land, but that not being sufficient, a piece was bought from Sir John Jamison, and another piece exchanged with Sir John for the street.

G. Bowman,  
Esq.

22 Mar., 1864.

252. Are you aware there is a mortgage, signed by the Trustees of the Scots Church, including Dr. Lang, on the land and buildings now proposed to be exchanged? No, I am not.<sup>1</sup>

253. Will you direct your attention to this plan. This plan professes to be a sketch of the allotment belonging to the Scots Church. I beg to call your attention to that part with the letter A on it; that part professes to shew a portion of the Scots Church allotment on which parts of two buildings are erected. It is intended, by Act of Parliament, to exchange this piece of land, on which portions of these two buildings are erected, for the piece marked B, at the back of the allotment, upon which there is nothing? Yes, I understand that is the object, but I never could understand with whom the exchange was to be made. These two lower buildings were, by the Trustees of the College, transferred to Dr. Lang, as compensation for all his outlay; <sup>2</sup>not the other part.

254. Are you in favour of making a good title, by the help of the Bill before the Committee, to the two remaining College buildings, for the private advantage of Dr. Lang? No. I say now, as I have always said, that whatever money is due to Dr. Lang he is entitled to be paid, together with interest, the same as every shareholder in the College, if the institution is not carried on as originally intended, and if the buildings are sold.

255. Then I understand you to insist upon an equality of treatment, as regards the claims of yourself and other proprietors, and those of Dr. Lang? Yes, Dr. Lang has made the largest advances, and is entitled to more than others, no doubt; but all should receive in proportion.

256. If Dr. Lang succeeds in possessing himself of the two remaining College Buildings, will not the Presbyterians of the Colony be deprived of their College property? When you speak of the two remaining buildings, do you exclude the two first?

257. Those Dr. Lang has already got; now he wants a good title to the two remaining? If I understand the thing rightly, this piece of land was purchased from Sir John Jamison to enable these buildings for the College to be erected, but it was not paid for, for a considerable time, and then Sir John threatened to take them away. In consideration of that I believe Dr. Lang took the advice of his friends, and that advice was, to take a conveyance in trust for uses, and then he would be able to raise money by mortgage upon them to pay for the land, and he did so.

258. If Dr. Lang succeeds in possessing himself of the two remaining College buildings, will not the Presbyterians of the Colony be deprived of their College property? I should think they will, and the shareholders particularly that have paid for it.

259. Do you approve of the attempt to deprive the Presbyterians of the Colony, of the benefit intended for them by the subscribers to the Australian College? I do not. I think there is ample means there, if the property is sold, to pay every man what he subscribed and interest.

260. Did you ever before hear of a proposal to deprive a college of property belonging to it, for the benefit of one individual? No, I never heard of this till to-day. I always did consider the two lower buildings were to be the property of Dr. Lang, to compensate him for his outlay up to a certain time.

261. *By Dr. Lang*: To what time? I think about 1840.

262. Was it not 1841?<sup>3</sup> I do not think I was one of the Council in those days.

263. May not the arrangement you refer to have been effected in 1841? It might have been in 1841—it was 1840 or 1841. I was made a Trustee or Councilman of the College, at a meeting we had for the business of the College.

264. Are you aware of the terms of the exchange mutually made by the Trustees of the Scots Church and Sir John Jamison, when the street was opened in 1831? No, I am not aware of anything, only from hearsay, and partly from yourself—not of any exchange particularly; but I understood that a piece of land was purchased, and as it was not in your power to pay for it, Sir John Jamison threatened to take the houses away, and you took the advice of your friends—I think you said your legal friends—and they advised you to take a conveyance for uses, and by that means you would be able to give a mortgage, and get money to pay Sir John Jamison.

265. Do you know why the delay in paying Sir John Jamison took place? I believe it was because funds were not furnished to you by the shareholders of the College.

266. Are you not aware that the original arrangement was, that the shareholders should occupy the position I had with Lord Goderich, and complete the arrangements I had made at home? No, I am not aware of that.

267.

<sup>1</sup> ADDED (*on revision*):—but I understood from Dr. Lang himself, that when Sir John Jamison became pressing for the payment of the land, and threatened him that if he was not paid for the land that he would resume it and the buildings thereon, that then Dr. Lang took advice in the matter, and got a conveyance made to him for uses, which enabled him to mortgage the two lower houses to the Trust Company for £1,500, and thereby was enabled to pay Sir John his claim.

<sup>2</sup> ADDED (*on revision*):—not the other portion of the land purchased from or exchanged with Sir John, only the two lower houses, and the land or allotments they are built on—no part of the upper or other two houses.

<sup>3</sup> NOTE (*on revision*):—I think this question was 1831-2, not 1841-2.

- G. Bowman, Esq.  
22 Mar., 1864.
267. Are you aware of the nature of the original arrangement with Lord Goderich? Only from your publications—only from what you have stated.
268. Have you not seen the letters that passed on the occasion, published in documents from the Secretary's Office? I think I have seen them; I generally see most things that are published, and no doubt I have seen those.
269. That publication therefore does not rest solely on my information? I cannot say.
270. If it is contained in letters that have issued from the office of the Colonial Secretary—? I should say they are publications of original documents.
271. Are you aware that the original stipulation with Lord Goderich was, that £1,500 should be advanced to me towards the passage of the Scotch mechanics, on their arrival in the Colony, and that no further amount was to be advanced by the Government, till at least an equal amount should be expended on the buildings? No, I am not aware of that, only from your statements. I was not connected with the College when it was first commenced; it was some time afterwards when I became a shareholder, believing it would be a benefit to the Colony, and having a family rising up.
272. Then you have no knowledge of the arrangements made between the trustees and Sir John Jamison, in 1830, for the opening of the street? No, that was before I had anything to do with it whatever.
273. Are you aware that in their arrangement with Sir John Jamison, the trustees then agreed to transfer to him a portion of their allotment? No, I was not aware of that, but I have heard of it lately. I was not intimately acquainted with the then trustees; I knew them personally, but was not acquainted sufficiently to get that information from them, not being interested at that time myself.
274. Did that arrangement with Sir John Jamison, in 1830, not necessitate a further arrangement on the part of the trustees, in 1831, when Sir John's property in that street was sold? That I cannot say; I had nothing whatever to do with it then, and paid no attention to it.
275. You are therefore unable to give the Committee any information bearing upon the particular point which is referred to it? I am not able to give any information as to the arrangement you have been speaking of.
276. *By Mr. Piddington*: With regard to the exchange of land? No, that was before I had anything to do with the institution.
277. *By Dr. Lang*: Are you aware that when the original arrangement for the College was made, it was intended that the whole of the ground on which the buildings were to be erected was to be transferred to the shareholders by the Trustees of the Scots Church? I have heard such a thing, but I am not positive that was to be the case; I have heard it mentioned, but when or where I cannot say. But I always understood the College Buildings and College were to be in connection with the Scots Church, and built on the Scots Church property, but that finding there was not sufficient room, this piece was purchased and an exchange made. That was all done before I became connected with it, for the buildings were up and the institution in existence then.
278. Do you observe a clause in the Bill before the Committee (No. 3), providing that this Act shall not be held to affect or invalidate any rights or claims, either of the Government or any private individuals, to or over the ground of which it legalizes the exchange? I observe that clause.
279. Do you not think that that would secure the rights either of the Government or of private individuals over the property? I am not aware that it would. The object of that institution was to raise an academical institution for the benefit of the Colony, but if it is converted to another purpose that object is lost. I am as anxious as any man that that object should be carried out.
280. You are not aware of the arrangements that were made by the trustees in reference to the ground, before the erection of the College Buildings? No, I am not.
281. *By Mr. Mate*: Are you aware whether, if all existing interests were secured, there would be any objections to this Bill? I think there would be. I think this is obviating the object of the institution—doing away with it altogether, and the object of the shareholders defeated.
282. You say that because you believe the object of the institution of the College would be defeated? Yes, I am certain it would be defeated if that property was given away, or turned from the purpose for which it was originally intended.
283. *By Mr. Piddington*: I wish to draw your attention to section 1 of this Bill. If the Parliament agrees to the first section of this Bill, authorizing the exchange of this piece of land, is there anything that will secure your rights as a shareholder interested in the two portions of buildings proposed to be exchanged? I do not see anything in this clause.
284. Nor in any other? No; I never read this Bill before. It is not stated in this Bill with whom this exchange is to be made. Now if it is to be the Trustees of the College that should be stated.
285. There are no Trustees of the College—Dr. Lang is the sole person interested, excepting the mortgagees to whom he has mortgaged the property. The whole of this (*referring to the plan*) Dr. Lang has mortgaged for £4,500, and for that vacant piece of land Dr. Lang wishes to obtain parliamentary authority to get possession of the two remaining houses? I do not think it can be for himself; I think he should be paid every farthing that is due to him, but I do not think he should claim the property of other people. These houses were built with other people's money as well as Dr. Lang's.
286. *By Dr. Lang*: Are you not aware that there was an educational establishment called into existence, when the College was founded, in December, 1831, that involved a large expenditure on the part of those concerned? But that educational establishment paid its own expenses for a considerable time.

287. By no means — ? I was told by Mr. Wallace, the treasurer, that there ought to be a dividend given to the shareholders—that there were funds in hand; and, I believe, had the thing been conducted properly, as it was in the first instance, it would have been a flourishing institution to this day. G. Bowman,  
Esq.  
22 Mar., 1864.

288. Are you aware that, up to 1836, the shareholders had never qualified themselves to receive any advance from the Government at all? I never understood what qualification was necessary myself.

289. Supposing there had been an arrangement similar to that proposed to be legalized by this Bill, made in 1831, before any buildings were erected on the ground, would there have been any inequality or injustice in the proposed exchange when the ground was vacant, thirty-three years ago? I think it would have been an injustice to the shareholders, if they had paid their money,<sup>1</sup>

290. There were no shareholders at that time? Not then, but afterwards we became entitled to an interest in that land by paying our money towards the College.

291. It is stated in the preamble of the Bill, that when the said street (Jamison-street) was formed, it was agreed that a small triangular portion of the allotment of the Scots Church, on the south side of Jamison-street, should be exchanged for a similar triangular portion of the said allotment of the late Sir John Jamison — ? I know nothing of that; it was before I had anything to do with it whatever;<sup>2</sup>

292. Supposing such an arrangement had been made then, would there be any injustice in its being legalized now? I think so, unless it was conveyed to the parties holding the College Buildings, that is, the shareholders of the Australian College.

293. *By Mr. Piddington*: I think you stated you understood that, when this portion of land, bought by Dr. Lang from Sir John Jamison, was conveyed to him, it was intended to be conveyed in trust for the College? I always understood so.

294. Are you aware that Dr. Lang has obtained a conveyance of that land to himself, as an individual? No, I am not.

295. If he has done so, should you think that would be in accordance with the understanding at the time? I should not think it in accordance with Dr. Lang's principles,<sup>3</sup>

296. If the fact turns out to be that Dr. Lang has obtained a conveyance of that land to himself as an individual, do you consider that to be in accordance with the understanding that existed? I think not;<sup>4</sup>

297. *By Dr. Lang*: Are you not aware that the buildings were erected almost exclusively at my expense, and with my funds? I have heard you laid out a great deal of money in erecting them; I know you did, indeed, from your accounts.

298. And are you not aware that a large expenditure was incurred, with the sanction of the shareholders, in maintaining the educational establishment for a long series of years? I am aware that the establishment paid its own expenses for a series of years.

299. Only for a very short time? Had it been conducted properly by the professors, it would have continued to do so.

300. Are you not aware that there were other educational institutions that fell, though under perhaps equally favourable auspices? I do not think there were any equally favoured with that.

301. Do you not think the Sydney College was under as favourable auspices? No, I do not think it was.

302. Are you aware what amount had been contributed by the shareholders, up to the year 1836? Only from what I have seen published—your own accounts, and some of the proceedings of our meetings.

TUESDAY, 29 MARCH, 1864.

Present:—

DR. LANG,		MR. PIDDINGTON,
MR. MATE,		MR. STEWART,
MR. SUTHERLAND.		

DANIEL CAMERON DALGLEISH, ESQ., IN THE CHAIR.

The Rev. John Dunmore Lang, D.D., M.L.A., examined in his place:—

303. *By the Chairman*: You are one of the persons who have brought forward this Bill? I have brought it forward, at the instance of the Elders and Committee of Management of the Scots Church. Rev.  
J. D. Lang,  
D.D., M.L.A.  
29 Mar., 1864.

304. What is the particular object of the parties applying for the Bill? It was to get the limits of the property definitively settled, to enable them to appoint additional trustees, and to prevent litigation, which would otherwise in all likelihood take place in the event of my decease.

305.

<sup>1</sup> ADDED (*on revision*):—as they certainly did, believing the buildings were being built on the Church property.

<sup>2</sup> ADDED (*on revision*):—but had I known that the College and buildings were being erected on any other than Church property, I never would have joined it.

<sup>3</sup> ADDED (*on revision*):—as Principal of the Australian College, and carrying it on as a public institution—not a private one.

<sup>4</sup> ADDED (*on revision*):—indeed, I am sure it was not; the shareholders never would have agreed to the institution being on private property.

Rev.  
J. D. Lang,  
D.D., M.L.A.  
29 Mar., 1864.

305. Can you state the particular arrangement that was made between the Trustees of the Scots Church and Sir John Jamison, in 1830? At the suggestion of Sir John Jamison, it was agreed between him and the trustees to form a street from George-street to Church Hill, through their respective allotments, for the improvement of both properties; the particulars of that arrangement are shewn on the plan I have exhibited to the Committee.

306. When were Sir John's allotments in Jamison-street sold? In 1831; and agreeably to the arrangement specified in the plan, I purchased two of these allotments, the one of them including the portion of the allotment of the Scots Church which had been temporarily made over to Sir John, he being bound in the mean time to sell the portion of his allotment, including that portion surrendered by the trustees to him for the time, on the north side of the street, at the same price that he was to receive for the adjoining allotment further down; and the same arrangement was made for the purchase of an allotment on the south side of the street.

307. Who purchased those allotments? I did all of them.

308. For whom? I purchased the allotment on the north side with a view to its being transferred to the Trustees of the Church, including the portion of their allotment that had been assigned for the time being to Sir John. That allotment had a frontage of 31 feet to Jamison-street; it tapered to a point at the upper end, and Sir John received the same price for it as he would have done had it had a depth of from sixty to a hundred feet back.

309. Did you make any subsequent arrangement about this purchase? It was indispensably necessary for the trustees to get back a portion of their allotment that they had formally and temporarily assigned to Sir John to square the lines, and as that allotment was 31 feet frontage, while the portion of the ground surrendered to the trustees on the south side of the street had a frontage of 29 feet; and as I was engaged at the time in founding an academical institution of great importance, it was conceived, to the Colony, it was considered by the trustees that the 31 feet of frontage, with the back ground on the north side of the street, was equivalent to the 29 feet on the south side, and that exchange was made between the trustees and myself accordingly.

310. Had the trustees the power to alienate any portion of the allotment of the Scots Church? Certainly they had no power to alienate any portion of it; they could not do it without an Act of the Legislature at the time; but it was suggested as the only means of squaring the lines, in a case in which there were various angular portions of ground cut off that could not have been turned to account otherwise. In these circumstances it was thought that the best course was to draw a line across, and declare that all above that line should belong to the trustees, and all below it to Sir John Jamison; but Sir John was bound at the same time to sell to me, at the same rate that he should receive for the adjoining allotments, the portion that was thus transferred to me, to complete the arrangement. I may state that, in three different instances, there have been portions of the original allotment of the Scots Church alienated without the sanction of an Act of the Legislature. The opening of the street to Church Hill implied an alienation of the portion of the ground, but the trustees merely opened a road to the public, and the Government sanctioned and approved of their act and deed by proclaiming the street subsequently. The second was the surrender to the Government—for it was at their instance it was done—of 10 feet for the road from Church Hill south along the house that belonged some time since to Mr. Wentworth. These three buildings had been erected as Government quarters by Major Ovens, who was at the head of the Works Department in Sir Thomas Brisbane's time; and when General Darling arrived in the Colony, he would not allow them to be used for the purpose for which they were erected, and ordered them to be sold; but it was found that Major Ovens had brought up the western line of the buildings to the verge of the Scots Church allotment, and the officers of the Government at the time asked the trustees whether they would allow a road to the Government to enable them to sell their buildings, which they would otherwise have been unable to do from the want of access. The trustees merely removed their fence 10 feet, and got some compensation from Government at the time—I forget the amount—which went into the Church funds. The third instance of alienation was of very recent occurrence; it was for the widening of York-street. The Corporation required that the street should be widened, which could not be done without the consent of those representing the Scots Church, as it encroached upon the line of the street. The Corporation, in order to have that arrangement effected without loss to this grant, agreed, in the event of our allowing the street to be widened, to build the wall that surrounds that portion of our ground. Such an arrangement was conceived to be mutually beneficial, but in none of these instances did the trustees imagine that they had any power to alienate any portion of their allotment.

311. When was Sir John Jamison paid for the two allotments that you purchased? He was not paid till 1841.

312. How was it there was such a long delay; was it from inability to pay, or what other cause? It was not from inability, for much greater amounts had been paid from the funds, that went to the erection of the buildings, but because it was arranged from the first, that in the event of the establishment of the institution on the basis on which it was founded in December, 1831, the ground on which the four buildings stand should be made over to the trustees or representatives of the shareholders of the institution. The trustees of the Church had nothing to do with that ground after the arrangements that were made in 1831, in reference to the allotment repurchased from Sir John on the north side, and the exchange of that allotment for the one on the south side. I may state, in further explanation, that the back ground included in the portion surrendered by Sir John, in addition to the frontage to Jamison-street of 29 feet, was considered of inferior value to the portion having frontage to that street; but to compensate the Church for any sacrifice that such an arrangement would have

have implied, it was agreed, at the suggestion of Dr. Ramsay, one of the trustees, that, in consideration of the back ground, the building to be erected on the uppermost portion of the ground prospectively set apart for educational purposes, should have the half-gable for the erection of a future manse for the minister. I neglected to state that it was found necessary, after the arrangement for the exchange of the allotment on the north side of the street for the allotment on the south side of 31 feet for the 29 feet of frontage to Jamison-street, it was found necessary to draw a line across the allotment of the Church and a portion of the ground acquired from Sir John as the definitive boundary of the Scots Church property, and to compensate the Church for the value of the back ground. The arrangement suggested by Dr. Ramsay was agreed to and carried into effect accordingly, and the Church have had possession of the allotment purchased from Sir John, including the portion temporarily surrendered by the trustees on the north side of the street, for thirty-three years; and they have had possession of the portion which it is proposed to exchange (the triangular portion) for the same period. I believe there is a small error in this plan (*the plan appended to the Report*), which the Committee observed themselves, with respect to the ground—the line drawn across the allotment—the cross line from the old Barrack wall to Jamison-street is 4 feet additional to what is given on this plan, because the surveyor took the measurement from the present fence, but the property of the Church goes 4 feet further down.

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313. Was there any written record of the arrangement of 1831? There was. The trustees made the arrangement among themselves, and although there was no written arrangement here is one equally binding, because the trustees have had possession of the allotment on the north side; and the half gable, to compensate for the additional back ground, was erected immediately after that arrangement was made.

314. Has the value of the half-gable been estimated by any competent person, and if so, by whom? It was estimated merely as a matter of trade, not in consequence of any order from a Committee of this Assembly, by the late Mr. George Patten, who had been himself one of the mechanics erecting the buildings, and who was afterwards a member of the City Corporation; he valued the half gable at £300.

315. As one of the promoters of this Bill, what is your own object in seeking the Bill? In common with the Trustees of the Church, I am anxious —

316. *By Mr. Piddington*: Who are the other trustees? In common with the Elders and Committee of Management of the Church—it was a *lapsus*—I am anxious that the question of property should be definitively settled, because we cannot at present appoint additional trustees without laying ourselves open to great legal expenses, and without involving these trustees in the complicated questions that the undertaking has given rise to; and so long as the question is unsettled, there will be no possibility of a revival of the institution, which, I think, is quite practicable otherwise in present circumstances.

317. What do you allude to by "the institution"? The defunct College. I do not consider it to be completely dead; I think it is capable of a revival, and very speedily, because, if the Presbyterian College—for which there has been a Bill before the Assembly these two years—comes into existence, it will be almost useless without a preparatory institution available for the youth of the Presbyterian communion all over the Colony; and I have all along had it in view to have such an institution as a nursery for the Presbyterian College, ever since the Affiliated Colleges Act was passed in 1854. I have had many offers, for many years past, to lease the ground that still belongs to the Church—the triangular portion between Jamison-street and Charlotte-place—especially during the gold mania, but I always set my face against anything of the kind, although it would have brought me a considerable revenue, as the only remaining trustee, under the idea that the ground having been set apart for an academical institution, it was not proper to appropriate it for any other purpose, even temporarily. A lecture-room for the institution was erected on the ground on the north side of the street, and was in use for the institution on a reduced scale, from the period when there was a break-up in it in 1841, till 1854, when the Affiliated Colleges Act was passed. That shews that the arrangement made in 1831 was adhered to.

318. *By the Chairman*: What property do you specially claim in the houses and land on the south side of Jamison-street? I can shew that the whole of the buildings, with the exception of the portion contributed by Government, which was very small, were erected from my funds, through the sacrifice of my property, which had become a matter of necessity at the time.

319. *By Mr. Piddington*: With reference to the so-called agreement which you state was entered into between yourself and the other Trustees of the Scots Church with Sir John Jamison, in reference to prolonging Jamison-street through the Scots Church allotment, have you any record, or is there any record in connection with the Church, of who the Trustees were who were present on that occasion? Their names are given on the plan which is still in existence, and which I have produced before the Committee.

320. Is there any written agreement besides, beyond the memorandum on that plan? No, there is not. I may state, in explanation, that although the trustees found themselves perfectly competent to open up the road through their allotment for the improvement of their own property, which was obviously the result of such an arrangement at the time, they could not enter into any specific arrangement that would have implied a legal alienation of the ground.

321. There is no legal agreement? There is not.

322. Are you one of the original Trustees to whom Governor Darling granted the allotment of land on Church Hill, in trust, for the Scots Presbyterian Church? I am.

323. Were the other Trustees John Piper, Thomas M'Vitie, and David Ramsay? Yes.

324. Are the trustees all dead excepting yourself? They are.

325. Are you aware that the deed of grant contains the condition that the congregation of the

the



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the Scots Church are to choose trustees to fill vacancies in the trust, as soon as such vacancies occur? There is a clause to that effect.

326. Has the congregation chosen trustees to fill the vacancy in the number of four trustees as stated in the deed? I would answer the question with a preliminary statement necessary for its explanation.

327. I only want an answer? I will give you a direct answer. The congregation, in the year 1840, chose three additional trustees, Mr. George Bowman, Mr. Thomas Brown, and Mr. Thomas Cadell.

328. Are those three additional trustees alive? Mr. Cadell is dead, Mr. Brown has left the Colony, and is now in England, and Mr. George Bowman is still alive; but in a legal case that came before the Supreme Court, the appointment of these trustees was disallowed, and was declared to be invalid and of no effect, and in consequence of that disallowance Mr. Bowman was relieved of all responsibility, in the great suit—the property suit between the Synod of Australia and myself. From that circumstance—from the disallowance of these trustees—there have been no other trustees chosen since.

329. Does the disallowance to which you allude, proceed on the presumption that the congregation cannot elect trustees if they wish? No, it does not; it was declared in consequence, if my memory serves me right, of there never having been a conveyance of the property made to these additional trustees.

330. Cannot the congregation, if they feel disposed, elect three trustees in accordance with the terms of the deed of grant, and so fill up the vacancy? No doubt they can.

331. Can you represent the Scots Church property, being but one trustee out of four named in the grant? I think I can.

332. You are speaking morally, I suppose? I am; I cannot say legally; I believe, legally I am the representative of the property of the Church.

333. Does not the deed of grant prescribe that there shall be a succession to the trustees named in the deed for ever, by the congregation choosing successors to fill up vacancies? I think it does; I do not remember the terms.

334. Have you the formal consent of the congregation to the exchange of land proposed by this Bill? Decidedly, I have the consent of the Elders.

335. I am speaking of the congregation? The Elders and Committee of Management, who represent the congregation. The Presbyterian Church Government is conducted on representative principles.

336. Was that consent obtained at a meeting of the congregation convened for the express object? It was given by the congregation again and again, for they are very anxious that the question of property should be settled.

337. When did the congregation give their consent to the application being made for this Bill? At the time when it was first brought forward.

338. Was there any meeting of the congregation for the express purpose? There was—there is an annual meeting —

339. The congregation have then actually given their consent? Yes.

340. Not alone the Committee of Management—who are the Committee of Management of the Scots Church at the present time? There are twelve, of whom Mr. George Brown is Chairman. I cannot remember the names of the eleven, but I believe they are attached to the petition.

341. What particular advantage will accrue to the congregation, by squaring the lines of the Church property on the south side of Jamison-street? They will be able to erect a manse for the minister.

342. What is to prevent the Scots Church, if so disposed, from erecting a manse for the minister at the present time? They could do it, but they would not.

343. Is there anything to prevent them if they felt inclined? Nothing certainly.

344. Then what particular advantage will the congregation have from what you call squaring the lines? They will have a definitively fixed boundary.

345. Have they not now the definitively fixed boundary granted by General Darling? No, because, in consequence of the arrangement with Sir John, it was agreed that the back ground, in addition to the 29 feet of frontage to Jamison-street, should be transferred to me for the purpose of the institution.

346. What effect can any arrangement made by parties not authorized by law to make arrangement, have upon the definitive boundary of the Scots Church allotment? Perhaps it cannot interfere with the legal boundary.

347. I am speaking of legally, not of any cock-and-bull story? Morally and virtually it can.

348. If this Bill passes, will the Church allotment be squared on the north side of Jamison-street? The Church allotment remains as it originally was, with the addition of the portion obtained by purchase from Sir John Jamison.

349. Have you any memorandum of that so-called purchase of the Scots Church allotment on the north side of Jamison-street from Sir John Jamison? I have no other than the one certified to on the plan.

350. Is it common to purchase land from a proprietor without having any written agreement or conveyance? I had the conveyance in 1841.

351. Of this particular land belonging to the Scots Church allotment? No, certainly not.

352. I ask you, is it common for two men, one to sell and the other to buy land, without any conveyance of the land so purchased? Certainly not, it is not usual, but this was a very particular case.

353. Can you give the Committee any information with regard to the sum you paid for that particular portion of the Scots Church land which you say you bought from Sir John Jamison? Yes, the portion of 23 feet —

354. No, excuse me, I am not speaking of the south side; I am speaking of that portion within the lines of the Scots Church allotment,—have you any memorandum or receipt from Sir John Jamison for any portion of the Scots Church allotment which you say you purchased from him on the north side of the street? Certainly not, for it was not practicable for the trustees to alienate any portion of their allotment; and it was merely an arrangement on paper till Sir John Jamison's sale of his allotments could be effected.
355. Did Sir John Jamison ever take possession of any portion of the Scots Church allotment, on the north side of Jamison-street, which you say you repurchased from Sir John Jamison? I do not think he did; I was in England at the time.
356. Did you ever see any fence or enclosure placed around that portion of the Scots Church allotment which you say you purchased from Sir John Jamison on the north side of the street? Certainly not.
357. Have you any written memorandum of what you paid Sir John Jamison for interest on the purchase money of that 23 feet frontage on the south side, and the 33 feet frontage on the north side? The whole amount ———
358. I am speaking now of interest? The rate of interest was specified by Sir John at his sale, and was given in the memorandum that I brought to the Committee with the original plan. I do not happen to have it just now, but my recollection is perfect, I believe, as to the two allotments. The 23 feet on the south side were purchased at the same rate as the adjoining, at £4 a foot frontage, and the other at a few shillings less; but the one purchase was £92, and the other £113, I think, or £104.
359. That is not the question—I will put it again: Do you recollect the total amount you paid to Sir John Jamison, for the 23 feet of land on the south side of Jamison-street, and the 33 feet on the north side, including interest? It was £447.
360. Can you tell me what portion of the sum of £447 was paid by you to Sir John Jamison for interest? The difference between the amount of the original purchase and that sum.
361. What did you give for the frontage on the north side? I think £104.
362. What for the frontage on the south side? £92.
363. That makes a total of £196? Yes.
364. Do you say that for ten years' interest on £196 you paid £447? It was £497, because it included Sir John's two shares in the institution.
365. Then you repurchased, from Sir John Jamison, two shares in the Australian College? No; Sir John allowed his shares to be deducted from the sum total that was due to him; he had never paid anything till then.
366. Was the difference between £196 and £497 the interest you paid for ten years upon £196? Yes, it was.
367. Have you any idea of the value at the present time of the vacant pieces of land marked B., which you propose to give in exchange? I have not the least.
368. Are you owner of the portion of land you offer in exchange, marked B.? I am.
369. Is the portion I allude to encumbered by any mortgage, or altogether unencumbered? It is encumbered by a mortgage.
370. To whom is this piece of land mortgaged? To Mr. Wallis at present.
371. Have you the consent of the mortgagee to the proposed transfer? Certainly I have; but through an arrangement that has to be effected, for Mr. Wallis wants to be paid up his money, and I have arranged to get it from the Savings' Bank in the event of this question being settled, and to give a conveyance to the Church of that portion of the ground.
372. Then, in the event of Parliament agreeing to this Bill, you contemplate the mortgage of the portion of the two houses that are built on the Scots Church allotment? It would then be all one.
373. That is what you mean? No doubt ——— Making a conveyance to the Church of the portion B. and also of the portion bought from Sir John Jamison on the north side.
374. Then do you seek power by Act of Parliament to give the vacant piece of land next the old barrack wall, which you have mortgaged, to the Scots Church congregation, in exchange for the portion of the Scots Church allotment in Jamison-street, marked A? Yes.
375. Is not the allotment you propose to take away from the Scots Church covered by a portion of two stone houses called College Buildings? Yes.
376. What is the length of the portion you propose to take away from the Scots Church allotment? I think the Committee ascertained the other day that it was 51 feet.
377. What is the length of the frontage to the back land—the portion of land you propose to give, marked B.? I think the Committee ascertained that also to be 52 feet, but to that portion must be added 4 feet below the present fence to the eastward.
378. If Parliament consents to the Bill before this Committee, will not the entire four houses, on the south side of Jamison-street, known as College Buildings, become your own private property? No doubt they will.
379. What is the entire length to Jamison-street of the four houses called College Buildings? I do not at this moment recollect.
380. To the best of your belief, do you not think the entire frontage of the buildings is about 103 or 104 feet? I dare say that is the extent.
381. How much of the entire frontage of these four houses did you ever buy from Sir John Jamison? I bought from Sir John Jamison only the portion included in the allotment of 23 feet frontage on the south side.
382. Is there one house out of the four College Buildings erected entirely on the land you purchased from Sir John Jamison? I think there is not entirely.
383. Not one house out of the four erected entirely upon the land you purchased from Sir John Jamison? No.
384. Did you not purchase the allotment on the south side of Jamison-street with the avowed object of building the College Buildings thereon? Yes, I did.

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385. Then is not, speaking of the entire frontage of the buildings to Jamison-street, 51 feet frontage now a portion of the Scots Church allotment, 29 feet a portion given by Sir John Jamison to the Church, and the remaining 23 feet the portion purchased by you for the purpose of building the College? No doubt. Perhaps I may be allowed to explain my answer. No doubt that is the state of the case; but with the consent of the trustees, the allotment purchased by me on the north side was exchanged for 29 feet on the south side, and the back land of the remaining portion was considered to be paid for in the erection of the half-gable.

386. With respect to this further explanation, can you tell the Committee the names of the trustees who made that arrangement with you, and the time when they made it? Dr. Ramsay and Mr. M'Vitie were on the ground when the arrangement was made—Captain Piper, the third of the four trustees, being absent at the time at Bathurst.

387. Can you state the time when that arrangement was made? In November, 1831. It was before there was a single stone on the ground; it was merely pegged off.

388. Is there any record in any of your church books of that arrangement? No, there is no other record than is shewn upon the ground in the erection of the half-gable.

389. Have you any written memorandum on the part of these two trustees, in conjunction with yourself, when this famous arrangement was made? No.

390. How have you obtained the conveyance of 29 feet to Jamison-street, given by Sir John Jamison to the Trustees of the Scots Church? I obtained it in virtue of the arrangement with the trustees, who got a *quid pro quo*, and believed they had.

391. In what way did the trustees obtain a consideration from you for that piece of land given by Sir John Jamison to the Church? I have already stated repeatedly that they got 31 feet of frontage, with the back ground on the north side, for the 29 feet on the south side.

392. Were you ever in legal possession of any part of the northern portion of Jamison-street, between the triangular piece with 31 feet frontage? Not as an individual.

393. Can you state the area of this triangular piece of land on the north side, as compared with the 29 feet frontage to Jamison-street, and the back land to it? I cannot.

394. Do you think it has one-tenth the area of the land obtained from Sir John Jamison on the south side? Perhaps not.

395. Was not the 29 feet given by Sir John Jamison on the south side of Jamison-street, given for the right of prolonging the street through the Scots Church allotment? The whole of the ground surrendered by Sir John was given for that purpose.

396. When you say "surrendered," do you apply the word to land given and not to land sold? Yes.

397. Does not Jamison-street run through the Scots Church allotment? It does.

398. Could Sir John Jamison have accomplished his object of prolonging the street through the Scots Church allotment, if the Trustees of the Scots Church had refused their consent? Certainly not.

399. Was not the contract to purchase one allotment on the south side of Jamison-street, and one on the north, signed by the four Trustees of the Scots Church? It was signed by them on the original plan.

400. Did you ever make known to the Scots Church congregation that Sir John Jamison had given to the Church a valuable piece of land in Jamison-street, for the right of running Jamison-street through their property? Certainly, it was a matter of notoriety, was mentioned at the public meetings of the congregation, and it was considered a very beneficial arrangement for the Church.

401. Was the beneficial arrangement for the Church understood to be the giving you 29 feet on the south side of Jamison-street, for some gable that was proposed to be erected to the buildings? The 29 feet were not given for that purpose at all; they were given for the 31 feet on the opposite side.

402. Have you ever conveyed the 31 feet on the opposite side to the Scots Church, or to any one in trust for the Church? No, it remains subject to the final arrangement that may be made.

403. Then I understand you that the parties connected with the Scots Church have, upon the promise from you of giving them an angular piece of land with 31 feet frontage—which you have not done—allowed you to take possession of 29 feet on the south of Jamison-street with the back land? I do not think that is a fair way of putting the question.

404. Have the congregation any legal right to the 31 feet frontage on the north side? They have an actual right.

405. Have they any legal right? Not yet, but they have had possession for thirty-three years of the buildings erected upon the land.

406. Is not the greater portion of this building that you allude to on the north side already built upon the Scots Church land? It is.

407. Then I again ask you whether the Scots congregation have not allowed you to obtain the 29 feet frontage on the south side of Jamison-street, conveyed to yourself individually, upon the promise to give them what is not legally conveyed to them? No doubt.

408. What further advantage will the Scots Church receive from the passing of this Bill, with reference to the gable upon the western side of the College Buildings, than they have now? They have had that advantage as the prospective portion of the cost of the future manse for their minister, for thirty-three years past.

409. What further advantage I ask will they have, if the Bill is carried out, than they have at present? They will have the property in the portion of the back ground that will square the allotment.

410. You speak of the half-gable having been built, which you say is a compensation to the Scots Church congregation;—did you build that gable entirely out of your own money? I did.

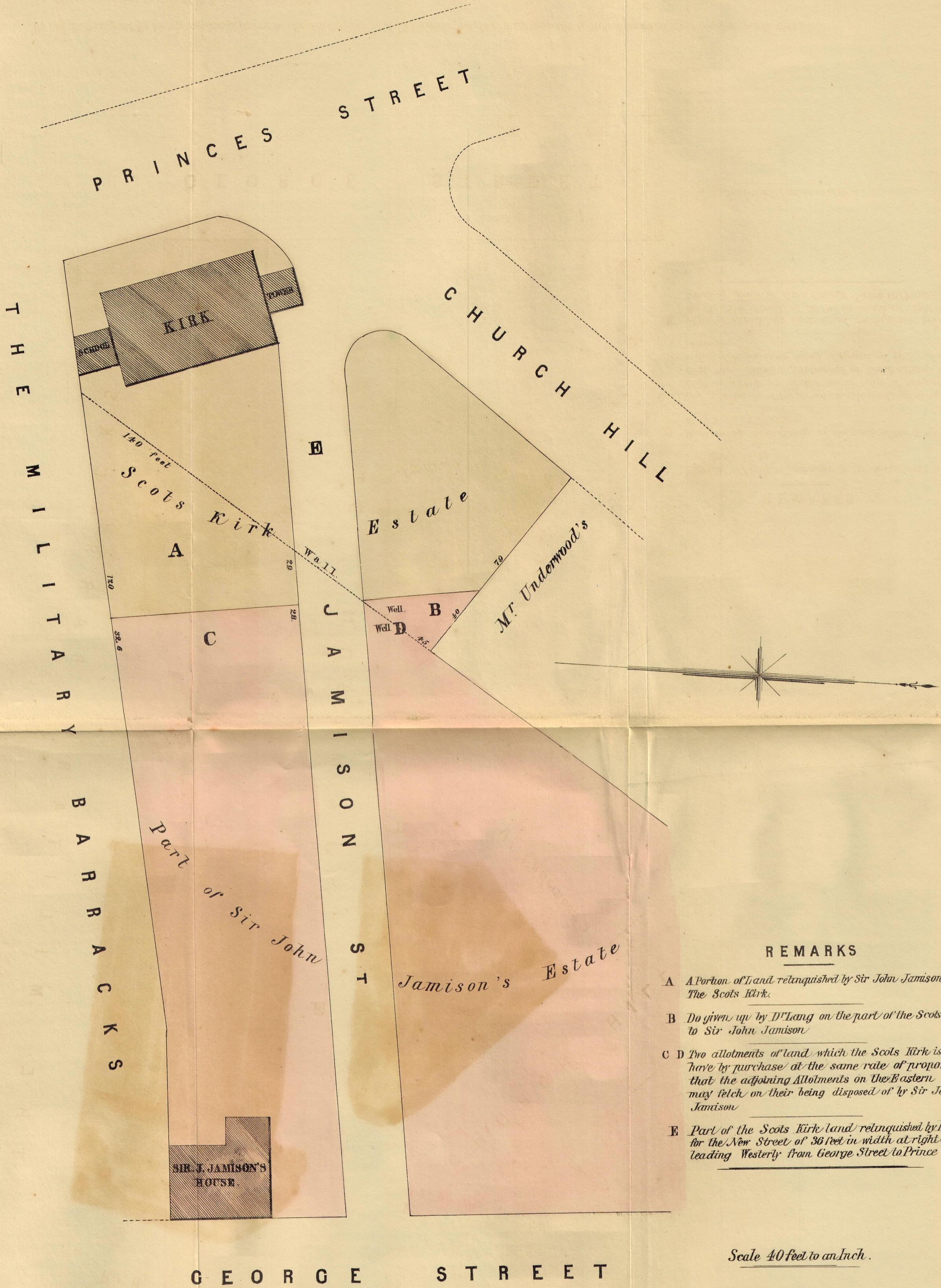
411. Did not the Government advance £3,500 in order to build those four houses? The Government advanced so much, but only a portion of that money went to the erection of the building. Rev.  
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D.D., M.L.A.
412. I did not ask where it went; I asked did not the Government advance £3,500 in order to build the College, and which money ought to have been spent upon these buildings? No doubt. 29 Mar., 1864.
413. Are not these four buildings a portion of the so-called College? No doubt.
414. Did not individual subscribers in the Colony subscribe a sum exceeding £2,000, in order to contribute to the erection of a College building? There was a considerable sum subscribed, but the whole of that amount I can shew went towards the maintenance of the institution.
415. *By Mr. Stewart:* It is sought by this Bill merely to legalize what was a private arrangement previously? Yes.
416. *By the Chairman:* In fact, it was always in contemplation to get a Bill to legalize this exchange? Yes.
417. Why has it been allowed to sleep for thirty-three years? Simply because there was no hope of getting it; I had too many friends in the old Council.
418. *By Mr. Stewart:* Would this exchange in any way damage the rightful claim of any person? Certainly not; the late Attorney General, Mr. Hargrave, suggested that a clause should be added to the Bill, to secure the interests of Government or any private individuals in the case.
419. You did not suppose that it would in any way affect any private interests? I did not think it would.





APPENDIX

PLAN OF AN INTENDED IMPROVEMENT OF THE ESTATES OF THE SCOTS' KIRK  
AND SIR JOHN JAMISON IN SYDNEY



REMARKS

- A A Portion of Land relinquished by Sir John Jamison to The Scots Kirk.
- B Do given up by D'Lang on the part of the Scots Kirk to Sir John Jamison.
- C D Two allotments of land which the Scots Kirk is to have by purchase at the same rate of proportion that the adjoining Allotments on the Eastern sides may fetch on their being disposed of by Sir John Jamison.
- E Part of the Scots Kirk land relinquished by D'Lang for the New Street of 30 feet in width at right angles leading Westerly from George Street to Prince Street.

Scale 40 feet to an Inch.

We the undersigned do hereby mutually agree to the Alterations and Relinquishments of our respective Lands as marked and explained in this Plan  
As Witness our Hands this 11<sup>th</sup> day of August 1830.

In the Presence of

Sig. *W. D'Ang*  
*Peter Louis Benni*

Sig.

*Mr. Jamison*  
*John D'Ang Lang*  
*John Mackie*

1863-4.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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PROGRESS REPORT FROM THE SELECT COMMITTEE

ON THE

DISORGANIZED STATE OF THE PUBLIC WORKS  
DEPARTMENT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE

AND

APPENDIX.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
7 *April*, 1864.

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SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

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1864.

[*Price*, 9s. 8d.]

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1863-4.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 61. TUESDAY, 6 OCTOBER, 1863.

16. Alleged Irregularities in the Public Works Department :—Mr. Dalglish moved, pursuant to notice,—That the Debate, on the Motion of Mr. Dalglish, “That the Evidence taken before Mr. Whitton and Mr. Moody, on the Disorganized State of the Department of Public Works, and the additional Evidence, written or oral, taken by, or tendered to, Mr. Arnold, the Minister for Works, on the same subject, be laid upon the Table of this House,” which lapsed on the 22nd September last, be now resumed.

Question put and passed.

Whereupon Question stated,—“That” the Evidence taken before Mr. Whitton and Mr. Moodie, on the Disorganized State of the Department of Public Works, and the additional Evidence, written or oral, taken by, or tendered to, Mr. Arnold, the Minister for Works, on the same subject, be laid upon the Table of this House. Debate resumed and continued.

Mr. Lucas moved, That the Question be amended, by omitting all the words after the word “That,” with a view to inserting in their place the words,—“a Select Committee, with power to send for persons and papers, be appointed to inquire into and report upon the Disorganized State of the Public Works Department.

“(2.) That such Committee consist of Mr. Arnold, Mr. Martin, Mr. Garrett, Mr. Wilson, Mr. Gray, Mr. Dalglish, Mr. Morris, Mr. W. Forster, Mr. Driver, and the Mover.”

Debate continued.

Motion made by Mr. Morris, and Question put,—That this Debate be now adjourned.

The House divided.

Ayes, 12.

Noes, 22.

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*	*	*	*	*	*	*	*

Main Question stated.

Question,—That the words proposed to be omitted stand part of the Question,—put and negatived.

Question,—That the words proposed to be inserted in the place of the words omitted be there inserted,—put and passed.

Whereupon Question,—

(1.) That a Select Committee, with power to send for persons and papers, be appointed to inquire into and report upon the Disorganized State of the Public Works Department.

(2.) That such Committee consist of Mr. Arnold, Mr. Martin, Mr. Garrett, Mr. Wilson, Mr. Gray, Mr. Dalglish, Mr. Morris, Mr. W. Forster, Mr. Driver, and the Mover,—put and passed.

VOTES, No. 67. WEDNESDAY, 25 NOVEMBER, 1863.

5. Disorganized State of the Public Works Department :—Mr. Lucas, *with the concurrence of the House*, moved, without notice, That Mr. W. Forster, Mr. Tighe, and Mr. Stewart, be added to the Select Committee now sitting on this subject. Question put and passed.

VOTES, No. 74. TUESDAY, 8 DECEMBER, 1863.

15. Disorganized State of the Public Works Department :—Mr. Lucas, *with the concurrence of the House*, moved, without notice, That the Committee now sitting on the Disorganized State of the Public Works Department, have leave to sit during any adjournment of this House. Question put and passed.

VOTES,

## VOTES, No. 136. THURSDAY, 7 APRIL, 1864.

3. Disorganized State of the Public Works Department :—Mr. Lucas, as Chairman, brought up a Progress Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose inquiry and report this subject was referred on 6th October, 1863, together with Appendix.  
Ordered to be printed.
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1863-4.

## DISORGANIZED STATE OF THE PUBLIC WORKS DEPARTMENT.

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 PROGRESS REPORT.
 

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THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 6th October, 1863, "*to inquire into and report upon the Disorganized State of the Public Works Department,*"—"with power to send for persons and papers," and "*with leave to sit during any adjournment of the House,*"—have agreed to the following Progress Report :—

In considering the matter referred to them, your Committee have taken the evidence of thirty-five witnesses, by which many grave irregularities have been disclosed, viz.,—That drinking has been carried on to such an extent in the office, and during office hours, as to interfere frequently with the orderly discharge of office duties; that quarrels have been frequent, and have ended in blows on several occasions; that many of the officers have been irregular in their time of coming to business in the morning and in leaving in the evening, and have been allowed to absent themselves from their duties in a most unaccountable manner; for example—Mr. Hall's journal shews that during the eighteen months previous to his suspension, he was absent for above one hundred days; Mr. Micklethwait's journal shews that he was absent seventy-seven days, besides two months (for which journals have not been sent to your Committee), the most of which time he was supposed to be ill. The evidence also shews that plans and other documents have been mislaid and lost; that the long room, in which seven or eight draftsmen work, was without a recognized head, and consequently not half the work performed which should have been; and that a want of order and discipline has been apparent throughout the whole department.

Your Committee beg to draw the attention of your Honorable House to the documents laid before your Committee, by Mr. Whitton, for the purpose of throwing discredit on the evidence of Mr. C. Fowler; and also to the documents produced and evidence given by the last-mentioned gentleman, on his final examination, which appears to your Committee, as far as Mr. Fowler is concerned, to be satisfactory.

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The cost of the drawings made in the Railway Department, especially those for Station buildings, appears to be five or six times as great as it would be if they were prepared by a private architect. Your Committee recommend that drawings be made for the different classes of Station buildings, and that one set of plans be used for each class.

Your Committee recommend that Mr. Martin Gardiner be reinstated in the position from which he was dismissed, and that, when an opportunity offers, he be placed in as good a position as that held by him when he first entered the Railway Department; for the following reasons:—Because the offence with which he was charged was not of so grave a nature as to call for his dismissal from the public service; because Mr. Whitton admits, in his evidence before your Committee, that Mr. Gardiner performed all the duties which he entrusted to him, in the most satisfactory manner, and that the remarks made by Mr. Arnold, in his place in the Assembly, as to Mr. Gardiner's incompetency to perform the duties intrusted to him, were not justified, and because Mr. Whitton acknowledges that, if certain plans marked "Error" were placed before Mr. Gardiner, they must have been so placed for the purpose of insulting him, and went far to palliate, if not justify, the conduct for which he was dismissed. The evidence of Messrs. Drewett, Doherty, Gardiner, and Robertson, shews that they were so placed.

Mr. Whitton has recommended, in his report to the Minister, that Messrs. Doherty and Robertson should be dismissed, for writing letters for publication in a newspaper. Your Committee conclude, from the evidence given before them, that neither Mr. Doherty or Mr. Robertson intended nor did anything to cause such publication, consequently they do not deserve removal from the public service.

The evidence clearly shews that Mr. Robertson is an excellent draughtsman, a good mathematician, and was engaged on some of the best and most important drawings done in the Works Department; that he worked at the same table and on the same plans as Mr. Drewett, and that Mr. Drewett could not, with the plans before him, distinguish his own from Mr. Robertson's work. Mr. Whitton, Mr. Drewett, and every witness who gave evidence as to the ability, conduct, and duties of Mr. Robertson, spoke of him in the highest terms of commendation. In the face of those facts, your Committee cannot refrain from drawing the attention of your Honorable House to Mr. Whitton's report to the Minister, as regards Mr. Robertson's ability, conduct, and duties, which contains statements quite at variance with the above.

Mr. Whitton, in his report to the then Minister of Works, on the evidence taken before himself and Mr. Moody, says, "The evidence of Mr. Trengrouse is either true or untrue. If true he  
" is

“ is highly culpable, in not reporting such occurrences to me ; if not true, his conduct deserves severe condemnation ; and in either case I consider his services should be dispensed with.” Your Committee consider the latter reason may, but the first would not be sufficient ground for the dismissal of a gentleman who has been in the office for about ten years without a single complaint being made against him, and who, as a draughtsman, is equal to any in the office. Mr. Trengrouse positively states that, some two years ago, he informed Mr. Whitton of the excessive drinking and other objectionable proceedings in the department, when he was recommended by Mr. Whitton to “ mind his own business.” This Mr. Whitton denied, and drew the attention of your Committee to what purported to be the evidence of Mr. Trengrouse, given before Mr. Whitton and Mr. Moody, according to which Mr. Trengrouse never complained to his superior officer. Mr. Trengrouse states this was not the evidence he gave ; his statement was taken down by Mr. Moody, and read by that gentleman as he (Mr. Trengrouse) gave it, but not as it appeared in print. On finding that his evidence was not properly recorded, he applied to Mr. Arnold to be re-examined ; and upon the second examination his evidence was correctly taken, from which it appears that Mr. Trengrouse did inform Mr. Whitton of the drinking, &c. Your Committee believe that Mr. Whitton may have forgotten the circumstance, but Mr. Trengrouse’s statement is corroborated by Mr. Trengrouse, junior, Mr. Gardiner, Mr. Doherty, and by an extract from Mr. Trengrouse, senior’s, private journal. Your Committee, therefore, are of opinion that Mr. Trengrouse should not be dismissed, as recommended by Mr. Whitton.

Mr. Whitton acknowledges that a great portion of his time has been occupied in performing duties which your Committee believe should be performed by a Manager or the Commissioner ; for example, he stated—not a day passes but he is called upon to report upon minutes in connection with the working of the lines, and that fully a month of his time was taken up in prosecuting the charges against the late Traffic Manager,—whilst, during the latter period, the boring for the foundation of the Nepean Bridge was intrusted to a Mr. Robertson, a carpenter. The evidence discloses that serious mistakes were made, which would not have been the case if the borings had been conducted under the supervision of a competent civil engineer. Your Committee, therefore, recommend that the Engineer-in-Chief for Railways should devote the whole of his time to the construction of works, and not interfere with the management of those portions of the lines which are completed.

Your Committee recommend that a Time-book be kept in the Works Office, and that every officer should be compelled to enter the time of his arrival at and departure from his duties. And further, that greater care should be exercised by the Heads of Departments, in granting leave of absence to subordinates, and in calling upon them to account for such absences when they occur without prior permission.

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The evidence proves that Mr. Hall drank to excess, idled his time, and very frequently absented himself from his duties; it further proves that he obtained a cheque for £55 from one of the contractors (for the Singleton and Picton Station buildings), to pay for ironmongery, the cost of which was only £48 17s. 6d., and that the balance, £6 2s. 6d., should have been paid by Mr. Hall to the Government, but instead of doing so he converted it to his own use; in consequence of which Mr. Whitton, "at the final settlement," deducted the last-mentioned amount from these contractors. For the first three irregularities, your Committee recommend that Mr. Hall's services should be dispensed with; the last they consider to be a matter for the consideration of the Honorable the Attorney General. Your Committee also direct the attention of your Honorable House to the conduct of this officer, with reference to the ironmongery for the Burwood Station.

Your Committee believe that Mr. Micklethwait's resignation ought not to have been accepted; but having been so, they recommend that he should not be again employed in the public service.

Your Committee attach no credit to the evidence of Mr. Fearnside; and as he appears to have occupied a considerable portion of his time in drinking, reading newspapers, and discussing politics, your Committee recommend that his services should be dispensed with.

Your Committee regret being compelled to report that they were dissatisfied with the evasive manner in which Mr. Drewett gave his evidence, and also with the means resorted to by Messrs. Mackay and Deering to obtain evidence against Mr. Martin Gardiner; Mr. Whitton also produced documentary evidence reflecting on the character of Mr. Gardiner, and refused to inform your Committee how it came into his possession.

Finally, your Committee regret that the approaching close of the Session precludes them from entering at further length into this inquiry, and recommend that the subject should be resumed during the ensuing Session.

JOHN LUCAS,  
Chairman.

*Library of the Parliament,  
Sydney, 6 April, 1864.*

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PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 8 OCTOBER, 1863.

MEMBERS PRESENT:—

Mr. Lucas,		Mr. Wilson,
Mr. Martin,		Mr. Morris.

Mr. Lucas called to the Chair.

Committee deliberated as to their course of proceedings.

*Ordered*, that Mr. Rae, *Under Secretary for Public Works*, be summoned to attend to-morrow, and produce the Evidence taken before Mr. Whitton and Mr. Moody on the Disorganized State of the Public Works Department, and the additional Evidence taken by or tendered to Mr. Arnold, the Minister for Works, on the same subject.

[Adjourned to to-morrow, at *Eleven o'clock*.]

FRIDAY, 9 OCTOBER, 1863.

In consequence of the adjournment of the House from the 8th to the 13th instant, the meeting called for this day lapsed.

TUESDAY, 13 OCTOBER, 1863.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. W. Forster,		Mr. Dalglish,
Mr. Wilson,		Mr. Gray.

Committee met, pursuant to summons.

Mr. John Rae, *Under Secretary for Public Works*, called in and examined. (*Papers to be supplied. Vide Appendix.*)

Witness withdrew.

Mr. Louis Robertson called in and examined.

Witness withdrew.

[Adjourned to to-morrow, at *Eleven o'clock*.]

WEDNESDAY, 14 OCTOBER, 1863.

In consequence of the adjournment of the House from the 13th to 20th instant, the meeting called for this day lapsed.

TUESDAY, 20 OCTOBER, 1863.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Morris,		Mr. Dalglish,
		Mr. Garrett.

Committee met, pursuant to summons.

Deliberation ensued.

Motion made (*Mr. Garrett*), and *Question*,—That the Committee do now adjourn to the next day of meeting of the House,—*put*.

Committee divided.

Aye, 1.		No, 1.
Mr. Garrett.		Mr. Dalglish.

Mr. Morris not voting,—

The Chairman gave his casting vote with the Noes,

And so it passed in the negative.

Mr. Alexander Campbell Budge, *Clerk of the Executive Council*, called in and examined.

Witness withdrew.

Mr. Louis Robertson called in and further examined.  
 Witness withdrew.  
 Mr. William Anthony Trengrouse called in and examined.  
 Witness withdrew.  
 Committee deliberated.  
 Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY, 27 NOVEMBER, 1863.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.

Mr. Morris,  
 Mr Tighe,

Mr. Dalgleish,  
 Mr. Arnold.

Committee met, pursuant to summons.

Entry in Votes and Proceedings No. 67, recording names of Members added to the Committee, by direction of the Chairman, read by the Clerk.

The following Plans and Drawings before the Committee. (*To be returned to Public Works Department*) :—

1. Singleton Bridge (six drawings).
2. Plan of Bridge, Falls, West Maitland.
3. Plan of Pitnacree Bridge (three drawings).
4. Menangle Viaduct (eleven drawings).
5. Penrith Bridge—Masonry (four drawings).
6. Ditto Details of Ironwork (six drawings).
7. Picton Passenger Station and Goods Warehouse (five drawings).
8. Penrith Station and Goods Warehouse (seven drawings).
9. Singleton Passenger Station and Goods Warehouse (eight drawings).
10. Parramatta Station and Goods Warehouse (eight drawings).
11. Plan of Public Works Office, shewing Draughtsmen's Rooms (eight drawings).

Mr. John Rae, *Under Secretary for Public Works*, called in and further examined.

Certain papers to be supplied by witness.

In the course of examination, a question put by Chairman being objected to by Mr. Morris, as beyond the scope of the inquiry,—

Witness requested to withdraw.

Committee deliberated.

Witness recalled, and examination resumed.

Witness withdrew.

Mr. William Anthony Trengrouse called in and further examined.

Witness withdrew.

Committee deliberated.

Clerk instructed to forward to Mr. Whitton, the Engineer-in-Chief for Railways, a printed copy of the Evidence, from time to time, as taken before this Committee.

[Adjourned to Wednesday next, at *Eleven o'clock*.]

WEDNESDAY, 2 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.

Mr. Morris,  
 Mr. Tighe,

Mr. Dalgleish,  
 Mr. Arnold.

Mr. John Doherty called in and examined.

[Adjourned to to-morrow, at *Eleven o'clock*.]

THURSDAY, 3 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.

Mr. Dalgleish,  
 Mr. Stewart,

Mr. Morris,  
 Mr. Tighe.

Mr. John Doherty called in and further examined.

Witness withdrew.

Committee deliberated, and

[Adjourned to Tuesday next, at *Eleven o'clock*.]

TUESDAY,



TUESDAY, 8 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.

Mr. Morris,		Mr. Dalgleish,
Mr. Tighe,		Mr. Arnold,
Mr. Garrett,		Mr. Stewart.

Mr. Charles Bosé called in and examined.  
 Testimonial produced (to be returned). (*Vide Appendix.*)  
 Witness withdrew.

[Adjourned to to-morrow, at *Eleven o'clock.*]

WEDNESDAY, 9 DECEMBER, 1863.

MEMBER PRESENT :—

Mr. Dalgleish.

In the absence of a Quorum, the Meeting called for this day lapsed.

THURSDAY, 10 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.

Mr. Gray,		Mr. Tighe,
Mr. Stewart,		Mr. Morris.

Committee met, pursuant to summons.  
 Mr. Nicholas Trengrouse called in and examined.  
 Witness withdrew.

[Adjourned to to-morrow, at *Eleven o'clock.*]

FRIDAY, 11 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.

Mr. Dalgleish,		Mr. Morris,
Mr. Gray,		Mr. Stewart.

Mr. N. Trengrouse called in and further examined.  
 Witness withdrew.

[Adjourned to Tuesday next, at *half-past Ten o'clock.*]

TUESDAY, 15 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.

Mr. Morris,		Mr. Garrett,
Mr. Dalgleish,		Mr. Stewart.

Mr. N. Trengrouse called in and further examined.

[Adjourned to to-morrow, at *Eleven o'clock.*]

WEDNESDAY, 16 DECEMBER, 1863.

MEMBERS' PRESENT :—

Mr. Lucas,		Mr. Tighe.
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In the absence of a Quorum, the Meeting called for this day lapsed.

FRIDAY,

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FRIDAY, 18 DECEMBER, 1863.

MEMBERS PRESENT:—

None.

In the absence of a Quorum, the Meeting called for this day lapsed.

WEDNESDAY, 23 DECEMBER, 1863.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalglish, | Mr. Tighe.

Committee met, pursuant to summons.

Mr. N. Trengrouse called in and further examined.

Witness withdrew.

Committee deliberated, and *Resolved*,—

That Mr. Rae be requested to furnish the Committee with all Minutes in February, 1861, having reference to the stoppage of pay from the salary of Mr. Trengrouse, junr., on account of absence from the office.

[Adjourned to to-morrow, at *Eleven* o'clock.]

THURSDAY, 24 DECEMBER, 1863.

MEMBER PRESENT:—

Mr. Lucas.

In the absence of a Quorum, the meeting called for this day lapsed.

TUESDAY, 29 DECEMBER, 1863.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Morris, | Mr. Dalglish.

Committee met, pursuant to summons.

Mr. John Whitton, *Engineer-in-Chief for Railways*, examined;—

And in the course of examination, the Committee desiring to deliberate,—

Room cleared.

Deliberation ensued.

Mr. Whitton recalled, and examination proceeded with.

Documents in connection with Martin Gardiner's dismissal from the Public Service, Melbourne, and other Papers, to be supplied by witness. (*Vide List of Appendix.*)[Adjourned to Thursday next, at *Eleven* o'clock.]

THURSDAY, 31 DECEMBER, 1863.

MEMBER PRESENT:—

Mr. Stewart.

In the absence of a Quorum, the meeting called for this day lapsed.

TUESDAY, 12 JANUARY, 1864.

MEMBER PRESENT:—

Mr. Lucas.

In the absence of a Quorum, the meeting called for this day lapsed.

WEDNESDAY, 13 JANUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalglish, | Mr. Stewart,  
Mr. Tighe, | Mr. Morris.

Committee met, pursuant to summons, and deliberated.

Mr.

Mr. Charles Fowler, *Civil Engineer*, called in and examined.  
 Witness withdrew.  
 Mr. William Mackay called in and examined.  
 In the temporary absence of the Chairman, Chair taken by Mr. Tighe, and afterwards resumed by Chairman.  
 Witness withdrew.  
 Mr. Hyacinthe Telmon called in and examined.  
 Witness withdrew.  
 Mr. William Henry Quodling called in and examined.  
 Witness withdrew.  
 Mr. Charles Fowler, C.E., recalled and further examined.  
 And objection being taken to a question put to witness by Mr. Morris,—  
 Room cleared.  
 Committee deliberated, and question waived.  
 Witness recalled, and examination concluded.

[Adjourned to to-morrow, at *Eleven o'clock.*]

THURSDAY, 14 JANUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalglish,		Mr. Tighe,
		Mr. Stewart.

Mr. Edwin Barton, Mr. John William Drewett, and Mr. Louis Robertson, severally examined.

[Adjourned to to-morrow, at *Eleven o'clock.*]

FRIDAY, 15 JANUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalglish,		Mr. Stewart,
Mr. Morris,		Mr. Garrett.

Mr. William Mason called in and examined.

Witness withdrew.

Mr. Edwin Horner Fearnside called in and examined.

In the course of examination, Chair taken by Mr. Morris, during the temporary absence of the Chairman.

Room cleared.

Letter from Charlotte E. Micklethwait, excusing the absence, through illness, of Mr. Micklethwait, a witness summoned for this day,—*read by Chairman.*

The Chairman also read a letter just received from Mr. Whitton, asking the Committee to allow him, and such witnesses as he may require, to reply upon the evidence already taken, and requesting that such reply be printed and brought up with the Report.

Committee deliberated.

Chairman requested to inform Mr. Whitton that the Committee will examine any witnesses whose names he may desire to furnish, with the understanding that the examination will be confined to the subject of drunkenness in the Public Works Department.

[Adjourned to Tuesday next, at *Eleven o'clock.*]

TUESDAY, 19 JANUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalglish,		Mr. Morris,
Mr. Tighe,		Mr. Stewart.

The Chairman read the following letter from Mr. Whitton:—

“ *Department of Public Works,*  
 “ *Railway Branch, Engineer's Office,*  
 “ *Sydney, 18 January, 1864.*”

“ Sir,

“ I have to acknowledge Mr. Connery's letter, in reply to mine of the 15th instant, in which I request permission to reply to the evidence taken before the Committee on the Disorganized State of Public Works Department.

“ It appears that the Committee have come to the decision of confining their inquiry, during the present Session, to the question of drunkenness or disorganization, and will examine any witnesses whose names I may desire to furnish, on the understanding that the examination be confined to those subjects.

“ I beg respectfully to draw your attention, and that of the Committee, to the fact that the evidence already taken has not been confined to any particular subject, and that it contains charges of a serious nature against gentlemen who were not present, nor have they had any opportunity afforded to them of disproving these charges.

“ I

" I need only refer to the evidence of Mr. Nicholas Trengrouse, to shew the extent to which the witnesses have been permitted to go with their statements.

" The Committee, I feel assured, must see that, if the evidence in its present state be published, the Parliament and the public will be misled as to the facts, and cruel injustice and irreparable injury will be done to the parties affected by it, who, by reason of the protection afforded by law to those making the statements to the Committee, however unfounded, are deprived of the opportunity of vindicating their characters.

" I am prepared to attend the Committee at any time, to be examined in respect of all matters affecting myself and the department under my charge; and I feel assured, so far as I am personally concerned, that I shall, if permitted, not only disprove the statements, but also shew that some of the most serious ones are so untrue and entirely without foundation, that the persons by whom they have been so recklessly made cannot be relied upon in any particular. If the Committee should, however, still determine that the Progress Report should be made, and the Evidence published, without affording me an opportunity of replying to it, I trust they will do me the justice of publishing with it my application for a hearing.

" I am, &c.,

" JOHN WHITTON.

" John Lucas, Esq., M.L.A.,  
" Chairman of Committee."  
Committee deliberated.

The Chairman submitted a letter from Mr. Micklethwait, excusing attendance on account of ill health.

Mr. Matthew Jamison called in and examined.

Cheque drawn by Matthew Jamison, in favour of R. Iredale and Co., for £55, handed in.

Witness withdrew.

Mr. Thomas Fitzgerald called in and examined.

Witness withdrew, and room cleared.

Committee deliberated.

[Adjourned to to-morrow, at *Eleven o'clock.*]

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WEDNESDAY, 20 JANUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Morris,  
Mr. Dalglish,

Mr. Garrett,  
Mr. Tighe.

Mr. John William Deering called in and examined.

Witness withdrew.

Mr. Henry Trump Harris called in and examined.

In the course of examination, Chair taken by Mr. Morris, in the temporary absence of the Chairman.

Witness withdrew.

Chair resumed by Mr. Lucas.

Committee deliberated.

[Adjourned to to-morrow, at *half-past Ten o'clock.*]

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THURSDAY, 21 JANUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalglish,

Mr. Garrett.

Mr. Andrew Eaton called in and examined.

Witness withdrew.

And the second witness not being in attendance,—

Committee adjourned for fifteen minutes;—

And having re-assembled,—

[Adjourned to Wednesday next, at *Eleven o'clock.*]

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WEDNESDAY, 27 JANUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalglish,

Mr. Morris.

Letter from Mr. Rae, excusing Mr. Moody from attendance through illness, and enclosing a medical certificate,—read by Chairman.

Mr. George Hall called in and examined.

Witness withdrew.

Committee deliberated.

[Adjourned to to-morrow, at *Eleven o'clock.*]

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THURSDAY,

15

THURSDAY, 28 JANUARY, 1864.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.  
 Mr. Dalgleish, | Mr. Morris,  
 Mr. Garrett.

The Chairman brought under the notice of the Committee, certain alterations and additions made on revision by Mr. Whitton, in his evidence of the 29th ultimo.

Committee examined the same.

Motion made (*Mr. Dalgleish*), and *Question*,—That the obliterations of the MS. sent to Mr. Whitton, except those of a verbal and grammatical nature, be restored, the substantial alterations made by the witness on revision, appearing in the margin as usual,—*agreed to*.

Mr. Alexander Graham called in and examined.

The following Papers *handed in* by witness :—

List of articles and prices from Iredale & Co's., for Burwood Station.

Report of case *Graham v. Railway Commissioner*, February, 1863.

Receipts from Commissioner for Station at Burwood. (*Vide Appendix*.)

Witness withdrew.

Mr. Peter Graham called in and examined.

Witness withdrew.

Mr. Robert Iredale, senior, called in and examined.

Room cleared.

Committee deliberated, and

[Adjourned to Tuesday next, at *Eleven o'clock*.]

TUESDAY, 2 FEBRUARY, 1864.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.  
 Mr. Dalgleish, | Mr. Tighe,  
 Mr. Stewart.

Letter from Mr. Rae, enclosing a medical certificate, that Mr. Moody (a witness summoned to attend and give evidence before this Committee) is suffering from a severe attack of low irritative fever,—read by the Chairman.

Letter from Dr. Hearn, of the Melbourne University, with reference to Mr. Gardiner's character and attainments,—also read by Chairman.

Ordered, on motion of Mr. Dalgleish, to be appended to the Report. (*Vide Appendix*.)

Committee deliberated.

[Adjourned to to-morrow, at *Eleven o'clock*.]

WEDNESDAY, 3 FEBRUARY, 1864.

MEMBERS PRESENT :—

None.

In the absence of a Quorum, the meeting called for this day lapsed.

THURSDAY, 4 FEBRUARY, 1864.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.  
 Mr. Dalgleish, | Mr. Stewart,  
 Mr. Garrett.

Committee met, pursuant to summons.

Mr. William Scott, *Locomotive Foreman, Great Southern Railway*, called in and examined.

Witness withdrew.

The Chairman reported to the Committee, that he had caused Mr. Micklethwait to be summoned for the third time, and that an answer to the last summons had not been received.

Committee deliberated, and decided that it would not be expedient to res summon Mr. Micklethwait as a witness.

Committee further deliberated, and *Ordered*, That Mr. Whitton be summoned to attend to-morrow, and produce all documentary evidence in his possession, with reference to the character of Mr. Martin Gardiner, together with all correspondence relative thereto.

[Adjourned to to-morrow, at *Eleven o'clock*.]

FRIDAY,

FRIDAY, 5 FEBRUARY, 1864.

MEMBERS PRESENT —

Mr. Lucas in the Chair.  
Mr. Garrett, | Mr. Stewart,  
Mr. Dalglish.

Mr. John Whitton, *Engineer-in-Chief for Railways*, called in and further examined. Papers connected with the case of Mr. Martin Gardiner, marked Nos. 1—6, with List, handed in. (*Vide Appendix.*)

Witness withdrew.

Mr. William George Ainsworth called in and examined.

Witness withdrew.

Mr. Thomas Richardson Iredale, and Mr. Peter Graham, called in and severally examined.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 10 FEBRUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.  
Mr. Stewart, | Mr. Dalglish.

Drawings (seven) of the Branxton Station Buildings, G.N.R.,—before the Committee. Mr. William Forde called in and examined.

Witness withdrew.

Mr. Martin Gardiner, C.E., called in and examined.

And Mr. Dalglish objecting to the line of examination pursued by the Chairman,—

Witness requested to withdraw.

Committee deliberated.

Witness recalled, and examination proceeded with.

Witness withdrew.

[Adjourned to to-morrow, at *Eleven* o'clock.]

THURSDAY, 11 FEBRUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.  
Mr. Dalglish, | Mr. Garrett.

Mr. Martin Gardiner called in and further examined.

Witness withdrew.

Committee deliberated.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

THURSDAY, 18 FEBRUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.  
Mr. Tighe, | Mr. Stewart.

Committee met, pursuant to summons.

The following Papers, supplied by Mr. Rae, at request of Chairman,—before the Committee:—

1. Copy of Advertisement for Competent Railway Surveyors and Draughtsmen, which appeared in Melbourne Papers, about May, 1860.
2. Mr. Gardiner's Monthly Diaries, from June to December, 1860.
3. All the Rough Drawings of Bridges, &c., made by Mr. Gardiner in 1860.
4. The Sheet of reduced Sections of Trial Surveys which was made in 1860 of the G.S.R., also the original marked Mr. Woore's.
5. Copy of Letter to Mr. Gardiner, Mr. Deering, and Mr. Braddock, in 1860, stating that their services were about to be dispensed with.
6. Copies of Letters between Mr. Whitton and Mr. Gardiner in 1860, as to Mr. Gardiner's abilities.
7. Mr. Braddock's Letter to Mr. Whitton, as to Mr. Braddock's abilities, December, 1860.
8. All Minute Papers respecting Mr. Gardiner's appointment to survey and lay out Road over Cherry Tree Hill.
9. Drawings of Wooden Bridges of Contracts Nos. 4 and 5, G.S.R., Picton to Goulburn.
10. Mr. Gardiner's Diaries, from August, 1862, to July, 1863.
11. Mr. Gardiner's Correspondence with Mr. Collett, then Commissioner for Roads, from May, 1861, to end of October, 1861.
12. All Minutes and Correspondence relating to Mr. Gardiner, which passed between Mr. Whitton, Mr. Drewett, and Mr. Arnold, relating to Mr. Gardiner's suspension and dismissal.

The

The Chairman stated that an application had been made from the Public Works Department, for the Papers contained in No. 12.

Motion made (*Mr. Tighe*), and *Question*,—That the Papers applied for be furnished to that Department,—*agreed to*.

Mr. John Whitton, *Engineer-in-Chief for Railways*, called in and further examined. Witness withdrew.

Re-assembling of Committee to be arranged by Chairman.

[Adjourned.]

MONDAY, 22 FEBRUARY, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Stewart,		Mr. Dalgleish,
Mr. Tighe,		Mr. Morris.

Committee met, pursuant to summons.

Mr. John Whitton, *Engineer-in-Chief for Railways*, called in and further examined. During the course of examination, Mr. Peter Graham was called upon to give certain explanations with reference to Plans of Penrith Goods Station.

Strangers withdrew.

Revised evidence of Mr. Ainsworth, a witness before this Committee, examined.

Certain alterations allowed, and certain obliterations to be restored.

[Adjourned to Tuesday, 1 March, at *Eleven o'clock*.]

TUESDAY, 1 MARCH, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Tighe,		Mr. Stewart,
		Mr. Morris.

Revised evidence of Mr. Martin Gardiner examined by the Committee.

*Ordered*,—That the alterations and additions appear as foot-notes.

The Chairman laid before the Committee a letter from Edward Owen, dated Redfern Station, February 23rd, 1864, requesting to be examined in reference to a question put to a witness, by a Member of the Committee, on the 22nd February,—and a similar letter from Joseph Lewton.

Resolved,—That these gentlemen be examined, as requested.

The Chairman then laid before the Committee a communication from Mr. Charles Fowler, dated Sydney, March 1st, 1864, requesting that the Committee will take his evidence respecting the Tender for eighteen Locomotives, and urging the importance of such evidence.

To be further considered.

Mr. John Doherty called in and further examined.

Witness withdrew.

Committee deliberated, and—

[Adjourned to Thursday next, at *Eleven o'clock*.]

THURSDAY, 3 MARCH, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Morris,		Mr. Dalgleish,
Mr. Stewart,		Mr. Arnold.

Mr. Henry Lockyer, Mr. John Higgs, Mr. Thomas Carlisle, Mr. Edward Owen, and Mr. Joseph Lewton, severally called in and examined.

Strangers withdrew.

Committee deliberated.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

WEDNESDAY, 9 MARCH, 1864.

MEMBERS PRESENT:—

Mr. Lucas,		Mr. Dalgleish.
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In the absence of a Quorum, the meeting called for this day lapsed.

THURSDAY,

18

THURSDAY, 10 MARCH, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Tighe,		Mr. Dalgleish,
Mr. Stewart,		Mr. Morris.

Committee met, pursuant to summons.

Mr. John Whitton, *Engineer-in-Chief for Railways*, called in and further examined.

The following Papers handed in:—

Copy Receipt given by Mr. C. Fowler to Messrs. Peto, Brassey, and Betts.

Copy Letter from Mr. C. Fowler to Mr. Wilcox, dated 16 November, 1863. (*Vide Appendix.*)

Mr. Nicholas Trengrouse re-examined.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY, 18 MARCH, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalgleish,		Mr. Stewart,
		Mr. Tighe.

Committee met, pursuant to summons.

Mr. Dalgleish laid before the Committee a letter (*with enclosures*) addressed to the Committee, purporting to be from Mr. Charles Fowler, and requesting that he may be re-examined.

Documents (on motion of Mr. Dalgleish) received.

Committee then deliberated upon heads of Report;—

Whereupon Chairman requested to prepare Progress Report.

[Adjourned to Tuesday next, at *Eleven o'clock.*]

TUESDAY, 22 MARCH, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalgleish,		Mr. Tighe.
----------------	--	------------

Chairman laid before the Committee a letter from Mr. N. Trengrouse, dated 17th March, 1864—enclosing a rough duplicate of his journal for February, 1861, together with the minute of conversation between himself and Mr. Whitton, with reference to insubordination in the Public Works Department—and requesting that the letter may be added to his evidence.

Motion made (*Mr. Dalgleish*), and *Question*,—That the document be appended to the Report,—*agreed to.* (*Vide List of Appendix.*)

Mr. Charles Fowler, C.E., called in and further examined.

Letter from Mr. Fowler, which was laid before the Committee at their last meeting, handed to witness, and signed by him in presence of the Committee.

Ordered to be appended to the Report. (*Vide List of Appendix.*)

Witness withdrew.

Committee deliberated.

Motion made (*Mr. Dalgleish*), and *Question*,—That the whole of the Evidence taken respecting Mr. Owen be reserved from printing in this Progress Report, with regard to the charge of misconduct in the railway train,—*agreed to.*

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

WEDNESDAY, 30 MARCH, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Tighe,		Mr. Dalgleish,
		Mr. Stewart.

Committee met, pursuant to summons.

Mr. Dalgleish laid before the Committee an Extract from the "Engineer's, Architect's and Contractor's Book for the year 1860."

Copy handed in, and ordered to be appended to the Report. (*Vide Appendix.*)

Chairman then submitted a Draft Progress Report.

The same read 1<sup>o</sup>.

Certain amendments made.

Motion made (*Mr. Dalgleish*), and *Question*,—That the Draft Progress Report just read be printed, and copies circulated prior to next meeting,—*agreed to.*[Adjourned to Friday next, at *Eleven o'clock.*]

FRIDAY,



19

FRIDAY, 1 APRIL, 1864.

MEMBERS PRESENT :—

Mr. Lucas, | Mr. Tighe.

In the absence of a Quorum, the meeting called for this day lapsed.

TUESDAY, 5 APRIL, 1864.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.

Mr. Garrett, | Mr. Stewart.

Committee met, pursuant to summons.

And having adjourned for twenty minutes,—

Re-assembled at a quarter before 12 o'clock.

Letter from Charles Fowler, of this day's date, requesting the Committee to appoint an early day to inquire into his Tender for Eighteen Locomotives, and the Correspondence connected therewith, laid before the Committee by Chairman.

Consideration of the same postponed.

Draft Progress Report, as amended, read paragraph by paragraph.

Paragraph 1 read, amended, and agreed to.

Paragraph 2 read.

Committee deliberated.

*Question put*,—That this paragraph stand part of the proposed Progress Report.

Committee divided.

Aye, 1.

Mr. Stewart.

No, 1.

Mr. Garrett.

Chairman gave his casting vote with the Ayes,—

And so it passed in the affirmative.

Paragraph 3 read, *verbally* amended, and agreed to.

Paragraph 4 read, amended, and agreed to.

Paragraph 5 read, *verbally* amended, and agreed to.

Paragraphs 6 and 7 severally read, amended, and agreed to.

Paragraph 8 read, *verbally* amended, and agreed to.

Paragraph 9 read, and agreed to without amendment.

Paragraph 10 read and amended,—to be further considered.

[Adjourned to to-morrow, at *Eleven* o'clock.]

WEDNESDAY, 6 APRIL, 1864.

MEMBERS PRESENT :—

Mr. Lucas in the Chair.

Mr. Dalgleish, | Mr. Stewart,  
Mr. Garrett, | Mr. Tighe.

Proposed Draft Progress Report further considered.

Paragraph 10, as amended, read and agreed to.

Paragraph 11 read, and agreed to without amendment.

Paragraph 12 read, viz. :—

" 12. Your Committee attach no credit to the evidence of Mr. Fearnside; and as

" he appears to have occupied the most, if not the whole of his time in

" lettering plans, reading newspapers, discussing politics, and drinking, whilst

" he has been paid at the high rate of 20s. per diem, your Committee

" recommend that his services should be dispensed with."

Motion made (*Mr. Dalgleish*), and *Question*,—That the paragraph be altered so as to read thus :—

" Your Committee attach no credit to the evidence of Mr. Fearnside; and as he

" appears to have occupied a considerable portion of his time in drinking,

" reading newspapers, and discussing politics, your Committee recommend

" that his services should be dispensed with"—*put*.

Committee divided.

Ayes, 2.

Mr. Dalgleish,  
Mr. Tighe.

No, 1.

Mr. Garrett.

*Question then put*,—That the paragraph, as amended, stand part of the proposed Progress Report.

Committee divided.

Ayes, 2.

Mr. Dalgleish,  
Mr. Tighe.

No, 1.

Mr. Garrett.

Paragraph 13 read, and *verbally* amended.

Motion

Motion made (*Mr. Dalgleish*), and *Question*,—That the paragraph, as *verbally* amended, stand part of the proposed Progress Report,—*put*.  
Committee divided.

Ayes, 2.		No, 1.
Mr. Dalgleish,		Mr. Garrett.
Mr. Tighe.		

Paragraph 14 read, verbally amended, and agreed to.  
Motion made (*Mr. Dalgleish*), and *Question*,—That the Progress Report, as amended, be the Progress Report of the Committee,—*put*.  
Committee divided.

Ayes, 2.		No, 1.
Mr. Dalgleish,		Mr. Garrett.
Mr. Tighe.		

Chairman to report.

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1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

DISORGANIZED STATE OF PUBLIC WORKS  
DEPARTMENT.

TUESDAY, 13 OCTOBER, 1863.

Present:—

MR. W. FORSTER,  
MR. ARNOLD,

MR. GRAY.

MR. DALGLEISH,  
MR. WILSON,

JOHN LUCAS, ESQ., IN THE CHAIR.

John Rae, Esq., called in and examined:—

1. *By the Chairman*: Your name? John Rae.
2. What office do you fill under the Government? That of Under Secretary for Public Works and Commissioner for Railways.
3. You were summoned the other day to attend this Committee, and also to produce certain documents—do you now produce those documents? No, I am sorry to say I cannot produce them, as they are not in my possession; they are at present before the Executive Council.
4. Do you produce some of them, or can you say what they consist of? I can inform you what they consist of, but cannot produce them, as they are before the Executive Council for consideration.
5. Could you produce them to-morrow? I shall endeavour to procure them to-morrow. (*Vide Appendix.*)
6. How long have you been in your present office? Since the month of January, 1861.
7. Are the draftsmen in your department allowed to draw plans and perform works other than Government works? Not to my knowledge.
8. Do you know any officers in the department who have done so? I am not aware of any—there are none who have done so to my knowledge.
9. Is it allowed? It is not allowed.
10. Are there any railway passes given to persons in the Railway Department? Passes are given to officers when on service.
11. And when on service only? When on service only.
12. And is that placed to any account? No, it is not shewn; the passes and pass-books are kept.
13. But it is not shewn in any account? It is not shewn; the books do not shew any account for free passes.
14. Are there any persons employed under the Government and living in localities on the line of railway, given free passes? None. The only exception was in the case of Mr. Trengrouse, and when this was brought under my notice I submitted the case to the Minister for Public Works, who ordered the pass to be stopped.

John Rae,  
Esq.

13 Oct., 1863.

- John Rae,  
Esq.  
13 Oct., 1863.
15. Are there any accounts in the office shewing the number of special trains? Yes, I think we have such accounts.
16. And who has ordered them? I should not like to be positive of that, but I think we can ascertain. Orders have always been given, and I believe a note of them is kept. I think we can furnish that information.
17. Can you furnish the Committee with the number of special trains for the last two years, with the names of the persons who ordered them, and the amount of money paid for them? I will do so to the best of my ability. (*Vide Appendix.*)
18. And also how the money was paid? Yes.
19. Can you tell me how many draftsmen there are in your department? I cannot from memory, but will do so when I have the documents before me.
20. I wish to know the number employed for the last two years in the Railway Department, under the Engineer for Railways? Yes. (*Vide Appendix.*)
21. Will you also let us know the names and number of the draftsmen in the Roads Department? Yes. (*Vide Appendix.*)
22. Also those in the Rivers and Harbours Department? Yes. (*Vide Appendix.*)
23. Specifying each branch of the department, how long the officers have been in the service, and all other particulars? Yes.
24. Is there any rule in your department by which leave of absence is granted? No, none at all; it is left to the Minister.
25. Is it usual, when a gentleman is absent from the office on leave, or otherwise, to stop anything from his salary? Not if he gets leave of absence.
26. Suppose a gentleman is ill, and he stops away, do you stop anything from his salary? We do not consider that he has a right to stop away if he is ill, unless there is a medical certificate or he has leave.
27. How many cases do you know of where salary has been stopped on account of absence from the office? I do not remember any case of the kind. I think there was one, but I do not remember it exactly.
28. Will you look and see? I will.\*
29. Have you ever heard of, and from your personal knowledge are you aware of, any cases of drunkenness in the office? I did not know anything of the kind until I saw a question in reference to the matter was asked by Mr. Dalgleish in the House.
30. Are you often in the different rooms of the office? I am very seldom in the rooms of the draftsmen.
31. Whom do you consider to be the superior officer there—have you not generally in each room a person who takes charge of the room? Mr. Trengrouse was the oldest officer in that room, but I am not aware that he had charge of it.
32. In a room containing some five or six gentlemen, who is generally regarded as the superior—the one who receives the largest salary? I should imagine so. The next officer in rank to Mr. Whitton is Mr. Mason, who has a room by himself.
33. I suppose there are seven or eight gentlemen receiving from £100 to £500 a year in one room—who would be the superior? I should imagine the officer with the highest pay; but I do not know what officer (if any) has charge of the draftsmen's room.
34. Would you be able to furnish the Committee with all the evidence taken in the case of Mr. Nealds and his dismissal from office? Yes. (*Vide Appendix.*)
35. And also the evidence in the case of Mr. Ridley? Yes. (*Vide Appendix.*)
36. Who was it that investigated the charges against Mr. Nealds? The case was investigated before a Board consisting of the Auditor General, Mr. Moriarty, and Mr. Shepherd, barrister.
37. Will you furnish the Committee with a list of the articles, with their probable value, that have been ordered from England without tenders being called for, since the 10th of January, 1862? Yes. (*Vide Appendix.*)
38. And also a list of the articles tenders for the supply of which have been called for in the Colony, but which articles have been ordered from England? Yes, I will. (*Vide Appendix.*)
39. And also copies of the advertisements calling for such tenders? Yes. (*Vide Appendix.*)
40. Also copies of all tenders received in the Colony, as well as all correspondence between the Government and any person or persons either in the Colony or in England, with reference to the supply of these articles? Yes. (*Vide Appendix.*)
41. Are you aware whether tenders are called for in England for the supply of articles ordered there, or are the orders sent to an agent to get executed as he thinks proper? In most cases I know tenders are called for.
42. Mr. John Fowler has something to do with these things, has he not? He is employed to examine and inspect railway materials.
43. Who receives tenders in England? The Colonial Agent.
44. That is Captain Galton? No, Mr. Hamilton.
45. There has been a quantity of rolling stock imported into the country, of which I obtained a return (prepared by yourself, I suppose) at the commencement of the last session? Yes.
46. Do you know whether tenders were called for the supply of that rolling stock? I should not like to be positive on that point.
47. Will you furnish the Committee with all correspondence with reference to the importation of those articles? I will. (*Vide Appendix.*)
48. I am confining myself to the rolling stock of the railway? Yes; there are composite carriages and low-sided wagons.

\* NOTE (on revision).—I now find that salary was stopped from Messrs. Trengrouse, Hall, and Fearnside, on one occasion, for being absent from the office without leave.

49. About £49,000 worth of them, I think? Yes, exclusive of charges. I will refer to the date of this return; I have very likely a copy of it in the office.
50. I want also a copy of the instruction sent to England, whether the order be given by the Colonial Agent or by Mr. John Fowler? Yes. (*Vide Appendix.*)
51. Are you aware that a draftsman in your department sued a gentleman in the District Court, for work performed as an architect in the construction of a private building? I think I have heard of it out of doors, but it never came before me in an official way.
52. Do you remember who that person was? The one I refer to is not now in the department; he has since gone home to England; he was in the Roads Department under Mr. Bennett—I refer to Mr. Beazeley.
53. Where did he perform the work? I do not know, I think it was at Balmain, but I have a very faint recollection of it.
54. Did you ever hear of the action *Hall v. Hinchcliffe*, in which Hall was nonsuited? Never to my knowledge. My recollection of the case of Mr. Beazeley is that he gave assistance in building the house where he was living, and that the party arranged to make some allowance for his services.
55. That was at Balmain? Yes.
56. It came out at the Police Office? Yes.
57. How long has Mr. Louis Robertson been in your office, do you know? Not very long. From memory I should say about two years.\* He was only a temporary clerk, I believe.
58. Or a temporary draftsman, which? A temporary draftsman.
59. You have many of them, have you not? Not many, I think.
60. Quite as many as there are on the Estimates? I think not.
61. I think you will find that there are five on the Estimates, and that you have five temporary draftsmen employed? I do not know; I see so little of the officers in the Engineer's department.
62. I believe there was a wooden house at the back of the premises occupied by the department before the removal? Yes.
63. Have you any plans of the premises now occupied by the Works Department? We have no building for the Works Department; the premises occupied by the department are only private houses.
64. But have you no plan of the houses you use as a Works Department? We had a plan of the houses before we entered them.
65. Does it shew the wooden house? Yes, the whole of the premises.
66. Will you furnish the Committee with that plan? Yes.
67. *By Mr. Dalgleish:* You say that the granting of leave of absence is left with the Minister? Yes, but there is no rule of the department respecting it. It has been an understood thing in this department that the head of the branch could give a day's leave of absence without applying to the Minister; but this is not usually acted upon. Applications for leave of absence are almost invariably submitted to the Minister. In cases of illness the application must be accompanied by a medical certificate.
68. Is that the rule invariably? Yes.
69. Have you the certificates on which leave of absence was given at such times as officers have been sick? Yes, I believe so.
70. Will you furnish them—a list of absences from the office, with the medical certificates? Yes, if possible.†
71. You say you were not acquainted with any cases of drunkenness in the Works Department, until the matter was brought under your notice by a question asked by me in the House? No, I was not aware of it till then.
72. Do you know of any fight taking place in that department? No.
73. Do you know a clerk of the name of Goodchap? Yes.
74. Do you know one of the name of Forde? Yes; I recollect now that a slight quarrel occurred; I understood that one struck the other in the face.
75. You now remember, then, that a fight did take place in the department? It was not a fight, I believe? Some altercation took place, I understand, and one struck the other in the face.
76. Was one of these officers prevented from attending to his duties on this account? Not in the slightest degree, to my knowledge. In fact I saw the two officers immediately afterwards.
77. Neither of them was prevented from attending to his duty? Not to my knowledge at all.
78. Do you know an officer named Micklethwait? Yes.
79. Is he in Sydney at present? No, he is in the north as a district engineer.
80. Has any inquiry been made into the charges and statements in reference to the drunkenness of that officer? He has not been examined himself.
81. Have any inquiries been made into the truth of the assertions made with regard to that officer? A general examination took place into the conduct of the whole of the officers of the department, including his; but he has not been examined himself.
82. Has the evidence taken before Mr. Whitton and Mr. Moody been copied? Yes, that was copied.
83. Do you produce a copy of the first evidence taken? Yes.
84. Has the evidence taken before the Minister for Works not been copied? No, I sent the original to the Executive Council.

85.

\* NOTE (on revision):—I now find he was appointed on 21st June, 1860.

† NOTE (on revision):—On inquiry I find that this information cannot be supplied, as no record is kept of the number of cases.

John Rae,  
Esq.  
13 Oct., 1863.

- John Rae,  
Esq.  
13 Oct., 1863.
85. *By the Chairman*: Is it not usual to take copies of these things for the use of the office? Sometimes, but we get the originals back again. The former was copied to be laid upon the Table of the House, at Mr. Dalgleish's request, I believe.
86. *By Mr. Dalgleish*: In sending in the names of the officers you have promised, will you distinguish between those provided for on the Estimates by distinct salary, and those paid otherwise? Yes.
87. Have you a copy of the plan of the Penrith railway bridge? I believe there is one.
88. Will you produce it? Yes.
89. Have you a plan in the office of the Menangle bridge? Yes.
90. Will you produce a copy of it? Yes.
91. Have you copies of the drawings of the different buildings for station masters and stations on all the lines of railway? Yes.
92. Will you produce copies of the principal ones? Yes, or the originals.
93. Of the stations and station houses? Yes.
94. And goods sheds? Yes.
95. Have you a copy of the plan of the Singleton bridge? Yes.
96. Will you produce it? Yes. If you get the originals you will be satisfied, I suppose; it will take a long time to make copies.
97. Do you remember a sum being placed upon the Estimates for a bridge over the Hunter River, at the Falls, West Maitland? Yes.
98. Have plans been made for the construction of that bridge? On the same spot, do you mean? I cannot say I have seen them. I will enquire at the office to refresh my memory.\*
99. Have plans been made for the bridge at Pitnacree? Yes, I have seen them.
100. Have tenders been called for the erection of the bridge there? Yes.
101. Have tenders been accepted for the bridge there? Yes.
102. Will you produce them? Yes, all the information necessary. (*Vide Appendix.*)
103. And also a copy of the vote? Yes.
104. *By the Chairman*: Will you send in the cost of the different station houses, a statement of the alterations that have been made since the contracts have been taken, the amount of the lowest tenders, and whether those tenders have been accepted, and the cost of the alterations that have been made? Yes. (*Vide Appendix.*)
105. And who supervised the works and drew the plans? Do you mean for any particular period?
106. I mean for the last two years and a half—that would be from January, 1861, until the 1st of July in this year? Very well; I will furnish the information as far as possible. (*Vide Appendix.*)

Mr. Louis Robertson called in and examined:—

- Mr. L.  
Robertson.  
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107. *By the Chairman*: You have been a draftsman in the Works Department? Yes.
108. Were you a temporary draftsman, or did you receive an appointment? I was upon the staff.
109. How long were you on the staff? I have been about three years and a half in the department; it was at the beginning of the present year that I was placed on the staff.
110. What salary were you receiving? I was getting £100; but for the first two years, or two years and a half, I was getting but £52 a year.
111. And for the last half year you have been receiving salary at the rate of £100 a year? Yes, I have been receiving £100 a year since the beginning of this year.
112. Did you receive this letter from the Works Department (*letter shewn to witness*)? Yes.
113. You also wrote to Mr. Arnold in answer to that letter? No.
114. But you wrote a letter to Mr. Arnold after you had been examined? Yes.
115. Stating that you had not given full evidence? Yes, and that all the evidence I had given had not been taken down.
116. Who were the persons conducting the inquiry? Mr. Whitton and Mr. Moody.
117. And they did not take the whole of your evidence down? They did not take the whole of my statements down.
118. Did you request that they should take them down? Not all of them; I requested that they should take down one or two things.
119. Do you know any evidence you gave that was not taken down—did Mr. Whitton ask you if you had written a letter which appeared in the *Empire* newspaper? Yes, Mr. Whitton asked me if I had written a letter which appeared in the *Empire* in my name. I told him that I had written it. He said it looked like a letter written by Mr. Gardiner and signed by me. I told him it was written to him in answer to a letter from Mr. Gardiner, and that I was not aware the letter was intended to be published until I saw it in the paper.
120. Is there anything else in reference to your evidence? Then Mr. Whitton said it was nothing of the sort; he said it was written to get up a charge of drunkenness. He looked at the letter, and asked some questions as to Mr. Fearnside not being able to make some calculations, and Mr. Whitton requested me to make those calculations.
121. Could not Mr. Fearnside make the calculations? Not at the time.
122. Did you make them? No, Mr. Gardiner made them.
123. You were present, then? Yes.
124. Who receives the largest salary, Mr. Fearnside or Mr. Gardiner? Mr. Fearnside.

125.

\* NOTE (*on revision*):—The plans are now produced.



125. Go on, if you please? Mr. Whitton asked me how long I had known that—meaning the making of these calculations—and I said a long time. I said I understood geometry, algebra, and trigonometry. He asked upon what occasion Mr. Fearnside required the use of the middle ordinate. I told him I did not know, but that he came to Mr. Gardiner to ask him how to do it. Mr. L.  
Robertson.  
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126. Well? Mr. Whitton said Mr. Fearnside was not required to know how to calculate the middle ordinate, nor the forty-seventh proposition of the first book of Euclid.
127. Was it necessary to use these things? He could not calculate the middle ordinate unless he knew the forty-seventh proposition of the first book of Euclid, because it is calculated by means of that proposition.
128. Have you anything else to say with regard to your evidence? Mr. Whitton asked me if I had ever seen Mr. Gardiner drinking in the office. I told him that I had not. Mr. Whitton asked me if I had ever seen Mr. Gardiner drink even a glass of water in the office. I said "I do not even remember seeing him do that." Then afterwards Mr. Whitton asked me if I had seen any one drink in the office. I said I had seen Mr. Barton drinking.
129. Do you mean drinking to excess, or do you mean taking a glass of beer or wine at lunch? When Mr. Whitton asked me the question, he said "drinking." I said I had seen them drinking. I have seen Mr. Barton drink so as to make himself flushed. I have known him to drink four or five half-tumblerfuls of wine during the whole day.
130. What are the office hours? From 9 o'clock until 4.
131. And how many half-tumblerfuls of wine have you seen him drink during that time? About four or five.
132. Have you ever seen any other person drinking? Yes, I have seen others drinking in the office.
133. Have you ever seen Mr. Micklethwait drinking? No.
134. Nor Mr. Hall? No, I had not an opportunity.
135. What are the names of the gentlemen in the room with you? Mr. Barton and Mr. Drewett.
136. Have you seen Mr. Drewett drinking to excess? No.
137. How was the drink generally brought into the room, do you know? Well, the messenger generally brought Mr. Barton's wine in.
138. In what quantity at a time? Generally a bottle of wine at a time, and nearly every day. So that generally there were two bottles of wine in the office.
139. *By Mr. Wilson:* What was the name of the messenger? Fitzgerald.
140. *By the Chairman:* Was that the boy? There are three messengers.
141. One quite a lad? Yes.
142. It was not that one? No, it was the second one—the one under Mr. Collins.
143. Used Mr. Drewett to get drink in that way by the messenger? Mr. Drewett generally drank with Mr. Barton, and they had it brought in together.
144. Then there was a bottle of wine a day between the two? Mr. Drewett also sent out for beer occasionally; he seldom drank wine; it was Mr. Barton who drank the wine; Mr. Drewett drank beer.
145. What quantities of beer have you known him to drink a day? Not more than a bottle during the day.
146. *By Mr. Wilson:* Did you drink any of the wine or beer? I have drunk one glass of wine during all the time I have been in the office, and that was upon one occasion when I had undergone a painful operation upon my hand, and was not able to work. Mr. Barton then gave me a glass of wine, and that was the only time I drank wine or beer in the office.
147. *By Mr. Gray:* Did you ever see Mr. Barton unfit for duty in consequence of drinking? I think I have seen him often unfit for duty. Sometimes I do not think he could have had a very clear head to do his duty.
148. Owing to what he drank? Owing to what he drank.
149. Has that been upon more than one occasion? Yes.
150. Can you state upon how many occasions? No, I cannot say the number of occasions.
151. Was it of very frequent occurrence? Not that he drank so much, but it occurred many times.
152. He drank so much that he was unfit for duty? He must have muddled his head so that he could not do his work properly.
153. Did you ever see him in such a state that you would call him tipsy? No, not that I would call tipsy; some people might when he was in that state call him tipsy; he did not stagger.
154. He appeared to carry on the duties of his office tolerably well, did he? Well, when he had been drinking he did not seem to do much work. He generally worked up in our room.
155. He did not do much work? Not at that time.
156. He seemed to neglect his work, I suppose you mean? He seemed as if he did not feel inclined to do any.
157. Then you have seen this on more than one occasion? Yes, on more than one occasion.
158. *By the Chairman:* Was there any evidence that you tendered that was not inserted? I was asked by Mr. Whitton what I saw Mr. Drewett and Mr. Barton drink, and I told him I had seen them drink wine and beer.
159. Was that evidence put down? No, none of these statements. I was asked by Mr. Whitton whether I drank anything myself. I told him that I was a teetotaler, but that once, when I was unwell, I had a glass of wine. Mr. Moody asked me if I knew anything of

- Mr. L. Robertson.  
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- of "Suffolk Punch." I said I saw nothing of it in any place in Mr. Drewett's room, and that I was not in that part of the office where "Suffolk Punch" was acted. I do not think he put down that I was not in the room. When I stated that I saw Mr. Micklethwait under the influence of liquor, I said that I put water on the back of his head, which was not recorded until I insisted upon having it written down. Upon that occasion I stated that Mr. Micklethwait was complaining of going to sleep over his work, and this was not put down in the written evidence. These are the statements I made, which were not put in the evidence.
160. Were the draftsmen in your room fully employed? I was in Mr. Drewett's room.
161. Were the draftsmen fully employed—Mr. Barton, Mr. Drewett, and yourself? There was plenty of work if they attended to it.
162. Did they do as much as you think they ought to have done? No, I should say not.
163. Did Mr. Barton and Mr. Drewett do as much as one ordinary draftsman would do? No, I do not consider they did, if the one draftsman worked steadily all the day.
164. Mr. Barton was sometimes in the office, sometimes in the field, was he not? Yes, he was sometimes in the office, sometimes in the field.
165. About how long has he been in the office now since he was last in the field? I do not exactly know how long he has been away. Ever since we have been in the new office.\*
166. When Mr. Barton was absent, was any other draftsman put in his place? No.
167. Then there were only you and Mr. Drewett in the room? When Mr. Barton was away there were only Mr. Drewett and I in the room.
168. Do you know anything of the long room for draftsmen—do you consider there was as much work done in the room when only you and Mr. Drewett were there as when Mr. Barton also was present? Well, I think not.
169. Then even when Mr. Barton was present Mr. Drewett did not do as much work as he ought to do? No.
170. You do not know how they performed their works in the other rooms, I suppose? I often had occasion to go into the long room, but never worked down there.
171. In your casual visits to that room, how did the gentlemen there seem employed? They used to seem at work when I went down, but I often caught them turning to their work as if they had just previously been talking.
172. Could they see you approaching? No, but they could hear me.
173. Then they did not know who it was that was coming? No.
174. Did you ever see Mr. Micklethwait shew Mr. Drewett an advertisement he intended to put in the paper, with reference to carpenters and engineers? Yes, I recollect him bringing that advertisement up to Mr. Drewett's room.
175. And shewing it to Mr. Drewett? He read a part of it to Mr. Drewett.
176. Do you remember the conversation that took place between Mr. Micklethwait and Mr. Drewett on that occasion? I do not remember the particulars; I recollect that Mr. Drewett tried to persuade Mr. Micklethwait not to insert the advertisement.
177. Do you know whether an advertisement of that sort appeared in the newspaper? I never saw it, nor have I heard of one like it appearing in the paper.
178. Do you remember Mr. Gardiner drawing your attention to Mr. Drewett's appearance, considering that it was stupid? He did call my attention to it once, but it was after Mr. Drewett had gone out of the room. I was then working in another room along with Mr. Gardiner for a short time.
179. You had not then an opportunity of seeing whether he was really stupid in his appearance or not? No.
180. Do you know whether Mr. Drewett was aware of the disorderly state of the long room? There occurred there one day a fight between Mr. Hall and Mr. Deering, and I know he knew of that because I was in the room with him at the time, and we heard the noise beyond in the long room. The stools toppled over, and after the fight others came up and spoke to Mr. Drewett of it in my presence.
181. Did he go down to the long room then? No, he seldom went there; he generally sent me for what he wanted there.
182. Do you know whether Mr. Barton often went into the long room? He seldom went into the drawing room.
183. Did Mr. Barton work in the long drawing room? He did for the first two or three months I was there; but he has not been working there for the last two years and a half.
184. Then he could scarcely know the state of it? He had no opportunity of knowing the state of the department there. I know he knew about the fight between Mr. Hall and Mr. Deering, from people telling him about it.
185. Did you ever hear him speaking of it? I have heard him and Mr. Drewett talk of it together.
186. The wooden office was removed from the old premises occupied by the department to the new ones? Yes.
187. And is still placed in the back yard? It is placed in the back yard.
188. When you occasionally went into the drawing room, did you experience an offensive smell? Never.
189. Were there any water-closets near the drawing room? Not nearer to the drawing room than the main building. They are in the middle of the yard, about fifteen feet from the building.
- 190.

\* NOTE (on revision): Mr. Barton was in the office before I came. The last time I recollect Mr. Barton going into the field was about two and a half months ago, when he went with Mr. Whitton up to the north.

190. How were they constructed? With the ordinary cesspool.
191. Were there any offensive smells in the drawing room from these closets? If there was it could not be owing to the dampness from the water-closets getting into the building, because they were on piles about six or eight inches in diameter, and the building was raised from the ground.
192. Giving a free current of air beneath? Yes, there was space enough for anyone to crawl under.
193. Are they now erected on the same principle? Not on piles.
194. But nevertheless there is a free draught of air through it now? Yes; it is now put upon lumps of wood about a foot in diameter and about eighteen inches deep.
195. Since the removal to the new offices, Mr. Barton has had a room of his own? Yes.
196. Have you seen any quantity of drink—wine, spirits, or beer—taken into his own room? Not into his own room, but I have seen it when he was in Mr. Drewett's room.
197. In what quantities? I have known a dozen or more to come in at one time.
198. That was when Mr. Barton and Mr. Drewett were working together? Yes.
199. Did you give this in your evidence? No.
200. Did you let the Minister for Works know of it? I was not examined. I expected to have been examined and cross-questioned upon the evidence I gave, and then these things would have come out.
201. What was your reason for not giving this evidence when you were examined? Because I was not aware of the general nature of the inquiry. I was led to suppose it referred only to Mr. Hall and Mr. Micklethwait.
202. But then were you not asked with reference to any other person in the office? Only with reference to them.\*
203. Have you often seen drink in that quantity brought in? Not often.
204. More than once? Not in such large quantities as came in then.
205. Who brought it? Some stranger; I do not know who he was.
206. Could you name a messenger that you have seen bring in wines, spirits, or beer, more than once for these persons? Yes—Fitzgerald.
207. Did he generally bring it? He generally brought the drink in.
208. What is the boy's name—his mother lives upon the premises, does she not? Fitzgerald's mother lives on the premises. There is a boy, but I do not know his name; it is Garvin or Garwan.
209. Did you ever see him bring in beer or spirits? No, not that I recollect.
210. What is Fitzgerald's mother? She is the housekeeper.
211. And Fitzgerald is messenger? Is messenger.
212. Did you ever see Mr. Gardiner offend or insult any gentleman in the office? Never during the time I have been there.
213. Have you seen others needlessly insult Mr. Gardiner? I have heard them speak in a very nasty manner of him, but never knew them insult him to his face.
214. What have you heard them say of him? I have heard Mr. Drewett ask Mr. Barton two or three times not to give Mr. Gardiner work, and to report that there was nothing more for him to do.
215. For the purpose of getting him dismissed? Yes.
216. Have you heard the same with regard to Mr. Trengrouse? I have heard Mr. Drewett say they ought to give the old fool a pension and get rid of him.
217. Referring to Mr. Trengrouse? Yes.
218. Have you heard Mr. Micklethwait insult Mr. Gardiner and challenge him to fight? I have heard in the office that he did so.
219. Who mentioned it in the office? Mr. Mackay mentioned it once. Mr. Telmon also spoke of it. He told me that if there was any inquiry he would let these things be known; that he would tell of Hall's and Micklethwait's carryings on in the office, and besides he would tell about Mr. Micklethwait insulting Mr. Gardiner and offering to fight him. Besides Mr. Telmon informing me of this, he came into the room to Mr. Doherty and Mr. Gardiner in my presence, and said that Mr. Mackay had been speaking ill of them to the contractors, in an injurious manner, and one of the contractors told Mr. Mackay that he ought not so to speak of gentlemen behind their back.
220. How do the draftsmen in this office come into contact with the contractors? The plans are generally exhibited in the long room where the draftsmen are.
221. The plans are there for the purpose of contractors taking out the quantities? Yes.
222. Have you ever been present when contractors were taking out the quantities? Once or twice, but not to stop there at all.
223. Do you know anything of the Burwood Station-house? What—the plans of it?
224. Yes? No, I do not; I have seen the plans.
225. Have you seen the house? Yes.
226. What time would it require to take out the quantities? Not a morning.
227. More than two hours? No, I do not think it would.
228. Have you heard that any of the draftsmen in the office waste their time in talking to the contractors, instead of going on with their own duties? When Mr. Telmon came up that time, he told me he intended to tell about Mr. Mackay wasting his time in talking to the contractors. This was whilst Mr. Hall was away that he told us this.
229. Have you heard of chloride of lime being used in the long room? No, I never heard of it until I saw it in the papers.
- 230.

\*. NOTE (on revision):—Besides being asked about Mr. Hall and Mr. Micklethwait, I was asked about Mr. Gardiner, Mr. Drewett, and Mr. Barton; but the questions and answers were not written down.

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230. Do you think it was necessary to use it in consequence of the stench arising from the water-closets? No, I did not hear of it until I saw it mentioned in the papers; there was no stench from the closets even in the yard.
231. And no disinfecting fluid was required? No; there is not the least smell.
232. Then you are sure it would not require above two or three hours to take out the quantities of such a building as the Burwood Station? Yes.
233. Do you know what description of work Mr. Hall has been performing for the last two years and a half—whether he has been exclusively engaged on station-houses? Exclusively upon station-houses.
234. Has he an assistant? Yes, Mr. Mackay.
235. How long has Mr. Mackay been acting as Mr. Hall's assistant? Ever since he has been in the office. He came about the same time as I did—about three years and a half ago.
236. And he then commenced to act as Mr. Hall's assistant? Yes, except for a very short time he has ever since acted as Mr. Hall's assistant.
237. Have you ever seen the works of Mr. Trengrouse? Yes.
238. Is he a good draftsman? The finest in the office. There were no plans in the office that can equal his made three or four years ago.
239. What has he been engaged on latterly—what work? Making out copies of the land plans that accompany the deeds when the Government are taking land for railway purposes.
240. That is a duty which I believe is considered the most inferior draftsman in the office should be engaged in? Yes, and besides he generally used to make calculations of the quantities to be taken.
241. He has not been engaged on any large plans latterly? No, exclusively upon that kind of work.
242. But you have no doubt as to his qualifications to be engaged on the most extensive works in the department? No, not the least.
243. Is it not strange that he should be engaged on trifling matters, being an officer of such ability, and whilst inferior men are employed on extensive works—did you ever hear any allusions made to this? No; I only know that Mr. Drewett and I have heard that Mr. Whitton has an ill feeling towards him, and I cannot ascribe it to anything else.
244. I believe Mr. Trengrouse is the only officer in the department whose salary has not been increased? I think so.
245. Do the draftsmen or other officers often have leave of absence? They could get it if their requests were reasonable, but not if they asked for it too frequently.
246. But there is no rule for granting leave of absence? I do not know, but I believe there is some rule for allowing a certain amount of absence on leave in the year, though I do not understand the rule.
247. You were there three years? Yes, more than three years.
248. Do you know how many days you were absent? I cannot say.
249. Were you absent often? Very seldom. Besides the general holidays that we had, I do not think I was absent more than about twice throughout each year.
250. How many days at a time? One.
251. Then with the exception of general holidays you only got leave of absence for about two days in each year? I believe so; it was about that; I cannot exactly say.
252. Did you ever hear of any gentleman in the office who happened to be absent whose time was stopped from his salary? There was an occasion at the time of some races when some gentleman stopped away, and had part of his salary stopped; I believe Mr. Trengrouse had his salary stopped at that time.
253. Were there any other cases of the same kind? I think Mr. Hall had his salary stopped on one occasion.
254. Has Mr. Hall been often absent from the department? I cannot tell that, because he was not in the same room.
255. What works have you been engaged on? Chiefly in making drawings for bridges and viaducts.
256. Is that considered better work than making plans such as Mr. Trengrouse has been making? Yes.
257. Then you should have been engaged in such work as Mr. Trengrouse has had, and Mr. Trengrouse on superior work? I should think he ought to be engaged on superior works, being a better draftsman.
258. Who was engaged in drawing the plans of the Menangle Bridge? Mr. Drewett.
259. How long was he so engaged? A long time; they were engaged on it before I came to the office.
260. And how long since you came to the office? Well, I should say more than six months, I should think, and they have been engaged on little parts of it up to the present time.
261. Who do you mean by they—was there any one besides Mr. Drewett? Others have had something to do with it in the way of making tracings and such things.
262. Have they had two or three finished plans? There are two sets of designs, besides lots of other sketches, altogether making a roll of about a foot in diameter.
263. Can you tell me how long it took Mr. Drewett to draw the plans? I cannot.
264. On the whole do you think the draftsmen in that department are fully engaged? I consider that they had plenty of work to do.
265. But did they do it? I cannot say as to the people down in the long room.
266. But you have no doubt that Mr. Drewett and Mr. Barton did not do more than one ordinary draftsman should do? None whatever.

- 267. And Mr. Drewett is the head draftsman in the establishment? Yes, he is looked upon as the chief draftsman, and has the highest salary. Mr. L. Robertson.
- 268. Was there any head man in the long room, or who was looked upon in the department as the person in charge of that room? There was no head of it at all not down there. 13 Oct., 1863.
- 269. Are you dismissed? I am not aware that I am; I am suspended.
- 270. You have not been taken on work since, have you? No, not since.

TUESDAY, 20 OCTOBER, 1863.

Present:—

MR. DALGLEISH, | MR. GARRETT,  
MR. MORRIS.

JOHN LUCAS, ESQ., IN THE CHAIR.

Alexander Campbell Budge, Esq., called in and examined:—

- 271. *By the Chairman*: What position do you hold? Clerk of the Executive Council. A. C. Budge, Esq.
- 272. You received a summons from this Committee to produce some documents? I did.
- 273. Do you produce them? No; those papers were withdrawn from my custody by Mr. Holroyd yesterday morning, before the receipt by me of the summons from the Committee. 20 Oct., 1863.
- 274. Did you apply to Mr. Holroyd for them afterwards, and let him know that you had received a summons from the Committee to produce them? No, I did not.
- 275. Then those documents not being in your possession at present, you are not in a position to produce them? No.

Mr. Louis Robertson again called in and further examined:—

- 276. *By the Chairman*: You were examined before the Committee the other day? Yes. Mr. L. Robertson.
- 277. Have you been dismissed? Not that I am aware.
- 278. Suspended? Yes.
- 279. Was the only reason given for your suspension that you had written a letter to Mr. Gardiner? That is not stated in my letter; it states that I am suspended in consequence of disclosures made in the evidence. 20 Oct., 1863.
- 280. You believe that is the reason of your suspension—that you wrote a letter to Mr. Gardiner? I wrote a letter to Mr. Gardiner.
- 281. Was it at his request? It was in answer to a letter —
- 282. Which he wrote to you, wishing you to communicate with reference to something that took place in the department, and you, not expecting that Mr. Gardiner would publish your letter, wrote to him? Yes.
- 283. Has any complaint been made of you since you have been in the department? I am not aware of any; if there has I have never been made acquainted with it.
- 284. Have you ever received any reprimand from any superior officer? Never since I have been in the office.
- 285. *By Mr. Garrett*: Have you a copy of the letter with you? No.
- 286. *By Mr. Dalgleish*: You stated that you saw Mr. Drewett drinking beer? Yes.
- 287. Mr. Drewett is the chief draftsman in that room? Yes, I believe he is.
- 288. In the room where you were? Yes.
- 289. You said you had not known him drink to excess? Not what I should consider to excess.
- 290. What do you mean by drinking to excess? By drinking to excess, I mean when a man gets thoroughly tipsy—when he staggers.
- 291. Did you ever see Mr. Drewett that he could not do his duty, as you considered, from the effects of drinking? I have seen him stupid from the effect of what he has drunk.
- 292. At what hour in the morning did Mr. Drewett come to the office as a rule? He used to come at half-past 9 and occasionally at 10.
- 293. What is the proper time for coming to the office? 9.
- 294. Was he very attentive to his duties—did he spend the principal part of his time in drawing? I should say he spent about a third of his time at work, at a rough estimate.
- 295. How did he spend the rest of his time during office hours? Occasionally he had the papers reading, at other times he was talking to Mr. Hall and Micklethwait about various matters, and he was often away from the office.
- 296. Absent from the office during office hours? Yes.
- 297. On public business? No, on his own business.
- 298. You say he read the newspapers in the office during office hours? Yes.
- 299. What newspapers did he read? Generally the *Herald* and *Empire*; he used to waste a good deal of his time in searching for old plans.
- 300. That was office business I presume? That was office business.
- 301. Mr. Drewett and Mr. Barton used to be in the same room? When Mr. Barton was in the office he used to be in Mr. Drewett's room.

- Mr. L. Robertson.  
20 Oct., 1868.
302. When they were together did they attend to their duty—or in what way did they spend their time? They generally used to be talking about various matters, reading the papers, and disputing about political questions.
303. Disputing about political questions in office hours? Yes.
304. Do you remember any particular conversation on political matters? Not in particular; they used to discuss the merits of the speeches of different Members.
305. When they were doing this they were not attending to their work, they were not drawing at all—this was not a conversation at intervals, but a kept up conversation? A kept up conversation.
306. I think you said you had heard Mr. Drewett speak disrespectfully of Mr. Gardiner and Mr. Trengrouse? Yes, I heard it very often.
307. Do you remember anything derogatory to them he was in the habit of stating during the time you were in the office? I heard Mr. Drewett say to Mr. Barton, when Mr. Gardiner came into the office last, that “there was that Irishman come back again; he wondered what Whitton was about in allowing him to come back again;” and I heard him call Mr. Trengrouse an old cut-throat and an old fool very often.
308. What kind of work was Mr. Drewett generally engaged on—what description of plans? Bridge drawings.
309. Did he make original designs for the bridges—viaducts I presume you include? Bridges and viaducts; he used to copy them from books of plates or old drawings.
310. From engineering works? Principally from books containing nothing else but drawings.
311. He did not make out original sketches of plans? He did not make original plans.
312. You say he got up his drawings for bridges and viaducts from books of drawings in the office? From books of plates in the office.
313. Is he in the habit of calculating the strains on different parts of the bridges? I have not known him; in fact I do not think him competent.
314. Some one must calculate the strains on the bridges, I presume? I have not known any one in the office to calculate them.
315. Do you mean to say that bridges for railway traffic are made without any calculation as to the strain upon and the strength of those bridges? Yes.
316. They are made by rule of thumb? By rule of thumb. They are copied from books, and the calculations of other people are depended upon.
317. Do you know if Mr. Drewett understands the principles of mechanics? He does not understand the first elements of mechanical science at all.
318. Is he a mathematician? No.
319. Is he a good hand at practical calculation? He is even a bad hand at that. He was far worse when I first went into the office than he is now.
320. Does he compile the whole quantities of the bridges he designs? Occasionally, but Mr. Gardiner and myself have taken out a great many of them; when he did any he generally gave them to Mr. Gardiner or me to check.
321. I presume it is usual to have them checked? Yes.
322. He does take out his own quantities? He does take out his own quantities in a way.
323. Who generally takes out the quantities—is there any person in particular to whom this work is allotted? No particular person; it is considered to be Mr. Drewett's duty to do it.
324. You say Mr. Drewett occupies a good deal of time in searching for plans—Is there not a regular plan book and a regular place for depositing the plans, so that they may be found in a moment? There is no particular place—any one takes them as he likes; they are scattered over the office.
325. This must lead to great loss of time? Yes. I have spent two days in succession in searching for plans, and I know Mr. Drewett has done the same. Mr. Doherty spent a day in searching for a plan along with me.
326. Both Mr. Doherty and yourself have spent a whole day in searching for one plan? I have spent two days in searching for a plan, and Mr. Doherty has spent a day with me.
327. Were matters always in this state in the office? In respect to plans; there has been no regular method of keeping plans in my time.
328. Do you remember the occasion when Mr. Gardiner was reported by Mr. Drewett to Mr. Whitton, for having used threatening or disrespectful language to him? Yes, it was on the 13th July, I think.
329. That was after Mr. Gardiner had reported Mr. Hall and Mr. Micklethwait for drunkenness? In the question you just now asked me you referred to Mr. Drewett's report?
330. I say did Mr. Drewett report Mr. Gardiner after Mr. Gardiner had reported Mr. Hall and Mr. Micklethwait for drunkenness? Yes, a long time after.
331. Were you present when Mr. Gardiner spoke to Mr. Drewett on that occasion? I was not in Mr. Drewett's room, but I was in the room with Mr. Gardiner when he went to Mr. Drewett's to speak to him. On that occasion Mr. Drewett brought some tracings of Mr. Gardiner's plans with “error” marked on them in large red square letters, and put them on the table before him.
332. What plans were they? Some plans I think referring to the Mudgee road.
333. Were they plans connected with the Railway Department? No, the Roads Department.
334. Were they plans that Mr. Drewett had any control over? He had nothing to do with those plans.
335. They must have been searched out and put there for the purpose of irritating Mr. Gardiner? I cannot say they were searched out; I believe they were put there for that purpose, for there was nothing to be done to them.

336. Was Mr. Gardiner much excited? He did not appear to be much excited.
337. Were you in the same room as Mr. Gardiner? Yes, at that time.
338. Did Mr. Gardiner speak to you about this matter at the time? He said something about it after he came out from Mr. Drewett. He said Mr. Drewett was a good fellow; he had nothing to do with this—meaning the error—and referred him to Mr. Barton.
339. He exonerated Mr. Drewett from having had anything to do with it? Yes.
340. When Mr. Gardiner spoke to Mr. Drewett was he excited—did he use any loud language? I could not hear any loud language, though his door was open, and his door was next to ours. I heard the murmuring of voices, but it did not sound as if there was any loud talking.
341. You did not hear any violent words? I did not.
342. Could you have heard them if they had been used? I believe I could.
343. You say Mr. Gardiner did not appear to be at all excited when he came in? No, he seemed better pleased than when he went out.
344. You say Mr. Drewett referred him to Mr. Barton? Yes.
345. Who is Mr. Barton? Engineer for trial surveys, I believe.
346. Is he the gentleman who made the survey of the Valley of the Grose? I believe so.
347. Was that survey ever completed? I think it was completed, but I do not think it was ever used; it was found to be impracticable to carry the railway up that valley.
348. You do not know that of your own knowledge? No, only from what people say.
349. You said in your last examination, that you saw Mr. Barton standing at a window with a glass of wine or other liquor in his hand, and drinking to Mr. Hall in another part of the building? Yes, I did. Mr. Hall was in the long room in the yard, and Mr. Barton was in Mr. Drewett's room at the top of the house, and could just see through the window into the long room.
350. You saw him yourself? Yes, I was in the room at the time.
351. I think you said you had known Mr. Barton to have a dozen of wine brought into the office at once? Yes, I have.
352. Did Mr. Barton make any motions of encouragement to Mr. Hall, in consequence of this scene that had taken place? It was about three days after Mr. Gardiner reported about Mr. Hall, and he drank to him as if congratulating him upon having burked the inquiry.
353. Of course you could not tell that? It was evident from the way in which he did it.
354. That was your impression? Yes, from the way in which it was done.
355. You say you have known Mr. Barton to be flushed from drink? Yes, I have.
356. But you have not seen him tipsy? Not what I call tipsy.
357. What do you call tipsy? When a man is staggering about.
358. What do you mean by being flushed with drink? When a man's face is quite flushed up with it—when he has had enough drink to incapacitate him for work—to muddle his head.
359. You think when a man is flushed with drink he is not fit to do his work—does your experience justify that? I have never been drunk myself.
360. Has your experience of those who have been flushed with drink been that they were not capable of doing their work? They never did their work whether they were capable or not.
361. Did I understand you to say that you have frequently seen Mr. Barton unfit for work? I have often seen him in that state.
362. What kind of work does Mr. Barton do in the office, seeing he is Engineer for trial surveys? He generally has something to do with the plans he sends out to the surveyors. A great part of his work is calculating quantities of earth-work.
363. He calculates the quantities of earth-work—the surveys of which he has made in the field? Yes, for trial lines.
364. Was any other person engaged with him in this way? Mr. Gardiner.
365. Is that considered to be scientific work? It is considered to be pretty fair work—work that requires a little science to do it. Mr. Trengrouse, junior, was on it for a time.
366. Mr. Gardiner, you say, used to make these calculations with Mr. Barton? He used to check Mr. Barton's work.
367. Did he find Mr. Barton's work correct, do you know? He used to say he very often found it incorrect; but I have no other proof than his saying so.
368. You have heard Mr. Gardiner say that Mr. Barton's work was not correct? That it was not always correct.
369. Have you ever heard of any trouble being given by the inaccuracy of Mr. Barton's calculation? I have heard of inaccuracy in calculating the area of land taken for railway purposes at Penrith, and I believe Mr. Barton made those calculations.
370. Are you able to calculate the areas of cross-sections? Yes.
371. And the contents of earth cuttings? Yes.
372. Areas of blocks of land? Yes.
373. You could do that yourself? Yes.
374. You would be competent to form an opinion of another person's competency in that respect? Yes.
375. Are you capable of doing the general work that Mr. Barton was engaged upon in the office? I think I am.
376. So that you are capable of giving an opinion from your own knowledge? Yes.
377. What salary does Mr. Barton receive—do you know? I do not know what his salary is. I think it is something like £800 a year; I cannot say.
378. Was Mr. Barton fully occupied in the office? He very often was not in the office, and he used not to stick to work very much when he was in the office.

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379. What do you mean by "he very often was not in the office"? Sometimes he was not there all the day, and sometimes he was away half the day.
380. During the time he ought to be engaged in his work? During the time he ought to have been in the office; sometimes he used not to be there at all, and sometimes he went away just after dinner-time.
381. Was he fully occupied when he was in the office? No, not always; he used not to work very hard.
382. How used he to fill up his time in the office? In much the same way as Mr. Drewett; he used to have others in the room talking with him; he used to read the papers, and that sort of thing.
383. What particular papers did he read? He used to read the *Empire* and occasionally the *Herald*; he also received the *Bathurst Times*, the *Lachlan Observer*, and some others.
384. You say you have seen as much as a dozen of wine come into Mr. Barton's office at one time? Yes.
385. In what part of the office did Mr. Barton keep his wine? He used to keep it locked up in a press in Mr. Drewett's room.
386. That is the room in which he was employed? Yes.
387. Did his friends assist him to drink it? Mr. Drewett used to help him occasionally, but I do not exactly remember any one else drinking it.
388. Independently of this he used to have wine in at luncheon time? Yes.
389. He did not confine his drinking to the time of luncheon? Not to the time of luncheon or any time in the day.
390. Did you ever see him under the influence of drink in the office? I cannot mention any particular time.
391. Was Mr. Micklethwait in the same room? No, in the long room generally.
392. That is the room where Mr. Gardiner was employed? Yes.
393. And Mr. Hall? And Mr. Hall.
394. You say you have seen Mr. Micklethwait drinking in the office? No, I do not remember.
395. Perhaps I made a mistake—Did you ever see him under the influence of drink? Yes, he was generally not what I should consider sober, and two or three times I have seen him regularly under the influence of drink.
396. Did you ever see him sober in the office? If I did it was very seldom, for he generally stunk of brandy and looked as if he had been drinking very much.
397. Was he on very intimate terms with Mr. Drewett? Yes, they were very great friends; they were on visiting terms with each other.
398. Was Mr. Drewett made aware of the report Mr. Gardiner made against Mr. Hall and Mr. Micklethwait? Yes; Mr. Micklethwait came up into Mr. Drewett's room and was talking of the report Mr. Gardiner had made on the same day that the report was made.
399. Was he complaining of the report? Yes, but I do not recollect the words he said.
400. Did you ever see Mr. Micklethwait working in the office? Occasionally I have seen him in the long room.
401. He was not working as a rule? He was a great part of his time out in the country.
402. I mean when he was in Sydney, while he was in the long room? I often saw him when I was down there.
403. Did he ever work in the room where you were employed? Yes, I recollect his working once in our room.
404. Was he working as a draftsman? He was plotting some section.
405. Is he a neat draftsman? No, a very bad draftsman.
406. Is he a correct draftsman? I think not, for on that occasion he could not plot the section from his own levels.
407. That is why you think he was not a good one? Yes, he could not plot his own work from his own level book.
408. Do you think his inability was caused by drink? I think it must have been.
409. Did he smell of drink when he was doing that work? I do not exactly remember that, but he generally did.
410. He generally did his work in the long room? Yes.
411. Did you ever see him at work in the long room? Yes.
412. Did you ever enter the long room when Mr. Hall and Mr. Micklethwait were in the small room, at the end of the long room? I have been into the long room, and have heard people in that room when the door has been sbut, and I have noticed that Mr. Micklethwait and Hall were not in the long room.
413. You have not seen them in the small room at the end of the long room? I have seen them come out together.
414. Did you ever see them drinking in the small room? No.
415. Had they the appearance of having been drinking when they came out? Yes, they looked like it.
416. What was this small room used for? Keeping plans, paper, chains, and other things.
417. A kind of store room? Yes.
418. So that their business would call them there? Only occasionally, to get a plan; it would not call Mr. Hall there, for he had nothing to do with the plans that were in there.
419. Do you know Mr. Doherty? Yes.
420. Have you seen his work? Yes.
421. Is he a neat draftsman? Not a first-rate draftsman, just passable.
422. What work was he employed upon? He was employed upon making tracings of plans; he very often used to distribute the quantities of earth-work on the sections from the disposal sheets.
- 423.



423. Was he working in the same room with you? He was for a short time—during the time we were in the new offices.
424. Have you seen Mr. Doherty drinking? No.
425. Have you seen him the worse for drinking? No.
426. Have you seen Mr. Trengrouse drinking? No.
427. Have you seen him the worse for drink? Never.
428. Do you know, or did you know, a draftsman of the name of Deering in that office? Yes; a draftsman of that name came about the same time that I did, but he was not there long.
429. Do you know if Mr. Deering and Mr. Hall ever fought in that office? Yes; I heard the noise caused by the fight, and I heard, the same day, people coming up and talking about it.
430. That Mr. Hall had been fighting with Mr. Deering? Yes.
431. In the office? In the office.
432. Do you know that Mr. Deering has denied that in the newspaper? I have heard it said that he did, but I have not seen the letter.
433. Have you known Mr. Hall to fight, or to have disturbances with any other draftsman in the office? No, I do not recollect anything of the sort, except that there was a little bit of disturbance between him and the Frenchman. The Frenchman said he had been called a criminal, or something of that sort; that is the only thing of the kind I recollect, but that I was told—I did not see that.
434. When you gave your evidence before Mr. Whitton and Mr. Moody, did you complain that your answers were not put down as you gave them? Yes; I wrote a letter to Mr. Arnold, stating that it was the case.
435. Did you complain to Mr. Whitton at the time you gave your evidence, that it was not put down? No, I asked him to put down two or three things which were not.
436. Had you a copy of the evidence you gave? No.
437. Was it read over to you? Yes.
438. Did you object to it at the time? I objected to those things being left out—that one thing was put in and another was not put in.
439. Have you seen drink brought into the office by the messengers? Yes.
440. In what quantities? I cannot say what quantities; I have seen them fetch it in a basket, and I think in a carpet bag; I could not tell the quantity in it.
441. Did Mr. Gardiner drink in the office? Not that I am aware of.
442. How many persons were there in the long room? Mr. Telmon, Mr. Hill, Mr. Micklethwait, when in town, Mr. Trengrouse, junior, Mr. Mackay, Mr. Fearnside, Mr. Gardiner, and Mr. Doherty.
443. Have you seen chloride of lime put about the floor of the long room? No.
444. Have you ever observed it when it has been there? No, I never heard of it till it was mentioned in the House.
445. Have you observed foul smells from drink when you have been there? No.
446. Have you experienced foul smells from any other cause? No, I have never experienced any disagreeable smell of any sort in the office since I have been there.
447. *By the Chairman*: Is it not usual for draftsmen to take out the quantities in the work they have designed? It is—at least it is so in our department; I do not know how it is in other places.
448. Is Mr. Drewett considered a sort of eaves-dropper in your department—has he ever been detected listening at the doors? Not that I am aware of.
449. Has Mr. Drewett ever been absent from the office? Yes, very often.
450. Has he been absent in consequence of sickness? Sometimes; very often he used to go away in the afternoon.
451. Have you known him to be absent above a day at a time? I have known him to be absent from sickness for two or three days.
452. Did that happen frequently? Yes, it occurred a good many times.
453. Do you know a gentleman of the name of Mann in the department? I did know him; he is up the country now.
454. Was he a draftsman in your office? Yes; and a kind of surveyor too I think.
455. Have you seen any of his work? Yes.
456. Have you seen Mr. Trengrouse, junior's work? Yes.
457. Was Mr. Mann or Mr. Trengrouse the better draftsman? I should say that Mr. Trengrouse was the better of the two.
458. Have you seen any work from Mr. Mann sent into the office? Yes, I have seen some of his plans—plans of pieces of land which he has been to survey have been sent into the office.
459. Have they been found to be correct? I think I recollect one occasion when his work was not found to be correct; it was some plan in reference to some station ground.
460. Were his plans generally creditable? They were not good specimens of draftsmanship; I never had an opportunity of examining into their contents myself, therefore I do not know about their accuracy.
461. Were you in the office when Mr. Mann received his appointment? When he received his appointment to go out on the surveys I was in the office.
462. Do you know whether he was ever in the field, before practising survey? He used to go out occasionally to do little pieces of work, but he never had any large job I think.
463. Do you know where he acquired the art of surveying? No I do not.
464. Was it generally considered in the office that he was qualified to go into the field as a surveyor? I do not know; I never heard any one express an opinion upon it.
465. Do you know whether Mr. Mann has had his salary increased? He had his salary increased when he went up surveying.

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466. Do you know what increase he received? I am not aware what was the increase he received.
467. Do you know whether Mr. Trengrouse, junior, has had his salary increased? Yes, he had his salary increased once when he was there; he had it increased I think the beginning of this year.
468. Is Mr. Trengrouse, junior, a good draftsman? Yes.
469. Who do you consider the best draftsman in the office? I consider Mr. Trengrouse, senior, the best draftsman in the office.
470. Was he generally kept to the best work? I think he generally had the easiest work.\*
471. The most inferior? The most inferior.
472. Such work as should be given to the most inferior draftsman? Such work as boys could do.
473. Do you know whether there are any plans in the office which have been drawn by Mr. Trengrouse, senior? There are some plans belonging to the Campbelltown line, but I could not exactly specify them.
474. Are there some plans kept secret in the office? Not that I am aware of.
475. Who has charge of the plans? No one in particular.
476. You have already said that they are not properly arranged? They are not properly arranged; they are all over the office—some in one room and some in another.
477. How many sets of plans were drawn before the Menangle bridge was decided upon? Two sets were made, besides other sketches and drawings.
478. Is it usual to complete a set of drawings in the engineering department before some design is decided upon—is it not usual to make sketches and estimates, and then, when the matter is decided, to finish the drawings? Yes, and then make up the regular drawings.
479. Nevertheless you have known two complete sets of drawings to be made of the Menangle bridge? Yes, the details, quantities, and everything taken out—one for a wooden viaduct, with laminated arches, and the other for that now up—iron girders, with stone piers.
480. *By Mr. Morris:* What are the peculiar duties you have to perform? Making drawings for bridges and viaducts.
481. Who was the head of the room you were in? Mr. Drewett.
482. Had not Mr. Drewett the charge of these plans which you say were always in such disorder? It was considered that he had charge of part, if not of all of them.
483. The irregularities which you have detailed, have they been going on for any great length of time? Yes, most of the time I have been there.
484. How long have you been there? Three years and a half, or more.
485. Did it never occur to you to represent to the head of the department these irregularities? I did not consider it my duty to represent them, as I was in such a subordinate position.
486. But nevertheless you have represented it to other people, though you did not consider it your duty to represent it to the head of your department? I never made any representation about it.
487. Have you not represented it to Mr. Gardiner? Not that I am aware.
488. What then was the tenor of the letter which has been referred to? Yes, I did mention that about seeing Mr. Micklethwait tipsy.
489. Did it not occur to you that, being in the pay of Government, it was your duty to represent anything that was being done in the office of an improper character, to your superior officer? I did not think it my duty; in fact I did not give it a thought.
490. If you were in private service, would you not consider your conduct very reprehensible, if you were not to represent to your employer anything you saw going on amiss in his office? I did not consider it to be my duty to make complaints.
491. Do you consider that you have a great amount of conscientiousness, under all these circumstances? I consider that I have as much as any one else.
492. These expressions to which you have referred, of "cut-throat" and "fool"—did you retail them to the parties to whom they were applied? No, I did not.
493. Have you been on bad terms with Mr. Drewett? I have not been on bad terms with anybody in the office.
494. You never by your manner expressed to the parties themselves your disapproval of their conduct? I have never participated in it; I have always kept myself clear of it.
495. You have managed to keep good friends with all? Yes.
496. Do the clerks or gentlemen in your office go out to luncheon? They are supposed to have luncheon in the office; a good many of them I think go out.
497. Does Mr. Drewett have luncheon in the office? He very often does; he often goes out when Mr. Whitton is not there.
498. Used Mr. Hall to have luncheon in the office? I do not know; he is in another room.
499. This drinking, has it not mostly occurred during luncheon? Yes, most of it on the part of Mr. Drewett; Mr. Barton used to drink at all hours of the day.
500. What did Mr. Barton drink? He used to drink wine generally—sherry.
501. You having observed Mr. Barton so closely, perhaps you can say what quantity he drank—did he drink a bottle? I have known him drink four or five half-tumblers of wine, somewhere about that, I do not know exactly; I know he used to drink a good deal.
502. You have said that much of the work done by gentlemen in the office, by Mr. Drewett and others, is not very accurate—was that performed by Mr. Gardiner very accurate? I am not aware of how his work was performed; I seldom had anything to do with his work.
503. Did you ever see any of the drawings made by him? He was not engaged upon any regular drawings; I have seen sketches made by him.

504. Would you call Mr. Gardiner a good draftsman? I never had an opportunity of testing him; he was mostly engaged in taking out quantities and in making tracings.
505. In boy's work? In making tracings.
506. That is a kind of thing a boy could do? Yes.
507. Is Mr. Gardiner very good at taking out quantities? Yes, Mr. Gardiner is a first class mathematician.
508. How are you able to judge? Because I understand mathematics, and I know he is far superior to myself.
509. Is there much difficulty in taking out quantities? There is not much difficulty if everything is square; it depends upon the shape whether there is much difficulty in it.
510. Can you tell the names of the gentlemen who have been suspended as well as yourself? Mr. Doherty, Mr. Trengrouse, senior, and Mr. Hall.
511. What were Mr. Hall's peculiar duties? Making drawings for station buildings.
512. Was he a good hand at that kind of thing? His drawings seem to be done pretty well.
513. Then it appears that three of the best draftsmen in the office have been suspended, Mr. Doherty, Mr. Trengrouse, and Mr. Hall? I do not consider Mr. Doherty a first class draftsman; Mr. Hall is middling, but not first rate; Mr. Trengrouse is first class.
514. What things were left out, in the evidence taken by Mr. Whitton and Mr. Moody, of the evidence you gave? I was asked by Mr. Whitton if I had ever seen Mr. Gardiner drinking, and I said no; that was left out. He asked me if I had ever seen any one else drinking; I said I had seen Mr. Barton and Mr. Drewett drinking; that was left out. He asked what I had seen them drinking. That was left out, and a number of other things.
515. You were being examined, then, with regard to the conduct of Mr. Barton and Mr. Drewett? So it would appear from the way he put the questions, but my answers were not taken down.
516. You mentioned just now that there were two sets of drawings made for the Menangle bridge as though they were not necessary, but were not these two different plans? Yes, two different kinds, one made for a wooden bridge and the other for iron girders.
517. They were not made simultaneously? No; I do not see why detailed and finished up plans should have been made.
518. You seem to have a very low opinion of Mr. Micklethwait—I understood you to say that you have seldom seen him sober? Yes, what I call perfectly sober.
519. Are you really able to judge—are you very intimate with Mr. Micklethwait, or have you come much into contact with him? I have seen him very often.
520. Did you generally sit in the same room with him? No.
521. Are you able to distinguish between a gentleman being of a nervous constitution, and being what you call perfectly sober? What do you mean by a nervous constitution?
522. A constitution in which a person will tremble and shake as persons often do when under the influence of drink? I think I could judge whether a man was suffering from drink or from disease.
523. You could? I think so.
524. *By Mr. Dalgleish*: Did you not say you smelt the drink? I did.
525. *By Mr. Morris*: I apprehend you could smell a very small quantity of brandy? Yes.
526. Mr. Micklethwait, according to your account, is so unsuited to his office as to be unable to plot his own work from his own level book? Yes, I recollect an instance where he could not plot his own work from his own level book.
527. Did that arise from his incompetency—I mean mental or scientific incompetency—or did it arise merely from some temporary cause? It must have arisen from his own mistakes of some sort or other.
528. In the level book? Yes, or something of that sort.
529. Are you yourself very attentive to your duties—are you always at your post? I was generally very regularly there.
530. Were you ever absent at all from your duties? Not unless I had leave of absence.
531. Used you to have your luncheon in the room? Yes, I always took my luncheon with me.
532. Did you take wine? I think I had only one glass of wine while I was in the office, and then I was not on duty.
533. Do you consider it a very great crime for the gentlemen in an office during luncheon time to take a glass of wine? I should say not.
534. Had you many opportunities of observing Mr. Gardiner's conduct while he was in the department? During the last six or eight months that he was there.
535. Is he of a quarrelsome disposition? Not that I am aware of; he never quarrelled with me or with the other gentlemen in the office.
536. Were you in the same room? Part of the time—six or eight months.
537. Was he given to the use of vituperative expressions? Not that I am aware of; he used to conduct himself in a proper manner.
538. Were Mr. Drewett and Mr. Barton the only gentlemen in the office who occupied their time in reading the daily newspapers and in discussing politics—is it not the practice in the public offices for gentlemen to occupy their time in that way? It was general in their room. I have not had an opportunity of observing anywhere else.
539. Is it not the rule of the office you are in that the gentlemen belonging to it may not read the newspaper out of doors, but only in office hours? Not that I am aware of; I believe that is the opinion of people out of doors.
540. I wish to ask you why, having observed these irregularities, which if substantiated were of the grossest kind, it never occurred to you that you should make them known to the head of your department? It did not.

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541. How can you then expect that any person, finding you to be of so weak a moral resolution and character, will employ you—what dependence could any person place upon you? I did not consider it to be my duty to report these things, as I was in such a subordinate position; I was the lowest in the office.

542. *By the Chairman*: You thought there were plenty of gentlemen receiving a larger salary than you, and that if they chose to pass it over it was not your duty to report it? Yes.

543. Had you heard that complaints had been made to Mr. Whitton as to the conduct of gentlemen in the office, and that he had told the person complaining to mind his own business? I had not.

544. *By Mr. Morris*: Mr. Drewett was the head of your room? Yes.

545. And Mr. Drewett's conduct, as you have represented it, was very gross? Yes.

546. Did it not occur to you that it was your duty to represent to Mr. Whitton the conduct of a gentleman who was so much trusted by himself? I did not consider it my duty to make reports.

547. You considered it was your duty merely to do your work and to receive your pay? Yes, for doing my work, and doing it properly.

548. That is the only idea you have of serving the Government? If I had been in a position where I should have considered myself at liberty to report, I should have done so.

549. Supposing you had seen a theft committed by Mr. Drewett—plans taken away or copies given to contractors in some way that was very irregular—would you have represented it? I should consider that such a thing ought to be represented, but I did not know whether it was my place; other persons were in the office—Mr. Barton was in the office.

550. But Mr. Barton's conduct you say was very irregular, Mr. Hall was not very much to be trusted, Mr. Micklethwait was not very much to be trusted, several other gentlemen were not very much to be trusted,—how then could you expect these gentlemen to complain one of the other? I did not consider it my duty to do so.

551. *By Mr. Dalgleish*: Have you been employed to pour water on the head of Mr. Micklethwait? Yes.

552. Was he then drunk or sober? I should say he was regularly tipsy.

553. Have you had other occasions where you have been brought intimately into contact with Mr. Micklethwait when he has been in that condition? Not in that way, but I have seen him on other occasions when he has not been sober.

554. On that occasion had he been called for by Mr. Whitton, and was he going to see him? I am not aware.

555. When you required leave of absence, to whom did you apply—did you apply to Mr. Drewett in the first instance? Generally to Mr. Drewett; he had the power of giving leave of absence.

556. So that in fact he was the head of that department? He was head of the draftsmen.

557. *By Mr. Morris*: Did you ever come in contact with Mr. Whitton? I used to meet him sometimes; I never had anything to say to him.

558. Was he accessible in his manner? Yes, I never had anything particular to say to him.

559. Did you ever see anything in Mr. Whitton that would lead you to suppose, if you had reported any gross impropriety to him, he would not have listened to you? Yes, because I knew those parties who have carried on these things are Mr. Whitton's fastest friends.

560. That is not an answer to my question—I ask you did you ever see anything in Mr. Whitton's conduct that would lead you to suppose he would not listen to any complaint of impropriety that might have been made? No, only that I know they are all friends of Mr. Whitton.

561. Do you imagine that no person would blame a friend if he had committed an impropriety? I considered that I should not have gained anything, and rather lost something by reporting these things.

562. If you had represented any of these improprieties, could you not have supported your representation by other evidence? No, I was the only person in the office there.

563. Then every person in the office besides yourself misbehaved himself? There were only two in that office—Mr. Barton and Mr. Drewett, and Mr. Barton was often away, and there were only us two together.

564. Nevertheless, it never occurred to you to represent the conduct of either of these gentlemen, for fear of not being able to support your representation? I never considered that I ought to report these things, and they would have denied them if I had done so; there was nobody to support me in my statement. I never told these things to any one.

565. Not to Mr. Gardiner? Not of Mr. Micklethwait, only of Mr. Drewett.\*

566. *By Mr. Dalgleish*: Did you ever make these observations to me previously? No.

567. Would you have told them now unless you had been asked? No.

568. Do you know other persons who have complained of this bad conduct who have been dismissed in consequence? Yes, Mr. Gardiner.

569. Have you any reason to suppose that you would have been used better than Mr. Gardiner, if you had complained of persons who were your superiors in the office? No.

570. *By Mr. Morris*: Why do you suppose that Mr. Gardiner was dismissed for making complaints? Because they seemed to take a thorough dislike to him after the thing was done; they spoke ill of him, and tried in every way to get rid of him.

571. Had you been in possession of evidence that might have been taken with regard to Mr. Gardiner? No.

572.

\* Revised:—Only of Mr. Micklethwait.

572. Do you know of any of the evidence taken by the head of the department with regard to Mr. Gardiner's own conduct? No, the only evidence I have seen is that which has been published in the papers, and I did not pay much attention to that. Mr. L. Robertson.
573. *By Mr. Dalgleish*: Did you ever see any other plans of iron bridges than those of the Menangle and Penrith bridge? I have seen none other but sketches of Mr. Drewett's relating to the same thing. 20 Oct., 1863.
574. You have never seen sketches of iron bridges by Mr. Gardiner? No, not by Mr. Gardiner; I have seen one sketch by Mr. Barton, of the elevation.
575. Are you aware whether Mr. Gardiner made out the plans of the bridges, and the quantities of the iron bridges? I do not know anything about it, but I have heard him say he did.
576. Was not Mr. Gardiner employed in the office prior to your being there? No, he came about the same time that I did.
577. In the first instance? Yes.
578. What room was he employed in? The long room.
579. The same room that you were in? I was there about a couple of months.
580. Did you see his drawings then? He was making original sketches.
581. Were they for iron or wooden bridges? I do not know; I do not recollect seeing any iron ones; I know there were some for stone viaducts.
582. Did you ever hear any fault found with the work Mr. Gardiner was employed upon at that time? No.
583. The work he was then employed upon was for first class lines, before they were altered to chief lines? Yes.
584. Have you been employed in a private office? Yes, in Mr. Blackett's office.
585. Would the same conduct be tolerated in Mr. Blackett's office that was tolerated in this office? I should say not.
586. Were clerks in Mr. Blackett's office allowed to have drink there? They would not have been if it had been known.
587. Have you seen drinking in that office? Yes.
588. *By Mr. Morris*: Did you ever expostulate with these gentlemen with reference to their conduct? How could I expostulate, seeing I was in so low a position, and that they were all in positions above me.

Mr. William Anthony Trengrouse called in and examined:—

589. *By the Chairman*: You were in the Railway Department? I was. Mr. W. A. Trengrouse.
590. What department are you now in? I am now in the Lands Office.
591. For what period were you an officer in the Railway Department? About eight years. 20 Oct., 1863.
592. Were you in the Railway Department before it fell into the hands of Government? Yes, about twelve months.
593. Who was the Chief Engineer at that time? Mr. Wallis.
594. Was Mr. Brady his assistant? He was.
595. Did Mr. Brady continue in the Railway Department after Mr. Wallis left? Yes.
596. Was he there after Mr. Whitton took charge of the Railway Department? He was.
597. You and your father were in the department at the same time? We were.
598. Were there any other draftsmen there? No, we were the only two.
599. Was any complaint made about your work? I never heard of any; they were rather pleased with it at first, when I was in that employment.
600. Were there any disputes then in that department? Never.
601. Do you mean to say that you and your father did all the work required in that department? We did all the work.
602. Until Mr. Whitton arrived? Until Mr. Whitton arrived.
603. And for a long time after? I think it was about a month after Mr. Whitton came that the present staff came here.
604. What salary were you engaged at? £156 a year.
605. What salary were you receiving when you left the department? £200.
606. After how long service? Eight years.
607. How many draftsmen were in the department when you left? Ten, including myself.
608. There are only five on the Estimates—then there are five occasional draftsmen? Yes, they have been there some time.
609. Are any of these occasional draftsmen receiving a higher salary than yourself? Yes.
610. How many of them? Three.
611. Much higher? Yes; one of them has £300 a year.
612. Were you not competent to perform the works the occasional draftsmen were engaged on? Yes.
613. Did you ever perform any such work in the office? Yes.
614. Was any fault found with the work performed? None whatever.
615. When the occasional draftsmen were brought in were they put to superior work? No, to just the same work.
616. Were you put to inferior work after they came into the office? No, I continued at the same.
617. You doing the same work, and being on the staff, receiving a smaller salary by £100 than some of the occasional draftsmen? Yes, one of them.
618. When you left were there any of the occasional draftsmen who received lower salaries than yourself? Yes, two.

- Mr. W. A. Trengrouse.
- 20 Oct., 1863.
619. Who were they? Mr. Telmon and Mr. Doherty.
620. Was Mr. Doherty an occasional draftsman? Yes.
621. What was the name of this occasional draftsman who was receiving a higher salary? Fearnside.
622. Was that one of the sappers? Yes.
623. Was he a competent draftsman? There was nothing particular in his work.
624. Is not he one of the persons who was engaged in the Grose Valley survey? Yes.
625. Has he been in the office ever since? Ever since.
626. As an occasional draftsman? As an occasional draftsman.
627. Were you not in reality the next oldest officer to your father in the department? Yes.
628. Did you feel competent to do any work which was required in the office from a draftsman? Yes.
629. I presume plans prepared by you can be produced, to enable the Committee to judge of your competency? Plenty. I have done plans to be laid before the Executive Council for their approval—drawings of bridges on the Southern line; and I did a great portion of the Menangle viaduct.
630. You are now in the Lands Department? Yes.
631. Was there not a competitive examination for that appointment? Yes.
632. How many applicants were there? A great many.
633. You had to produce some work? Yes, specimens of work.
634. And your work was considered superior to that of any other person? Yes.
635. Do you know whether there were fifty applicants for that office? I could not say.
636. However, your work was considered to be so satisfactory that you received employment? The Surveyor General wanted me to come on at once.
637. What salary are you receiving now? £200 a year.
638. That is the same salary as you were receiving in the Works Department? Yes.
639. Were there not several persons taken on in the office about three years back, at a higher salary than you were receiving? Yes.
640. Were they put upon the permanent staff? No.
641. There was the person you have spoken of as having been put on as an occasional draftsman—Mr. Fearnside, and there were others? Yes.
642. Were there any remarks made in the office as to an occasional draftsman being employed at a higher salary than was being paid to permanent officers who were of equal ability? There were some remarks made about it.
643. Did you yourself feel that injustice had been done to you? I did.
644. What age are you? Twenty-four.
645. Had you been engaged as a draftsman before you entered the department? No.
646. *By Mr. Dalgleish*: You had been educated as a draftsman? Yes.
647. *By the Chairman*: I suppose your father taught you? My father taught me a great deal before I entered the Railway Office.
648. What salary had you when you first entered the Railway Department? £156.
649. And you chiefly assisted your father? Yes.
650. Is your father a good draftsman, do you consider? I do consider him one of the best I have ever seen.
651. There are plenty of works of his in the office? Yes.
652. Was there not a gentleman in the Railway Office of the name of Mann? There was.
653. Was he engaged before or after you? After me.
654. How long? About two years.
655. Was he taken on the same salary you were receiving? The same salary.
656. How much? £150 he was receiving when he was taken on.
657. That was less than you? Yes, £6 less.
658. What were his particular duties when he was taken on? Tracing.
659. Was he a surveyor? No.
660. Has he been engaged as a trial surveyor? He has.
661. Do you think him competent to perform the duties of a trial surveyor? I should not think he was.
662. Then his duty in the office before he went into the field was taking tracings? That is all.
663. Do you think he could learn sufficient in the office to make him competent to go into the field as a trial surveyor? Decidedly not.
664. Is it not the fact that the most competent men are required for trial surveyors for railways? It is.
665. Is it not also the fact that even a slight mistake may cause a considerable expense to the Government? Yes.
666. Do you know what opportunities he had of acquiring the art of surveying? No; he was always in the office.
667. You say he could not obtain a knowledge of surveying in the office? No.
668. Was he in reality sent out, with a competent surveyor for the purpose of learning the business? I should think so.
669. Do you know what salary he is getting now? £300 a year.
670. Do you know whether that includes travelling expenses? No, it does not.
671. What does he get in the shape of travelling expenses? £280.
672. So that in reality he is in receipt of £580 a year? Yes.
673. Is it not a rule in the service that persons who receive £280 a year shall keep two horses? Yes.
674. Do you know whether Mr. Mann keeps two horses? I cannot say.
675. Do you know whether he keeps any? I do not.
- 676.

676. You cannot give us any idea of his expenses? I cannot.
677. Has he sent any of his work into the office? I have never seen any of it sent in since he has been out.
678. How long has he been out? Since the commencement of the last year.
679. Certainly there should have been some of his work returned before you left? There was nothing sent in while I was there, up to last May.
680. Mr. Mann has got an addition to his salary of something like £150 since he has been in the department? Yes.
681. And you have received an addition of only £44? Yes.
682. Although you were the oldest officer, and fully as competent to perform your duty as Mr. Mann? Yes.
683. *By Mr. Dalgleish*: Who is Mr. Mann? A son of Captain Mann.
684. *By the Chairman*: Can you account for the increase of Mr. Mann's salary? No, I cannot.
685. Are Mr. Whitton and Mr. Barton very friendly with his father at Cockatoo? Yes, very.
686. On visiting terms? Yes.
687. Are Mr. Whitton and Mr. Barton on very friendly and visiting terms with your father? No.
688. Do you know of Mr. Whitton having been absent from his office for three or four weeks, from illness? Yes.
689. Do you know whether he was sailing in the harbour in a sailing boat during that period? He has been out boating, but I cannot say whether he was out with Mr. Barton during that time.
690. During the time he was at home? Yes, during the time he was away from the office he was out boating.
691. Did you ever solicit Mr. Whitton to increase your salary? I did.
692. What was his reply? That he could not increase mine because Mr. Mann had not applied for an increase; that he could not increase one without the other.
693. Then when he increased Mr. Mann's he increased yours also? No; Mr. Mann's increase commenced from the beginning of last year (1862), and mine from the beginning of this year (1863).
694. He increased Mr. Mann's £150, and yours £44? Yes.
695. Why was it that you left the Works Department, to go into the Department of Lands at the same salary? Because the office was in such a bad state that it was unpleasant to be there; the conduct and language was disgraceful.
696. Do you mean that the conduct and language of those in the office was disgraceful to gentlemen? Yes, their conversation and the way they went on.
697. Did they make use of foul and filthy language? Yes.
698. Who did so? Mr. Hall was one and Mr. Mann another.
699. Who else? Mr. Micklethwait.
700. Were you in the room with these gentlemen? Yes.
701. Is that the long drawing room? Yes.
702. How many draftsmen were there in that room? Sometimes there were more than at others—when the surveyors were there.
703. As a general rule? My father was there a portion of the time, Mr. Mackay, Mr. Telmon, Mr. Hall, Mr. Fearnside, Mr. Mann, Mr. Robertson was there a portion of the time, Mr. Gardiner, and myself; Mr. Micklethwait was also there during a portion of the time.
704. Which of these gentlemen have you heard make use of foul language? Mr. Hall, Mr. Mann, and Mr. Micklethwait.
705. Have you ever heard any of the other gentlemen? No.
706. Have you seen them do anything else unbecoming of gentlemen? As regards drinking I have seen a great deal of that going on there.
707. By whom? Mr. Hall and Mr. Micklethwait.
708. Any one else? No.
709. When you say drinking, do you mean that you have seen them drink to such excess as not to be competent to go on with their duties? Yes.
710. Often? Yes, it has often been the case.
711. What used they to drink? Brandy, rum, and ale, sometimes porter.
712. Who used to bring them drink into the office? The messengers.
713. Which of them? Sometimes Fitzgerald and sometimes Garvin.
714. Have you heard any other gentleman complain of their conduct in the office? Mr. Mackay, I have heard him speak of it.
715. How often have you seen this? Frequently, sometimes for days together.
716. Do you mean to say that you have seen Mr. Hall and Mr. Micklethwait for days together in the office incapable of performing their duties? Yes.
717. And this repeatedly? Yes.
718. Do you know whether any person complained to Mr. Whitton of the conduct of these gentlemen? My father spoke to Mr. Whitton about Mr. Hall's conduct.
719. What was the reply he got? That he was to mind his own business.
720. Did your father tell you so? Yes; Mr. Hall spoke to Mr. Gardiner about it, and said Mr. Trengrouse had been complaining to Mr. Whitton about him.
721. I suppose after that you did not think it your duty to make any complaints to Mr. Whitton about any misconduct you saw? No.
722. Has your father's salary been increased since he has been in the office? Yes, once.
723. To what? I think from £250 to £350.

Mr. W. A.  
Trengrouse.  
20 Oct., 1863.

- Mr. W. A. Trengrouse. 721. What is Mr. Drewett's salary? £500.  
 725. What is Mr. Hall's? £400.  
 20 Oct., 1863. 726. And you say your father is a better draftsman than either of those gentlemen? Yes.  
 727. And their senior in the service? Yes.  
 728. Do you consider Mr. Drewett a good draftsman? I do not.  
 729. Have you seen him drinking at any time? Yes.  
 730. Often? No, not often.  
 731. Have you ever seen him the worse for drink—so much so as to be incapable of performing his duties? Yes, but he was very nervous—a very little upset him.  
 732. Has he ever been caught at the doors listening—at Mr. Whitton's? Yes.  
 733. Eaves-dropping? Yes.  
 734. By whom was he caught? I have seen him listening.  
 735. At Mr. Whitton's apartment? Yes.  
 736. Do you know Mr. Barton? Yes.  
 737. Have you ever seen him indulging in drink? I have seen him drinking.  
 738. Much? Not anything to speak of.  
 739. Have you ever seen him in such a state as to be unable to perform his duty? No.  
 740. What have you seen him drink? I have seen him drink spirits and wine.  
 741. At what hour of the day? During office hours.  
 742. Not during luncheon time? Yes.  
 743. And at other than lunch hours? Yes.  
 744. How used the drink to come in—by the bottle, or by the glass? By the bottle.  
 745. Have you ever seen more than one bottle brought in at a time? I have seen wine brought in by the case to Mr. Barton.  
 746. You say you do not consider Mr. Drewett a good draftsman? No.  
 747. Is he better now than when he came to the office—has he improved? He has much improved since he has been there.  
 748. Did he come direct from England to take his position in the office? Yes, he was one of Mr. Whitton's staff.  
 749. He has been colonised? Yes.  
 750. Is he quick at drawing? No, very slow.  
 751. Is he correct in his figures—in taking out? No.  
 752. Have you known him to make errors? Yes, frequently.  
 753. Who has detected the errors? In going through quantities—I have worked out the quantities—Mr. Drewett has not been able to check them, and I have been obliged to call Mr. Robertson in to check them.  
 754. Is Mr. Robertson a good draftsman? He is a very good draftsman.  
 755. He was receiving a very low salary? Yes.  
 756. Have you made similar mistakes to Mr. Drewett? No.  
 757. Do you know what has been Mr. Hall's duty since he has been in the office? In architectural drawing.  
 758. For stations? Yes.  
 759. Has he had an assistant? Yes, Mr. Mackay.  
 760. Have you known Mr. Hall to be engaged in taking out the quantities of stations? Yes.  
 761. You know the Burwood station? Yes.  
 762. And the station at Ashfield? Yes.  
 763. How long would it occupy you to take out the quantities of one of those places—could you do it in a forenoon? Yes, it would be about a morning's work.  
 764. Does it come within your knowledge that Mr. Hall has been three weeks taking out the quantities of one of those small stations? He has been a long time, I could not say the time.  
 765. Have you known him make gross mistakes about the construction of those stations—for instance, do you remember his designing the goods warehouse at Penrith, and the contractor throwing up his tender in consequence of mistakes made in the drawings? Yes.  
 766. Government incurred a serious loss in consequence, £100 or £150? I believe they lost money in consequence.  
 767. Was not the timber ordered according to the drawings, and then found to be useless without building a stone or brick wall as a foundation? Yes.  
 768. With reference to Mr. Drewett—do you consider him to be a proper person to have charge of a room; you say he is nervous and eccentric in his character? I do not.  
 769. Is he a disagreeable person to work with? At times.  
 770. Have you known him to be often absent from the office? Yes.  
 771. Have you ever known his pay to be stopped for being absent? It never was stopped.  
 772. Have you been absent from the office? Yes.  
 773. Was your pay stopped? Yes.  
 774. How many days were you absent? Two days.  
 775. Were you ill at the time? Yes.  
 776. Did you produce a doctor's certificate? No.  
 777. Your two days' pay was stopped because you were absent? Yes.  
 778. During your experience as a public officer, have you ever known the pay of any one to be stopped for absence? My father's pay was stopped, and Mr. Fearnside's pay was stopped once.\*

779.

\* Revised:—My father was the only one excepting Mr. Fearnside; he was paid by the day, consequently all holidays were stopped.



779. Have you known any other person's pay to be stopped? No.
780. Is it the rule in your department for the officers to have free tickets for the railway? It is not now; it was when I was first connected with the railway; a free pass was considered as a portion of the salary.
781. The free pass was afterwards cancelled, and you had to pay the same as other persons? No, I was then residing at Newtown, but I moved over to the North Shore, and the free pass being then of no use I gave it up.
782. Do you know whether free passes are now withheld from all persons connected with the department? Yes.
783. Was Mr. Mann frequently absent from the office? Yes, very frequently.
784. When you say very frequently, was it four or five or ten times a year? Oftener than that; he has been away a week at a time.
785. For eight or ten times in a year? I should think so.
786. Did you ever know his pay to be stopped during the time he was absent? It was never stopped.

Mr. W. A.  
Trenrouse.

20 Oct., 1863.

FRIDAY, 27 NOVEMBER, 1863.

Present:—

MR. ARNOLD,  
MR. DALGLEISH,

MR. MORRIS,  
MR. TIGHE.

J. LUCAS, ESQ., IN THE CHAIR.

John Rae, Esq., again called in, and farther examined:—

787. *By the Chairman:* Can you give the Committee a statement of the estimated cost of the Menangle Bridge, and of the actual cost, shewing the extra works over the specification, and the amount paid for the extra works? I will furnish it to the Committee. (*Vide Appendix.*)
788. You have in your office two sets of plans for the Campbelltown extension, one prepared by Mr. Brady, and one by Mr. Whitton and his staff? Yes.
789. Will you furnish the Committee with both sets of those plans? Yes.
790. In furnishing the Committee with plans of Menangle Bridge, have you also sent in plans for the iron work, or merely plans prepared in this Colony for the piers? I cannot state without referring; but whatever I have in the office on the subject I shall be happy to furnish.
791. Will you also state whether these plans were designed and made in the Colony, or whether they were sent from Great Britain; if they were prepared in the Colony, the name of the officer who planned them? Yes.
792. The working plans of the extension on the Northern line, from Singleton to Lochinvar, have you them in the office? I presume so.
793. Have you the working plans from Blacktown to Penrith in your office? I presume so; I will furnish all, so far as I possibly can.
794. Will you furnish the Committee with the names of the whole of the officers in your department, the dates when they entered the department, the salaries they received when they entered, the amounts of increases received, and the dates of such increases? Yes. (*Vide Appendix.*)
795. Will you also state the names of those who were employed in the Railway Office, before the railway was handed over to Government? Yes.
796. Have you a time-book in your office? There was one, I believe, for some time, but it was given up.
797. Why? I am not aware that there was any particular reason. I would not say positively that it was ever in use since the separation of the Department of Lands and Works; it was talked of, and intended to be carried into operation, but was never carried out, I believe, since then.
798. For some considerable time it was there? Yes; I think it fell into disuse, as many things of the kind do. I know of no particular reason for it.
799. Was it through not being looked after? Yes, I think so; it has been spoken of recently again; it has been suggested that we should have it.
800. There is a time-book in most other public offices? It is not general in the public offices, I believe; but since Mr. Holroyd has been appointed it has been talked of as advisable in our office.
801. The returns which have been sent in with reference to special trains are not so complete as the Committee desired—you cannot give the names of the persons who ordered them? I cannot; but I have given instructions that, in future, an account shall be kept of the names of those who order special trains.
802. Has it not been kept at the railway stations? It has not. I got the information as to the number of special trains used from Mr. Scott, who stated that it had not been considered necessary to keep an account of the names. The moneys received by the accountant were accounted for in the same way as any other money—so much money for special trains; but I may mention that special trains are never given gratuitously to any party, the Governor or any one else, except when used for railway purposes; for instance, if His Excellency opens a new line I call that for railway purposes.

John Rae,  
Esq.

27 Nov., 1863.

- John Rae, Esq.  
27 Nov., 1863.
803. Supposing a special train is ordered for the Governor? If the Governor wants a special train he pays the same as any one else.
804. Supposing it is ordered by the Minister? Supposing it is ordered by the Minister; if the Governor is invited upon some public occasion, such as the opening of a line, of course he does not pay.
805. Is an account kept of it? An account is kept of the train, but no money is paid.
806. Have you given a list of such trains? Of every special train; every train out of the ordinary course is included in that return.

Mr. William Anthony Trengrouse again called in and farther examined:—

- Mr. W. A. Trengrouse.  
27 Nov., 1863.
807. *By the Chairman*: How long was your father absent from duty? I think two days.
808. Was he ill? Yes.
809. Mr. Barton I believe has good health? Very good health.
810. Have you ever seen Mr. Drewett copying drawings from books? Yes.
811. What drawings were they? Bridges principally.
812. Who has charge of the drawings? Mr. Drewett has charge of some; my father had charge of all the working plans; my father was continually using these working plans for descriptions and notices.
813. Are the whole of the plans in the office accessible to the officers? Not the whole of them; a great many of them were locked up—I do not know for what reason.
814. What plans were they? Trial surveys; some plans my father did were put away, because they should not be seen.
815. What drawings were they? Drawings of the Campbelltown extension.
816. Are the plans properly kept? No.
817. Have you known considerable time to be lost in searching for particular plans? I have known days to be lost, and then the plans not found.
818. If the plans were properly kept you would be able to lay your hand upon them directly? Yes.
819. Are most of the plans so badly kept? All except the working plans.
820. Were not a large number of the plans of trial surveys of the different lines, previous to the arrival of Mr. Whitton, executed by your father? Yes, most of them.
821. Have these plans been used since? Yes.
822. Were they generally found to be correct? Yes.
823. Do you know by whom those surveys were made? Mr. Rowland and Mr. Twynam.
824. Are those persons employed in the department now? I think Mr. Twynam is a surveyor in the Lands Office.
825. Where is the other? I cannot say.
826. Do you know why he left? I do not know. Mr. Brady did a great many of the plans as well.
827. Who are engaged in the trial surveys at the present time? Messrs. Mann, Burrows, Micklethwait, and a great many of the sappers are out.
828. Is not Mr. Barton supposed to have charge of those surveys? Mr. Barton is supposed to have charge of the trial surveys.
829. Does not he spend much of his time in Sydney? The greater portion of his time.
830. Is it not supposed that the person who has charge of trial surveys should spend the greater portion of his time in the field instead of in Sydney? Yes.
831. Have you any idea what time he has been in Sydney during the present year? I could not say. During the time I was in the Works Department he was there nearly the whole of the time.
832. And you left in May? Yes.
833. Do you know whether he attends pretty regularly at the usual hour in the morning? No, he does not.
834. What are the office hours at that office? 9 is the proper hour to go there, and 4 to leave.
835. What is the usual time at which Mr. Barton makes his appearance? At 10, half-past 10, and 11.
836. At what hour used he to leave? At any time he thought proper.
837. Have you known him to be absent the whole day? Yes.
838. During the time he was in Sydney? Yes.
839. I presume when he is in Sydney he is expected to attend at the office? Yes.
840. Have you heard that he has been enjoying himself upon the harbour in a sailing-boat during the time that he should have been engaged in his duty at the office? Yes.
841. Do you know that he keeps a boat for his pleasure? Yes.
842. And uses it during office hours? Yes.
843. Do you know who has charge of the trial surveys during his absence? I cannot say. I suppose it is left with the parties out in the field.
844. I understand that Mr. Barton has charge of the whole of the trial surveys connected with the three different lines? With the whole of them.
845. Have you ever been engaged on plans laid before the Executive Council for their approval? Yes.
846. Have you much difficulty in compiling them? Sometimes.
847. Have you found them incorrect as to lengths? Yes.
848. Have you ever known those plans disagree with the working plans? Yes, most of them disagree.

849. Whose fault is that? I should say it was Mr. Barton's fault.
850. How did you get over the difficulty? In the best way I could.
851. Did you succeed in getting over it? I could never make the plans agree one with the other; you are told to do one thing and you have to do it.
852. Suppose you complain of their not agreeing? I did complain about it in one case, and I was told to follow the centre line of the railway.
853. Did that bring you right? No, a long way out. There was land proclaimed on one side of the road that was not required at all; the line was not within half a mile of it.
854. Who prepared this trial survey? These plans were made from two different surveys, both done by the sappers.
855. Under whose direction? I could not say.
856. Who had charge of the sappers at the time? I think Sergeant Quodding.
857. How long was this ago? I do not know the time. I know they were done by the sappers; they were old plans.
858. Have you had anything to do with the recent extensions from Picton to Goulburn, and Penrith to Bathurst? Yes.
859. Have you found those trial surveys correct? I found mistakes in the surveys from Penrith to Bathurst, towards Shepherd's toll-bar.
860. In what respect have they been incorrect? On one plan land has been taken on the other side the road that has not been required, because the land on the working plan did not come up to the road for half a mile.
861. Have you found any other mistake? There have been a great many mistakes as regards the mileage.
862. Is that of great importance? There have been several chains left out, between one contract and another. The mileage has commenced one mile from Penrith on the plans.
863. Then there was a gap? A gap of some few chains between one. I do not know the number of the contract; it was up at Penrith.
864. The levels might differ so much as to render it almost impossible to continue the lines? I could not say about the levels.
865. Supposing there is a gap—supposing one contract stops at a given point, and the survey for the next contract commences several chains from that—in a country so mountainous as the western country may there not be a great difference in the levels? Yes; but then there was one contract made to such a point, and the drawings did not shew that point was to be again taken up—the whole of the survey or mileage being omitted from Proctor's lane to the other side of the Nepean River, being several chains in length.
866. Was it included in the trial survey? I do not know.
867. What width of land is generally surveyed upon the line, or what width is plotted on the plans? On the Western Road, about three miles.
868. Then the whole of this three miles is surveyed across the line? Yes.
869. At what intervals? At every chain; sometimes at every half chain.
870. Right up the line? Yes.
871. Does that occur throughout the whole of the line? Yes.
872. Do you know whether short lengths have been taken, or whether there were any cross sections taken at all? No, it is generally taken at every chain, or where the country is very rough at every half chain, or even less.
873. I believe you did not give any evidence before Mr. Whitton? No, I believe Mr. Whitton said it was not fair to Mr. Hall I should give any evidence.
874. Why? I cannot state the reason. My father told Mr. Whitton his son knew as much as, if not more than, himself, and that he had better give his evidence. Mr. Whitton's reply was, that it would not be fair to Mr. Hall to have me up.
875. Did you not, for years, have a free pass on the railway? Yes.
876. Do you get that pass now? Not now.
877. Did you ever hear of a fight taking place between Mr. Hall and Mr. Dearing? Yes.
878. Was that during office hours? Yes, about 12 in the morning.
879. Were you examined before Mr. Arnold? Yes.
880. Did you give Mr. Arnold any information with reference to that fight between Mr. Hall and Mr. Dearing? I think I did. I will not be certain.
881. What was the cause of that fight? I cannot state the cause of the fight exactly; I was not in the room at the time; I was up-stairs when we heard the row.
882. Did you go and see what was the matter? No, we heard the stools knocked over; and in the course of the day I heard that Mr. Hall had a fight with Mr. Dearing; Mr. Dearing's lip was cut and bled; I believe they fought three rounds.
883. *By Mr. Dalgleish*: Did you see a letter in the newspaper, signed by Mr. Dearing, denying that he ever fought in the office? I heard about it, but I did not see it.
884. Stating that what Mr. Gardiner had written, about fighting taking place in the office, was false? I did not see it, I heard them talking about it; but it is true that the fight did take place.
885. *By the Chairman*: You have no doubt about that? I am sure of it. Mr. Dearing wanted to state that the fight took place after office hours, but I never stopped after 4 o'clock; and Mr. Dearing that afternoon walked with me as far as King-street, and said he thought of speaking to Mr. Whitton about it.
886. At what time did it occur? About 12 o'clock in the morning.
887. Did you ever hear of any other fight? No.
888. Between Mr. Goodchap? Yes, there was a fight between him and Mr. Forde.
889. Do you know at what time this occurred? I think after lunch time.
890. Did Mr. Goodchap or Mr. Forde indulge in spirits or wine do you know? I cannot say; I was never much connected with Mr. Goodchap or Mr. Forde.

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891. Do you know what was the cause of quarrel? It was a disturbance about which room they were to have, when we were removing from the old to the new offices.
892. Have you ever known Mr. Hall to idle away his time? Yes.
893. In conversation with the servant women in the next house? Yes.
894. Did this happen during office hours? Yes, during office hours.
895. Where was he standing? Standing on a box at the time.
896. This box was in the yard? No, in a room that was occupied by my father.
897. Was there a window which looked into the next yard? Yes.
898. And he used to occupy his time in talking to the women in the next house? Yes.
899. Did this occur often? When he had a chance.
900. Was it often—daily, weekly, or monthly? I have seen him there five or six times.
901. Was this in the long room? The room at the end of the long room.
902. How long was he thus engaged each time? Perhaps 10 minutes.
903. Have you ever seen Mr. Hall go round the room and collect money to send for drink? Yes.
904. Did this take place often? About the end of every month that took place; Mr. Hall termed it "Raising the wind."
905. Used he to send the money for drink? No.
906. Then what was the use of collecting it? He used to put the money in his pocket, and send an order for the drink.
907. From whom did he collect this money? Sometimes Mr. Fearnside would give him a shilling, and my father, to get rid of him, after he had been bothering him the whole morning, would give him a shilling. Mr. Mann would sometimes give him sixpence, and I would do the same.
908. There was a general collection? A general collection.
909. Used you to take a portion of the drink? Very seldom.
910. Did you ever? Once or twice; but I never cared about spirits in the day time.
911. Did he, after these collections, ever send for anything besides spirits? No.
912. Always for spirits? Yes.
913. Have you seen your father assist in drinking these spirits, for the purchase of which he contributed? My father has taken some with his luncheon.
914. Did your father partake of the spirits that were sent for? Yes.
915. Did you ever know him to partake of spirits, for the purchase of which he had not contributed? Yes.
916. Often? Not very often.
917. Have you ever heard that Mr. Hall had been charged with committing a serious offence? Yes.
918. While he should have been engaged in the performance of his duty? Yes.
919. Do you know what was the nature of the offence? Rape, I believe it was.
920. Have you ever heard that a similar offence was attempted by him near South Creek? Yes.
921. Did Mr. Hall refuse to go on the line for sometime after for fear of the consequences? Yes; I believe the navvies threatened him.
922. If they caught him on the line they would serve him out? Yes.
923. Have you ever seen Mr. Barton and Mr. Hall drinking together? Yes.
924. Was that during office hours? Yes, from one window to another; Mr. Barton was up-stairs, and Mr. Hall in the long-room.
925. Pledging each other? Yes.
926. Were they drinking spirits? Mr. Hall had spirits; I cannot say what Mr. Barton had.
927. Have you any doubt what Mr. Hall was drinking? I know Mr. Hall was drinking spirits.
928. At what time was that? In the morning.
929. Was it after Mr. Gardiner had complained of Mr. Hall's conduct—of his drinking in the office? Yes, about two or three days after that.
930. Was it in consequence of Mr. Hall's having succeeded in upsetting the complaint made by Mr. Gardiner? I think it was done out of bravado, on their part.
931. Have you any means of knowing that Mr. Whitton was aware of this drinking going on in the office? He was aware of it; he spoke to Mr. Hall about it only three weeks after Mr. Hall was engaged in the office.
932. Have you heard him speak to any one in the office about it? Yes, he spoke to Mr. Micklethwait; he stated in the office that Mr. Whitton said he would not have spirits brought into the office.
933. Did you hear him? I heard Mr. Micklethwait mention it in the office.
934. Do you think Mr. Whitton was aware that they often had drink in the office? Yes.
935. Was it generally known in the office? It was known in the whole office.
936. That Mr. Hall used to drink a great deal of spirits? Yes.
937. Have you been witness of any other ungentlemanly conduct on the part of Mr. Hall and Mr. Micklethwait? The conversation has been disgraceful sometimes.
938. Anything else besides conversation? Ransacking drawers.
939. In what manner? On one occasion I had a lot of private papers in my drawers—I had to leave my room for a few minutes to go to my father, when Mr. Hall took off his boots, went to my drawers, which he ransacked, and read my private letters.
940. Did you complain of this conduct? No, I did not speak about it.
941. Why not? It was of no use. Mr. Whitton would not take any notice of it.
942. Did you ever complain to Mr. Whitton? I did once or twice, and I found out that Mr. Whitton did speak to Mr. Hall once about his conduct to me.

943. Was he generally offensive to you? Not to me only, but to most in the office.
944. Mr. Hall? Yes.
945. Mr. Micklethwait? Mr. Micklethwait was a pleasant person to be with.
946. Do you know of any survey that was made between Sydney and Parramatta, for the purpose of disproving Mr. Brady's integrity? Yes.
947. By whom was this survey made? By Mr. Micklethwait.
948. By whose directions? Mr. Whitton's, I suppose.
949. Do you know anything of Mr. Gardiner's ability—what were his duties in the office? The first time he was in the office he was employed in getting out designs of bridges.
950. Do you consider him to be of a quarrelsome temper? No, he was very quiet.
951. Have you ever seen him drink in the office? Never; I have only seen him take water.
952. Is he not very quick in making calculations? Very quick.
953. Have you had an opportunity of seeing Mr. Robertson's work? Yes.
954. Is he a good draftsman? He is a very good draftsman.
955. Is he attentive to his duties? He is.
956. Does he attend regularly? Yes.
957. Have you ever known him to be absent on any occasion from the office? Never, without leave.
958. Have you known him to be called on to check quantities when Mr. Drewett could not? Yes.
959. On more than one occasion? On two or three occasions I have known him to be called in.
960. Do you know what was the work? It was taking out quantities for bridges.
961. Mr. Drewett was receiving a salary of —? £500 a year.
962. And Mr. Robertson was receiving a salary of —? I think £100.
963. Did Mr. Robertson ever check your quantities? Not that I am aware of.
964. Are there any drawings in the office done by yourself or by Mr. Robertson? Yes.
965. Can you name them? The Menangle viaduct; Mr. Robertson did the greater part of the detail.
966. Is Mr. Robertson as good a draftsman as Mr. Drewett? I consider him a much better and neater draftsman.
967. Is he as good a mathematician? I think Mr. Drewett understands very little of mathematics.
968. Does Mr. Robertson? He is a mathematician.
969. In what then is Mr. Robertson inferior to Mr. Drewett? I do not think him inferior; I think he is much superior.
970. Although Mr. Drewett is receiving £500 a year and Mr. Robertson £100? —
971. How long has Mr. Robertson been in the office? I think about three years.
972. He entered at £52 a year? Yes.
973. How long did he remain before his salary was increased to £100? I think his increase commenced last year.
974. Do you know of any of the junior clerks entering the office at £150 a year? There is one, I believe, on the present estimate. I cannot say that there are any others.
975. Do you know of any junior clerk having entered at £100 a year? No.
976. Can you shew any of the works of Mr. Robertson and of yourself? (*Plans and elevations of the Menangle viaduct were exhibited to the witness who marked the drawings made by himself and Mr. Robertson.*)
977. One set of plans is not taken out by one draftsman and completed by him? No.
978. For instance, you have had to do with most of the plans on the different lines? Yes.
979. And Mr. Robertson has also? —
980. And Mr. Drewett? He does very little in that way.
981. What does Mr. Drewett do? Most of his time is spent in running up and down stairs and talking.
982. Is he considered the head of the room? He is considered the head of the draftsmen.
983. And gets the highest salary? Yes.
984. Have you had an opportunity of knowing anything of Mr. Micklethwait's habits? In what respect?
985. Drinking? I have seen a little, but he is not in town much.
986. Is he in the field? In the field.
987. Have you seen any of his work? I have seen a little of it, not much.
988. Do those persons who are engaged as surveyors in the field send in an ordinary amount of work? No.
989. Is it considered in the office that those gentlemen who are in the field do as much work as they certainly ought to do? I cannot say. There is not any\* work sent in from the field.
990. Do you know how many there are in the field? I could not state; there are a great many sappers out.
991. Have you ever seen Mr. Micklethwait drinking in the office during office hours? Yes.
992. Often? Yes, always when he is in town.
993. Always drinking in the office? Yes.
994. Have you known him to drink to such an excess that he was unable to go on with his work? Yes, and to be obliged to go home on account of it.
995. At what hour in the day? Two or three in the afternoon, ashamed to be seen in the office.

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\* Revised :—Very little.

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996. How used he to go—did any one take him home? No, he staggered along by himself from the office.
997. Have you known this to occur often? Not very often.
998. Do you know Mr. Gardiner's statement with regard to his drinking to be correct? Quite correct.
999. Have you ever seen any of the work brought in by Mr. Micklethwait? I have seen a portion of a section done by him at Singleton—a few miles.
1000. How was that performed—creditably? Far from it.
1001. Was it correct? I could not say.
1002. Had you anything to do with it? I had to make a tracing of it.
1003. Then you did not test the accuracy of his work? No.
1004. Has he charge of a staff of men? Yes.
1005. Do you know how many? I do not.
1006. Have you ever heard of him that he drank hard? I was out with him a short time when he was making a survey of the Sydney line to Parramatta.
1007. Used he to drink then? Yes.
1008. Have you seen him in the field so as to be incapable of performing his duty? Not in the field.
1009. Have you ever known him neglect his work in consequence? He has left off work early and let the men go.
1010. At what time? Perhaps 3 or 4 in the afternoon.
1011. You have not known him absent himself a whole day from his work? No.
1012. Were there not plans in the office done by Mr. Rowland and Mr. Twynam? Yes.
1013. Shewing the surveys of the Northern line? Yes.
1014. For beyond the present extension of railways? Yes.
1015. Were those surveys completed before the present staff arrived in the Colony? Yes.
1016. Were those gentlemen first-class surveyors? Yes.
1017. Were these plans well executed? They were.
1018. Were they much used in the office? Frequently in use.
1019. Have these surveys been adopted? In some cases, I think.
1020. *By Mr. Dalgleish*: Is there much variation from their surveys in the present line? I could not state; I have never compared them.
1021. *By the Chairman*: Have you ever seen any contractors give money to any person in the office to send out for drink? Yes.
1022. What was his name? Mr. Croshaw.
1023. To whom did he give it? To Mr. Hall.
1024. Have you seen this only once? Only once.
1025. *By Mr. Dalgleish*: Did he give the money to Mr. Hall, or throw it on the table? He threw it on the table and Mr. Hall took it.
1026. Have you seen Mr. Hall and Mr. Fearnside drinking in the office? Yes.
1027. *By Mr. Morris*: At other than luncheon times? Yes.
1028. *By the Chairman*: Did Mr. Hall send the money for this drink—do you know at what part of the month this was? I could not say; there were a great many contractors in the room at the time.
1029. Do you know any of their names? No, I do not.
1030. Had the contractors to come into this long-room to make out the quantities? Yes.
1031. Of course they got mixed up with the draftsmen? Yes.
1032. And they enjoyed themselves all together? Yes.
1033. How much money did Mr. Croshaw throw on the table? Half-a-crown.
1034. You say you have seen Mr. Fearnside and Mr. Mackay drinking during office hours? Yes.
1035. Have you ever known Mr. Mackay to be kept from the office through drink? Yes.
1036. For what period? I have known him to be away for a day.
1037. More than once? Once or twice.
1038. What were Mr. Mackay's duties in the office? Assisting Mr. Hall.
1039. What were Mr. Hall's duties? Architectural drawing.
1040. That consists in drawing railway stations? Yes.
1041. That is the whole of the architectural drawing he has to do with? Yes.
1042. Who does the most towards those drawings—Mr. Hall or Mr. Mackay? Mr. Mackay does the principal part.
1043. What does Mr. Hall do? Take out the quantities and write the specification.
1044. I presume the specifications are mere copies one of another? Copies.
1045. A boy just out of school could copy one in a day? There would be a little alteration about the size of the timbers.
1046. A schoolboy could write the quantity in a day? Yes.
1047. With reference to taking out quantities—have you known Mr. Hall to be a week or ten days taking out quantities in a station? I could not say the time; I have known him to be a long time.
1048. Was the time he was occupied in taking out quantities, noticed throughout the office? Yes.
1049. It is a very simple thing to take out quantities—could you not do it in a few hours? Yes.
1050. Has not Mr. Hall, previously to the present time, received the praise for doing these drawings? Yes.
1051. Does Mr. Mackay attend to his duties? No.
1052. Is he slow at his work? Yes, very slow.

1053. With whom did you see Mr. Fearnside drink in office hours? Mr. Hall.  
 1054. With any one else? No.  
 1055. Have you seen him in such a state as not to be fit to do his duty? I have not.  
 1056. Have you ever seen him in the small room at the end of the office conversing with women? No.  
 1057. What were Mr. Fearnside's duties? Getting plans and sections ready for the contractors—taking out the quantities.  
 1058. He does not draw plans? He finishes them.  
 1059. Is he not one of the sappers? He is.  
 1060. What salary does he receive? £300 a year I think.  
 1061. What are Mr. Doherty's duties in the office? Principally tracing.  
 1062. He is not a very good draftsman? Passable.  
 1063. Not so good a draftsman as either Mr. Robertson or Mr. Drewett? No.  
 1064. Is he not considered a good field engineer? I believe he is.  
 1065. Have you heard it stated in the office that he was? I have heard Mr. Gardiner talking about it.  
 1066. Do you know whether he was ever sent into the field? Not while he was in the Works Department.  
 1067. Do you know whether he was engaged in the field on railways in America? He was I believe; I believe he was chief engineer on a line in America.  
 1068. Have you ever seen him drink in the office? Occasionally.  
 1069. Is he attentive to his duties generally? Yes.  
 1070. Have you seen him drink to the extent of not being able to perform his duties? No.  
 1071. Have you seen him come into the office late in the day, and leave early in the afternoon? No.  
 1072. Have you known him to be absent from the office for any time? No.  
 1073. Do you know if your father has spoken to Mr. Whitton about this drinking in the office? He has.  
 1074. Have you heard the answer he got? Yes, to mind his own business.  
 1075. *By Mr. Arnold:* You heard that answer from Mr. Whitton? Not from Mr. Whitton.  
 1076. *By the Chairman:* Did you hear it about the time that your father made the complaint to Mr. Whitton? Directly my father came from him he spoke about it.  
 1077. Your father had been to complain to Mr. Whitton, and when he came back to the long-room he said, that was the reply given by Mr. Whitton? Yes.  
 1078. You have already said that you had occasion to complain, and did not get a satisfactory answer? Yes.  
 1079. Was there a gentleman there of the name of Budgeman? Yes.  
 1080. Where is he now? In England at present.  
 1081. Do you know why he left the service? He could not put up with Mr. Whitton's conduct.  
 1082. In what way? He was such a very hasty temper.  
 1083. Looking to the number of persons engaged in your office do you think they have done a fair proportion of work? No.  
 1084. Do you know how long Mr. Drewett was engaged on the plans he made for the Menangle viaduct? I could not say; the drawings have been in hand three years.  
 1085. Do the officers keep a journal of the work on which they are engaged? Yes.  
 1086. I suppose Mr. Drewett's journal will shew the time he has been engaged on these drawings? Yes.  
 1087. Did Mr. Drewett make up the quantities of the Menangle viaduct? I think not.  
 1088. Who made up the quantities? I cannot say.  
 1089. Did Mr. Gardiner make up the quantities? I do not know.  
 1090. Did you make out the quantities of your own drawings? Sometimes.  
 1091. Of the drawings you made of the Menangle? Of the wood work.  
 1092. Do you know of large quantities of earth being removed from a cutting near Menangle Bridge, and finding that a mistake had been made, of its being taken back again? I do not.  
 1093. Were the designs of the Menangle Bridge made here or in England? I could not say.  
 1094. The whole of the designs of the iron work were made in England—were they not? There were some tracings sent out from England with regard to the Menangle viaduct, but I could not say what they were for; I only just caught sight of them.  
 1095. Where are those tracings? Still in the office.  
 1096. Do you know anything about the weight of iron required for bridges of a certain strength? No, I never had occasion to go into it.  
 1097. Do you know any gentleman in the office who can calculate the strength of iron bridges? Mr. Gardiner is the only one I believe in the office.  
 1098. Does it not require—in laying the permanent way in a curve—some nice calculation to know the proper height to elevate the outer rail? Yes.  
 1099. Is there any person in the office who could make that calculation? I cannot say.  
 1100. Is it not the fact that the tramway had to be taken up no fewer than four times, simply because there was not an officer in the department who could make the proper calculation? I do not know.  
 1101. Is it not the fact that the tramway was taken up four times? I could not say.  
 1102. Were you not in the habit of going over the Pitt-street tramway? Very seldom.  
 1103. I thought you lived at Newtown? I did, but I have not within the last two years.  
 1104. *By Mr. Morris:* In what way are you employed in the Survey Department? In compiling maps.  
 1105. Has any other work been sent to you? Yes.

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1106.

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1106. What description of work? I have not been doing any work of any consequence—I have been doing all sorts of work.
1107. Have you been able to perform all the work that has ever been sent to you? Yes.
1108. Has any work been sent to you that you have been found incompetent to perform? Not any.
1109. Nothing with regard to plotting work from a surveyor's book? No.
1110. Are you competent to plot work from a surveyor's book? I have had very little to do with that; I had a little of it while I was in the Work's Department.
1111. In your evidence you say that there has been a great deal of drinking in the office—was not this drinking generally at the time of luncheon? Not in particular; it was as much in the morning and afternoon as at the time of luncheon.
1112. Do the officers go out to lunch, or have they it in the office? In the office—some go out.
1113. Is it the rule of the office to go out, or to have it in the office? They are not allowed to go out.
1114. Is it the practice to go out, in the Land's Department? We are allowed to go out in the Lands.
1115. *By Mr. Dalgleish:* In the Works they drank at any time they could get it? Yes.
1116. *By Mr. Morris:* In the Lands Office there is no drinking at all? Never.
1117. Is it a harder worked department than the Works? Much harder.
1118. *By Mr. Dalgeish:* Does Mr. Drewett spend much time in reading the newspaper? Yes.
1119. And in conversing on politics? Yes.
1120. *By Mr. Tighe:* You said Mr. Hall refused to go upon some line—to whom did he make the refusal? He spoke to them in the office—I do not know whether he spoke to Mr. Whitton.
1121. Did he speak to any superior, who had authority, or did he merely state that he did not wish to go? He stated it in the long room.
1122. He stated that he had refused to go? Yes.
1123. That he had refused Mr. Whitton? Yes.
1124. *By Mr. Dalgleish:* Do you remember when Mr. Gardiner was first engaged in the Works Department? Yes.
1125. What work was he then engaged upon? Designing bridges.
1126. In what kind of way did he execute that work? Very well indeed.
1127. Are those designs of bridges still in existence? I cannot say.
1128. Were they adopted? I cannot say.
1129. At that time were the railways projected to be carried out on a much more expensive scale? Yes.
1130. Were his designs for first-class lines? Yes.
1131. Did you ever hear his work found fault with during the time you were in the office? No.
1132. Had you an opportunity of hearing if it had been? Yes.
1133. Was Mr. Whitton in the habit of visiting the room in which he was engaged? Yes.
1134. Was Mr. Whitton in the habit of visiting the room where Mr. Gardiner was employed, when he was engaged the second time as a tracer? Very seldom; perhaps he was not down for two or three months.
1135. On the other occasion, when he was there in the first instance, and engaged in designing bridges, Mr. Whitton was frequently with him, examining the work he was employed upon? Yes.
1136. Were they iron bridges that Mr. Gardiner was engaged in preparing? Iron bridges.
1137. Have you seen any of the work that was performed by Mr. Gardiner when he was employed by the Lands Department? No.
1138. Is Mr. Gardiner, from your knowledge, capable of plotting from a surveyor's book? He is.
1139. Is he a correct draftsman—surveyor's draftsman? I could not say.
1140. From what you have seen of his work you would say that he is a neat mechanical draftsman? He is.
1141. How do you account for a person capable of performing such work as Mr. Gardiner was, being kept to tracing? I could not say.
1142. Do you think it was because he could not do any better? No, it was not on account of that.
1143. Simply as a means of obtaining a living? Just to get a living he took it.
1144. You say you never saw Mr. Gardiner take anything in the office but water? Never anything but water and biscuits.
1145. Have you ever heard him promoting a quarrel between other people, or quarrelling with other people himself? No.
1146. Was he not rather of a jocular disposition? Yes.
1147. When persons in the office were almost inclined to quarrel would he not turn the subject of contention into a joke? He would try and pass it off.
1148. Was he in any respect of a quarrelsome disposition? I never saw him so.
1149. You have had ample opportunity of judging? Yes.
1150. You have known other persons to quarrel and fight in the office, but have never known Mr. Gardiner to do so? Yes. Sometimes Mr. Hall would press Mr. Micklethwait on, and one word would bring on another, and then the two would pitch on Mr. Gardiner, and have a fight or quarrel. Mr. Gardiner would simply turn round and go on with his work.
1151. You were not in the office during the greater part of Mr. Gardiner's engagement in the long-room? No.



1152. This back room you describe as being the one in which your father was at one time employed, is the room in which Mr. Hall and Mr. Fearnside have been described as sitting on the ruins of Carthage? Yes. Mr. W. A. Trengrouse.
1153. Was it understood by this that they were sitting there in a state of stupid drunkenness? Yes. 27 Nov., 1863.
1154. Have you seen these persons sitting in this little room, and heard Mr. Hall described as Marius sitting on the ruins of Carthage? Yes.
1155. In what condition were they when they thus sat? Mr. Hall was anything but sober. Mr. Fearnside—I could not say that he was drunk—but he was not far from it.
1156. Was Mr. Hall in the habit of making indecent gestures, and using indecent expressions in the office? Yes, frequently.
1157. *By Mr. Tighe*: Was Mr. Whitton aware of that? I could not say.
1158. *By Mr. Dalgleish*: Have you seen him using a stick in an indecent manner? Yes, I have.
1159. Has he made indecent and improper observations to the girls? Yes.
1160. If Mr. Gardiner has complained about Mr. Hall using indecent expressions, is that complaint substantially correct? Yes, it is.
1161. He has been guilty of making obscene motions to these girls when they have been in the shed? Yes.
1162. The girls had no escape from his obscenity except by going into the house? No.
1163. Have you known them to complain? I could not say.
1164. *By Mr. Arnold*: Who were these women? I cannot say. They were servants at the next house.
1165. Are they there now? I cannot say.
1166. *By Mr. Dalgleish*: You are perfectly sure that a charge of rape was preferred against Mr. Hall at Penrith? Yes.
1167. Upon whom? I could not state. I have heard the young lady's name.
1168. Was it upon a navy's wife? In one case it was a navy's wife; in the other it was a respectable young person who lived in Penrith.
1169. Was he brought up at the police office in one case? Yes.
1170. *By the Chairman*: On the first establishment of railways in the country you and your father did the whole of the plans? Yes.
1171. That is, the whole of the plans connected with the railway from Sydney to Parramatta—thirteen miles; the extension to Liverpool—nine miles; the farther extension to Campbelltown—thirteen miles; and from Newcastle to West Maitland—twenty miles? Yes.

WEDNESDAY, 2 DECEMBER, 1863.

Present:—

MR. ARNOLD,		MR. MORRIS,
MR. DALGLEISH,		MR. TIGHE.
JOHN LUCAS, ESQ., IN THE CHAIR.		

Mr. John Doherty called in and examined:—

1172. *By the Chairman*: When did you enter the Railway Department? In August I think it was, 1862. Mr. John Doherty.
1173. Were you engaged to do any particular duties? No. 2 Dec., 1863.
1174. What kind of work were you put to? Tracing plans and sections.
1175. When seeking employment in the department, what position did you apply for? Constructing engineer or surveyor, or anything else that was to be done.
1176. Did you apply to the Engineer-in-Chief in person? I did.
1177. Did you shew him certificates which would prove you were a competent and experienced railway engineer and surveyor? I did.
1178. Did you shew him certificates as to your abilities as a draftsman or plan tracer? No, I did not; I never did much in drawing, except pencil designs of the work I had to do.
1179. Before you entered the Railway Department of New South Wales were you engaged in the field? Both in the field and in the office in America.
1180. More in the field? More in the field.
1181. Did you tell this to Mr. Whitton? I did.
1182. But you were put making tracings and drawings from the time you entered the department? Yes.
1183. What pay or salary did you get? 10s. a day.
1184. Did the Engineer-in-Chief give you to understand you were to remain at that salary? No, he told me he would give me the first position he could find that my professional abilities entitled me to.
1185. What position did he lead you to expect? After he had examined me, he told me there was a gentleman about going to the Mauritius, and if he left he would give me his position.
1186. Did he name the person? It was Mr. Barton I found out afterwards.
1187. What position did Mr. Barton occupy in the department? Engineer of surveys.
1188. And Mr. Whitton led you to believe that when Mr. Barton left the Colony he would place you in his position? Yes.
1189. He is chief engineer of trial surveys? Yes.
1190. After it was found that Mr. Barton would remain in the Colony, did Mr. Whitton make you any further promises? Not for a long time, till Mr. Drewett came to me, I think it was in July last; he never made me any promise since.
- 1191.

Mr. John  
Doherty.  
2 Dec., 1863.

1191. What promise was made to you then? He sent Mr. Drewett to me, after I had found some errors in work I was doing. Mr. Drewett expressed his surprise and pity—that I should remain in the department so long without having something better to do. He advised me to go and see Mr. Whitton. I told him that Mr. Whitton had my papers, and had made me promises, and that I should wait until I saw whether he was going to fulfil his promises or not.

1192. Did you hear anything further? Nothing further since, nor have I made any application.

1193. When did this occur? I think in July.

1194. Was that before or after Mr. Gardiner reported the proceedings in the office? Yes, some months after.

1195. Then they did not express any pity at the position you held until after Mr. Gardiner made his report? No, it was several months.

1196. Did you mention this to any of the other draftsmen? He told me not to mention it —

1197. Mr. Drewett told you not to mention it? Yes. I told it to Mr. Gardiner and Mr. Robertson after I had had this interview. I thought it an uncalled for thing for a draftsman to offer me any position.

1198. Are you sure he was authorized to say this—did he say he was authorized by Mr. Whitton? I am not sure, but I think he was, because afterwards he went to Mr. Whitton, and I heard them talking, but I could not hear what was said.

1199. How far were you from where they were speaking? They were in the room below, and the door was open, because it was warm weather.

1200. Had you any further conversation with Mr. Drewett about it? No.

1201. And you mentioned this directly afterwards? Yes, to Mr. Gardiner and Mr. Robertson.

1202. Did he at any future time speak to you on the subject? Never.

1203. Did you trace any iron girder bridges? Yes.

1204. Did you remark anything peculiar about the drawings? I found the plan and elevation did not agree, and I drew Mr. Drewett's attention to it, and shewed him how the defect could be remedied.

1205. Did anything further take place? I never had any more tracings to do for the bridges.

1206. *By Mr. Dalgleish:* They did not give you any more girders to trace? No, not after that.

1207. *By the Chairman:* To what did you attribute these errors? To the incompetence of the parties that did not take the tracings off properly from the other drawings that I saw them copying there.

1208. Do I understand that these were merely tracings from drawings sent from England? Yes, everything in the office was done in that way.

1209. Then all the drawings for the iron work come from England? Yes.

1210. And all the draftsman in the Works Department here does, is merely to trace off these drawings? Yes.

1211. And they made a mistake even in the tracings? Yes.

1212. After you discovered the mistake they never gave you any more tracings of that kind? No, I was put to other work—the distribution of material.

1213. Did you advise them to make the necessary alteration? Yes.

1214. Do you know whether they did it? I do not know; I suppose they did, because the thing would look so ridiculous.

1215. Have you done any other kind of work but tracing since you have been in the office? Yes, I have placed the distribution of material upon the sections.

1216. Did you remark anything peculiar in these disposal sheets? Yes.

1217. Will you inform the Committee what it was? The very long haul—placing cuttings in embankments in some places a mile distant; I thought that absurd, injurious to the contractors, and wrong every way.

1218. And not beneficial to the country? No, decidedly the other way.

1219. *By Mr. Dalgleish:* You objected to the length of haulage? The length of haul in taking material from cuttings into embankments. They have a rule here that I never saw adopted in any other place, of making the cuttings and embankments agree in quantity—balance each other.

1220. *By the Chairman:* No matter how far the haulage may be? No matter how far the haulage may be. In one place I observed the haul to be a mile and some distance; I drew Mr. Gardiner's and Mr. Robertson's attention to it; we were in the same room together.

1221. Would it not be much cheaper for the Government to make the cuttings smaller, and make up the embankments from side cuttings? That would depend on the nature of the ground.

1222. Speaking of these long hauls —? These long hauls are always injurious to the interests of any party constructing railways.

1223. What would you call moderate haulage? Half a mile.

1224. When the haul would exceed half a mile, would it not be much cheaper for the Government to make up the embankments from side cuttings, if the land in the immediate neighbourhood afforded proper material? Yes, it would be cheaper.

1225. *By Mr. Dalgleish:* Could you give some data to shew that it would be cheaper? I am not prepared to do that now. The habit of making the cuts and fills agree is carried out generally in England, and in all parts of the settled countries of Europe, because land

is dear, and they do not wish to deface the country by making side cuts to supply the banks ; but in America, where the land is cheap —

Mr. John  
Doherty.

1226. *By the Chairman* : Or in New South Wales ? Or in New South Wales, where land is cheap, it is an absurdity to carry material ten feet if you can do it cheaper. The plan adopted in the United States of America is to make a fixed price for a haul of half a mile, or 880 yards, and for every additional 100 yards over that length an additional penny per cubic yard ; then the next 100 yards two pence per cubic yard ; and so on, until the price of hauling becomes greater than the price of borrowing from the sides.

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1227. *By Mr. Tighe* : Does it not require more plant for these long hauls ? Of course.

1228. And therefore greater capital to take the contract ? Yes.

1229. *By the Chairman* : Do you know what particular contracts these disposal sheets refer to ? I do not know whether it was on the Western or Southern line, it is so long ago now.

1230. Did you inform Mr. Barton of the errors ? I did, about the disposal sheets and the profile, and shewed him how it ought to be fixed up ; he looked at it a good while, and told me to go and fix it up—that he had not time then.

1231. When did this occur ? A few days before Mr. Drewett came to me and told me I should ask Mr. Whitton for a better place than I had.

1232. Then Mr. Drewett shortly after this advised you to apply to Mr. Whitton for a better position ? Yes.

1233. Did you have anything to do with Mr. Barton's surveys ? Nothing further than seeing the plans and tracings sometimes.

1234. Did you remark anything about these plans ? Yes, the curvatures.

1235. What was peculiar ? The curves were very sharp, but probably that could not be avoided ; but the curves come in against each other without having a piece of straight line to counteract the motion of the train—to allow the train to get into equilibrium.

1236. A sort of S curve with the two ends placed together ? Yes.

1237. You think it was necessary to have a short piece of straight line to steady the train before it went on the adverse curve ? Yes, I know it is necessary.

1238. Is it not also necessary for the outside rail to be raised considerably more than the inside rail ? Yes.

1239. And therefore you cannot get into the adverse curve without a piece of straight line between the two ? No. When two reverse curves meet at a point, it is necessary that the outward rail should be elevated in each case, and between the points of junction there ought to be a straight line to allow the train to regain its equilibrium before it commences on the other curve. If not, there is an absurdity.

1240. *By Mr. Dalgleish* : It is not absolutely impossible to turn from one curve to the other ? No, not absolutely impossible.

1241. But it is impossible to do it at a high speed ? Yes.

1242. It is possible to do it at a slow speed ? Yes.

1243. What is the highest speed at which it would be safe to travel on such an S curve ? About eight or ten miles an hour.\*

1244. Could you go as much as that ? I think you might go as much as eight or ten miles an hour, if the rails were properly elevated, but then there would have to be a piece of straight line between the two curves.

1245. Without a straight piece between the two curves, could you do it at all ? Yes, you could do it, but there would be a jerking motion in the train. They would not elevate the outside rail in that case, because if they did there would be a jog of five or six inches where the curves met.

1246. So that if you went above the pace of a bullock dray, it would be sure to throw the train off ? Yes.

1247. *By the Chairman* : You say you have not had anything to do with Mr. Barton's surveys ? Nothing more than seeing tracings of the plans.

1248. Is that the only objection you can find to them ? I have seen other plans that I had nothing to do with, that I could raise a great deal of objection to in the surveys ; there was four or five times too much surveying about the plans for the interest of the country.

1249. Did you point out these defects to Mr. Barton ? In the curves—no.

1250. Did you mention it to any other person in the office ? I mentioned it to Mr. Micklethwait once.

1251. He is engaged on the trial surveys ? Yes.

1252. Did you speak about it to anyone else ? I spoke of it generally in the office.

1253. Did you shew how it could be avoided ? I shewed Mr. Micklethwait.

1254. Did he think there was any need of improvement ? No ; he said they had adopted that plan, and knew what they were about.

1255. Do you think they understood what you were referring to ? I do not think Mr. Micklethwait understood what I was talking to him about.

1256. Why are you led to suppose he did not understand you ? I drew out a pencil plan of it, and when it came to the point of making trigonometrical calculations he could not do it ; he did not understand it.

1257. Was this during office hours ? Yes.

1258. Where did this occur ? In the long-room, where all the draftsmen were.

1259. When ? About the latter end of December, 1862.

1260. In what year were you first professionally engaged on railways ? I was engaged professionally in 1845 as principal assistant on the Edinburgh and Perth Railway, in Scotland.

1261. How long were you on that railway ? A year, making surveys.

1262.

\*NOTE (on revision) :—This speed relates to curves of ten chains radius.

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1262. After that where were you engaged? After that in America, in every portion of railway surveying and constructing, from assistant to chief engineer.
1263. What was the nature of the first works you were engaged on in America? I was first engaged in building a plank road in Ohio.
1264. Did you complete that work? Yes.
1265. What was the next work you were engaged on? As division engineer on the Belfontaine and Indiana Railroad.
1266. What does the term "division" engineer mean? An engineer who has charge of fifty or sixty miles of railway. One has fifty miles and another fifty miles, and so on. He makes the surveys, profiles, estimates, and superintends the construction.
1267. What you call "profiles" we call sections? Yes.
1268. You had charge of fifty miles of this railway? Yes.
1269. You were the head engineer? Yes, I was of fifty miles only.
1270. Did you remain on that railway till its completion? Yes, till the railway was finished.
1271. How long did that take from the commencement of the survey till the completion of the railway? I think about two years and four months.
1272. What was the length of the railway altogether? About 158 miles.
1273. And they completed 158 miles in two years and four months? Yes.
1274. Who designed the bridges and viaducts on that railway? Every division engineer designs his own bridges. The designs of the bridges are all issued from the Patent Office in America. It is a mere copying of the Patent Office reports. They are submitted to a test by the Patent Office in Washington.
1275. Engineers there have not to calculate the strength of the bridges? No, that is done in the Patent Office to insure safety to the public. They are mere copies of the plans, and any deviation that is made is in the material or the distance of the span.
1276. After this railway, where were you next engaged? On the Marietta and Cincinnati Railway.
1277. What position did you occupy? I was assistant on that road, in charge of the construction of twenty-five miles—very heavy work.
1278. How long were you there? Ten months.
1279. Was that line finished during the time you were there? Yes, finished complete.
1280. When was it begun? It was begun about a year and a half before I went on the line.
1281. Were you engaged on any railway after that? Yes, on the Tainsville and Columbus line.
1282. What was the length of that? Fifty miles.
1283. What position did you occupy there? Resident engineer.
1284. Did you remain and complete that work? Yes.
1285. Were you engaged on any other railway after that? Yes, on the Illinois Central Railroad.
1286. How long were you engaged on that? Eight months.
1287. Did you remain until it was finished? No, I resigned on that road; my wife got sick, and I had to return home.
1288. To Great Britain? No, to Cincinnati, Ohio. The Minister has the acceptance of my resignation on that road.
1289. What Minister? The Minister for Works. I gave it into the hands of Mr. Rae.
1290. It is in the hands of the Works Department now? Yes, all the letters referring to these places are in the hands of the Works Department.
1291. Your letters and certificates? Yes.
1292. Did you make the survey of any portion of that railway? No, it was made before I went there; I superintended the construction.
1293. What were you engaged on after that? The Cincinnati, Cumberland Gap, and Charleston Railroad. I surveyed that road in the State of Tennessee, and made a reconnoitring survey in Kentucky and North Carolina.
1294. What length was it? 109 miles was surveyed.
1295. What sort of country was it? That is the roughest country in America.
1296. Was there anything to equal our mountains? I have never been in the mountains here; I have never been out of Sydney.
1297. What time did it take you to make the survey of 109 miles? It took two months to make the reconnoitring survey—taking the angles and elevations, measuring the distance by carriage wheels, and finding out all the difficulties, to see whether a railway could be constructed or not. The distance altogether was 300 and some odd miles, and it took us some ten months to make the survey.
1298. How many persons were engaged as engineers? Two assistants; one with the transit, and one with the level; sometimes two with the levels.
1299. How many altogether? There were fourteen in the party.
1300. Were the whole fourteen civil engineers? No.
1301. How many were engineers? Two, properly speaking; one was a leveller, and levelling is a mechanical operation.
1302. The others were labourers? Yes.
1303. How many lines do you think you ran? I do not know how many lines we ran; but we were in the habit of making our surveys at the rate of two miles a day, with all estimates and plans complete.
1304. Did you remain on that railway until it was completed? I remained until the report was made and the surveys were completed. They found they could not raise money enough then,

then, but they have built a portion of it, I understand, since I left. I started off then for another part of the country.

1305. Where were you engaged after that? On the Houston and Texas Central Railroad.

1306. Did you make the survey of that line, or any portion of it? No, it was made before I went there. Mr. John Doherty.

1307. Did you superintend its construction or completion? Twenty-five miles.

1308. Had you any other civil engineers under you? Two.

1309. What were you engaged on after that? As chief engineer of the New Orleans, Houston, and Texas Central Railway. I made the survey and report, which was adopted by the president and directors; but a new line of policy was started with the directors, and I got a letter from the president stating that the work was done properly. That letter is now in the hands of the Minister for Works.

1310. How long did you remain there? I remained some four months on that road, and made a survey of it.

1311. How much did you survey during that time? Ninety-four miles. I made the survey, plans, and estimates, and reported on it.

1312. How many of you were there? Myself and two assistants, and some eight or ten men, or perhaps twelve.

1313. What were you engaged on after that? As County Surveyor and City Engineer of Sacramento, California, elected by the people.

1314. How long did you hold that office? During my legal term of office—one year.

1315. After that had expired where were you next engaged? Here, in New South Wales.

1316. Then you came direct to this country after you left California? I did.

1317. *By Mr. Dalgleish:* The country was distressed at that time in consequence of floods? Yes, the country was in a bad fix then on account of the war.

1318. *By the Chairman:* California? Yes.

1319. There was no occupation to be had? There was not much occupation to be had, except I would wait a year, and I could not wait a year for any place.

1320. What place were you put to work in when you first entered our railway department? In the long-room, called the drawing-room.

1321. What are the names of the others who worked in that room during your time? Mr. Trengrouse, senior, Mr. Trengrouse, junior, Mr. Hall, Mr. Fearnside, Mr. Mackay, Mr. Telmon, Mr. Gardiner, and myself.

1322. How many? Eight.

1323. Did you see anything improper going on there? Yes, drinking brandy and beer, and arguing politics.

1324. Did you ever see any excessive drinking during office hours? Yes.

1325. Will you name the parties who drank to excess in that room? I saw Mr. Micklethwait, Mr. Hall, Mr. Fearnside, and Mr. Mackay—he drank less than any of them.

1326. Did you ever see Mr. Gardiner drink during office hours? No, I never saw him take a glass.

1327. Did you ever see him drink any quantity of intoxicating drink at luncheon? No, there were only four who drank anything.

1328. Did you see Mr. Trengrouse, senior, drink at all? He was only a few days in the room while I was there.

1329. *By Mr. Arnold:* Who were the four that you say were the only persons who drank anything? Mr. Hall, Mr. Micklethwait, Mr. Fearnside, and Mr. Mackay.

1330. *By the Chairman:* Did you see Mr. Trengrouse, junior, drink any? No.

1331. Did you see Mr. Telmon drink any? No.

1332. All the excessive drinking was carried on by Mr. Hall, Mr. Micklethwait, Mr. Mackay, and Mr. Fearnside? Yes.

1333. *By Mr. Dalgleish:* Have you seen other people drink in the office? No, I did not, except they drank a little in the anteroom; they used to drink some there I think. Telmon, Gardiner, and them I never saw take a drop of anything.

1334. *By Mr. Morris:* Did you ever see Mr. Trengrouse, senior, take anything? No, he was only there for a few days after I went there; he moved to another room.

1335. *By Mr. Dalgleish:* Was Mr. Trengrouse, junior, there when you were there? Yes; I never saw him drink a drop.

1336. *By the Chairman:* In your evidence before Mr. Arnold, you say the messenger, Fitzgerald, brought in drink to the office? I did.

1337. Did you ever see this messenger's evidence? I saw some of it in the newspapers.

1338. He says in that evidence that he brought in drink to most of the draftsmen, and not above a glass to each daily? He never brought a drop to any but those I have mentioned.

1339. What description of drink did he bring in? Brandy and beer.

1340. To whom did he bring the most? To Mr. Hall and Mr. Micklethwait.

1341. How much have you seen this messenger bring in at a time? About a bottle of beer and a bottle of brandy was the most I have seen taken in at a time.

1342. How often during the day? Only once. Mr. Hall used to take in a bottle himself.

1343. Did you see any person else bringing in any drink besides Mr. Hall, and that brought in by the messenger? I think Mr. Fearnside used to bring it in, but I cannot positively say that. They always had it in their drawer.

1344. Who do you mean? Mr. Mackay and Mr. Fearnside; they sat next each other.

1345. Mr. Mackay always had drink in his drawer? Yes.

1346. And Mr. Fearnside? Yes.

1347. Mr. Hall? Mr. Hall always had it.

1348. And Mr. Micklethwait? Mr. Micklethwait always had it.

- Mr. John Doherty.  
2 Dec., 1868.
1349. In what manner used they to bring it in—openly in their hands? Sometimes Mr. Hall would bring it in in a paper parcel.
1350. Did you often see this occur? Daily, for a long time after Mr. Trengrouse went up-stairs.
1351. Used they do it before Mr. Trengrouse went up-stairs? No, I did not see much of it before Mr. Trengrouse went away—except beer. Mr. Hall might have brought in some brandy. I do not think he could live without brandy; when he came in in the morning he would be all nervous and shaking.
1352. Did you ever see Mr. Micklethwait bring drink into the office? I did; I have seen him pull a bottle of brandy out of his pocket.
1353. Did those who used to drink in the office take any particular time to drink? From about 10 o'clock to 3; they would drink nearly all the time, but not in a business drinking way, except after 1 o'clock; they used to take a little before 1, and then after 1 they began it heavy.
1354. Where was the drink generally kept? On the table. Mr. Hall used to put up a sheet of paper on the table, and put a bottle of brandy there, and say he would have to "Take the Malakoff"; they had the beer underneath—that was "The Redan."
1355. Used what they drank in office hours to have any effect upon them? Yes, a very marked effect. Mr. Hall used to commence and act I do not know how many things; I never could know them.
1356. Any Shakesperian characters? Yes; he would be calling out, "A horse! a horse! my kingdom for a horse."
1357. Did he act "The stallion"? Yes; I did not know what that was till I got acquainted with it afterwards; he would be throwing out his legs and neighing like a horse.
1358. *By Mr. Dalgleish*: You mean to say that if it had been said he was acting "The stallion" you would not have known what it meant? I had never seen that before, nor "The scissors grinder." Mr. Whitton explained to me what "The scissors grinder" was.
1359. *By the Chairman*: Was this what they called "Suffolk Punch," imitating a horse? Yes, that is what I understand now.
1360. Did you often see these performances in the office? Almost daily, while in the long-room.
1361. You say you have seen him act "The scissors grinder"? Yes.
1362. Very often? Nearly daily.
1363. Have you ever seen him perform "The walking boss"? Yes; he would square himself up and walk round, pretending to represent his "Friend John."
1364. Who was his "Friend John"? Mr. Whitton. He would make it appear as if he had charge of the room.
1365. What used he to do? He would walk round and say he was "The walking boss," pretending to represent "John." Then he would go to his place again and commence something else—some other antic.
1366. He would look over the work done by the officers in the department, and ask them what they were doing—in fact he would do what he thought Mr. Whitton ought to do? Yes, he said he was representing his "Friend John."
1367. Mr. Whitton? Yes.
1368. *By Mr. Tighe*: He was caricaturing him? Yes.
1369. *By the Chairman*: Have you ever seen him in the character of "Richard the Third"? Yes.
1370. "Shylock"? Yes.
1371. Did you ever see him perform the "Taproom Toper"? Yes.
1372. What was that? He would stretch out his arms, roll up against the table, and so on, and then go and sit down and take another drink, saying "Pouring spirits down would keep the spirits up."
1373. Did this occur often? Nearly every day.
1374. Did he represent the whole of these characters every day? Nearly every day.
1375. Did you ever see him perform in this way when he was thoroughly sober? No.
1376. Then you mean to say he was drunk in the office nearly every day? I do.
1377. Scarcely a day passed? Scarcely a day passed but what he was drunk.
1378. *By Mr. Arnold*: You mean Mr. Hall? And Mr. Micklethwait.
1379. *By the Chairman*: Did you ever see a fight in the office between Mr. Hall and any person? No, I saw Mr. Hall challenge Mr. Gardiner to fight.
1380. Did you see anything between Mr. Hall and Mr. Deering? No, that occurred before I came here; Mr. Mackay told me about that.
1381. You were speaking of his challenging Mr. Gardiner to fight—was this during office hours? Yes.
1382. Do you know the reason of his challenging Mr. Gardiner to fight? I do not.
1383. *By Mr. Dalgleish*: What time of the day was it? I think about 2 o'clock.
1384. *By the Chairman*: After lunch-time? After lunch-time.
1385. Had he been performing any of the usual characters? Yes, he had got through all the usual characters.
1386. *By Mr. Dalgleish*: Are you certain it was not after 4 o'clock? No, it was not after 4 o'clock.
1387. *By the Chairman*: Have you observed Mr. Hall endeavouring to draw the attention of the servant girls in the adjoining house? I have seen him in there once or twice.
1388. In where? In the anteroom.
1389. How often? I have never seen him more than two or three times in there.
1390. How long used he to remain there? He would sometimes be in there about half an hour.
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1391. Did he see you observing him? No, he could not see me observing him; I went in to close down the window on account of the draught; he had the window open looking at the girls and conjuring, or whatever they called it.

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1392. He used to amuse you with a little conjuring now and then, by way of a change? He had a stick that he used to put under his collar to say that he was well manned in every respect.

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1393. Was this when he was talking to the girls? Yes.

1394. Did you see anything else when he was trying to draw the attention of these girls? It would take me a month to think it all over. He used to be in there, but I never saw anybody with him but Mr. Fearnside.

1395. How long was Mr. Micklethwait in the office? He was there only a few weeks; he came in to plot up some work.

1396. What time was he there last in the office? About the beginning of the year—January.

1397. Was he always sober when he came to the office in the morning? Tolerable sometimes, but he never went away sober.

1398. Did you ever see him come to the office in the morning tipsy? Yes.

1399. Often? I think about twice.

1400. Was he generally drinking during office hours? Yes; in the office.

1401. Who did he drink with? With Mr. Hall; sometimes with Mr. Fearnside; sometimes with Mr. Mackay.

1402. What peculiar effect had the drink on Mr. Micklethwait? He would walk round by the table and hold on by it; and he would get into a stupid state and have his head resting on the papers he was drawing on.

1403. Did he drink to the same excess as Mr. Hall did during office hours? I do not think he could stand as much as Mr. Hall, but he drank enough to make him stupid, and so that he would not be able to do his work. He did not say much about it; he took it in a very business-like manner.

1404. Who? Mr. Micklethwait.

1405. Did he keep regular hours—did he come in the morning at regular times? No.

1406. Did he attend to his work when he did come? I do not think he was ever a full half-day in the office.

1407. Used he to leave early in the afternoon? Yes; he would leave whenever he pleased.

1408. Used he to neglect his work when he was there? Yes.

1409. Did any person in the office seem to have any command over him? No.

1410. Did he not seem to fear the Engineer-in-Chief? No.

1411. Did he ever speak to you of Mr. Whitton? He told me he was a schoolfellow, and that he could do as he liked with "John."

1412. Did you ever hear him use indecent language when under the influence of drink? Yes; he told me one day about some very immoral practices they were guilty of at Cockatoo, and I told him not to mention such things to me; he told me the people in this country were the most demoralized on the face of the earth.

1413. You did not want to hear any such conversation? No.

1414. Is it true he threatened to attack Mr. Gardiner during office hours? Yes; he challenged him to fight—put his fist up to his face, and told him he was determined to give him a good beating.

1415. How did this occur? They had some conversation. I do not know what the result of it was. I did not pay any attention, further than to see him coming up and telling Mr. Gardiner he would whip him.

1416. Was it in consequence of any argument they had in the room? Yes; there was some argument I do not know anything about.

1417. When did this occur? In the latter end of December, or early in January; I never kept any notes of time.

1418. At what time of the day? I think about 3 o'clock.

1419. Do you know what Mr. Gardiner said in reply to his threats? Mr. Gardiner said he would not fight or quarrel in the office with anybody.

1420. Was Mr. Micklethwait sober at this time? No.

1421. Did you find an offensive smell in the room when you were there? No, nothing stronger than beer and brandy.

1422. Do you know it is said there was an offensive smell from the water-closets there? It was said so, but I never felt any offensive smell.

1423. Was the water-closet attached to the room? No, they were about fifteen feet apart, I think.

1424. Were the water-closets higher than the room? No, lower.

1425. Were not some disinfectants used there? There was some chloride of lime strewed over the room, and it made it far worse than the smell of the beer and brandy.

1426. Was this used for a long time? It was used for two or three mornings, and Mr. Gardiner objected to it.

1427. Was it before or after Mr. Gardiner objected to the use of chloride of lime that Mr. Micklethwait attacked him in the office? I think it was after, but I am not certain of that.

1428. Do you know whether it was before or after that that Mr. Hall challenged him to fight? It was before that.

1429. Do you know whether Mr. Gardiner reported the conduct of Mr. Hall and Mr. Micklethwait to Mr. Whitton? Yes, I have seen him do it.

1430. Did he ask your advice on the subject? No, he asked nobody's advice.

1431. Not to your knowledge? Not to my knowledge.

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1432. Do you think it was from personal animosity to them that Mr. Gardiner reported it? No, I think it was only from the circumstance that took place then.
1433. What circumstance? Their talking between themselves I think about some money matters.
1434. Were you present when he wrote this report? I was at one side of the table, and he was at another table on the opposite side.
1435. Did you remark any manifestation of feeling during the day Mr. Gardiner handed in his report? I saw no manifestation of feeling on the part of Mr. Gardiner; I did on the part of the others; Mr. Gardiner staid by himself.
1436. Did Mr. Gardiner consult with any person in the room previous to answering Mr. Hall and Mr. Micklethwait's minutes? No.
1437. Do you know whether Mr. Micklethwait consulted with any person before he answered Mr. Gardiner's? Yes; he and Mr. Hall and Mr. Fearnside were together.
1438. You have said Mr. Fearnside drank to excess in the office? Yes.
1439. How did he conduct himself when under the influence of drink? He became a great politician, arguing the political topics of the day.
1440. That was when he was "in a state of beer"? Yes. He always had a newspaper and read it in the office.
1441. I suppose he took a very strong side in politics? Yes.
1442. Did he read the newspapers during office hours? Yes.
1443. Who discussed politics with him? Well, he brought everybody into some discussion or other.
1444. Did he favour the company with a few political speeches occasionally? Not very long speeches, no further than giving his opinion.
1445. Did he give any lectures on politics? No.
1446. Did he ask your opinion on political questions? Yes, nearly every day he asked my opinion on the American question.
1447. Used he to ask the opinion of most of the officers of the department? Yes.
1448. Did he lose much time in this way? About a couple of hours a day I should think.
1449. Used he also to lose his time reading the papers? Yes.
1450. Where used he to keep his drink? In his drawer.
1451. Did he drink alone or was he joined by others? Generally by Mr. Mackay, who was sitting beside him.
1452. Mr. Hall and Mr. Micklethwait, Mr. Mackay and Mr. Fearnside, used to drink together? Yes, and at times they would all drink together.
1453. Did you observe whether he often visited the small room? Yes.
1454. Would he remain there alone? Yes.
1455. What was that small room kept for? A store-room.
1456. Were there any boxes in the room? Yes.
1457. Have you seen him sitting drunk on those boxes? I have seen him sitting and making a short speech, representing that he was "Marius on the ruins of Carthage."
1458. Used you to see him stand on these boxes? I did.
1459. What was he doing then? I do not know what he was doing exactly; I suppose he was looking over at the servant girls on the other side.
1460. What brought you in the small room? I went in there to shut down the window on account of the draught.
1461. Was he looking out of the window? Yes.
1462. Did he remove then? Yes, he objected to shutting the window. After drinking their liquor, the atmosphere became very sultry for them and they could not stand it.
1463. Used Mr. Gardiner visit the small room? No; he was on the other side, and the draught could not affect him.
1464. Did Mr. Telmon visit the small room? No, I never saw him go in there.
1465. Have you seen Mr. Mackay there? Yes, but I never saw Mr. Mackay doing any acting.
1466. Used Mr. Fearnside ever drink so much as to be unfit for duty? After he had done his politics he would go on with his work a little, but he would be unfit, for anybody is unfit for duty in a public office that will take two or three drinks, on account of the sedentary employment.
1467. Did Mr. Fearnside bring in his own drink, or did he send the messenger for it? Sometimes he sent the messenger for it; at other times he would carry it in in his coat-pocket.
1468. How many messengers brought drink into the office? One, Fitzgerald.
1469. You say Mr. Mackay drank during office hours? Yes.
1470. Did he drink so as to become unable to do his work? Yes.
1471. How much have you seen him drink during the day? I have seen him drink a good big glass of brandy and two glasses of beer at the same sitting—at the same time; he would become very talkative about his small domestic arrangements, and tell us about his family at home, and about his wife and children.
1472. He would become very communicative? He would become very communicative all at once.
1473. What did he generally drink? Beer and brandy.
1474. Used he to read the newspapers during office hours? Yes.
1475. Did he discuss subjects that appeared in the newspapers? No.
1476. Did he idle much of his time during office hours? He idles a great deal; he always talks to everybody that comes in there—he talks to all the contractors, and everybody he can get a chance with.
1477. Have you ever heard the nature of his conversation with the contractors? After we removed



removed to the other office Mr. Telmon came up one day, and he told me Mr. Mackay was talking very disrespectfully of Mr. Gardiner and me to some of the contractors, and that one of the contractors had told him that was a very ungentlemanly way of proceeding, to talk in a public office in that way about parties engaged in the office.

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1478. Did you ever hear any of this conversation yourself? No.
1479. Did he ever speak to you about Mr. Gardiner? Yes, often.
1480. Well, or ill? Always in the very worst terms.
1481. Was he then on speaking terms with Mr. Gardiner, when he used to speak so disrespectfully of him behind his back? Yes.
1482. What reason could he have for being so inveterate against Mr. Gardiner? All the office are against Mr. Gardiner—all those who were implicated in the drinking.
1483. Was anybody but those who were drunkards in the department opposed to Mr. Gardiner? Not that I know.
1484. Have you ever heard Mr. Gardiner speak in the same disrespectful terms of Mr. Mackay? No, I never heard him speak in disrespectful terms of anybody.
1485. Did you ever see Mr. Mackay acting during office hours? No; nobody but Mr. Hall, and sometimes Mr. Fearnside.
1486. Did Mr. Trengrouse, junior, often visit the store-room? Very seldom.
1487. Did you ever see him drink anything? I never saw him drink a drop.
1488. Did he read the papers, or indulge in politics, during office hours? No.
1489. Were you changed from the long-room to another room? Yes.
1490. Was this after Mr. Gardiner had reported the conduct of these other officers to Mr. Whitton? Yes.
1491. Was any other person moved after that report? Yes; young Mr. Trengrouse, and Mr. Gardiner, and I were put into one room with Mr. Robertson.
1492. Who was then left in the long-room? Mr. Telmon, Mr. Hall, Mr. Mackay, and Mr. Fearnside.
1493. Were those persons, who were accused of improper conduct, removed? No, they were still left in the long-room.
1494. Were yourself, Mr. Gardiner, Mr. Robertson, and Mr. Trengrouse, removed to separate rooms, or were you all placed in one room? To one room.
1495. Could Mr. Hall, Mr. Nicklethwait —? Mr. Nicklethwait went to the country before we were removed.
1496. Could Mr. Hall, Mr. Mackay, and Mr. Fearnside have acted in the room to which you four were removed, in the same manner as they did in the long-room, without being heard by Mr. Whitton? No, they could not have acted in the same way. We were over the room occupied by Mr. Whitton, and Mr. Whitton must have heard them if they had been put there, and had gone on in the same way.
1497. Do you know the reason why you were removed so far away? No; I suppose it was to allow them to carry on their acting alone and untrammelled.
1498. There was then no person left in the long-room except those who indulged —? Except Mr. Telmon.
1499. Have you seen Mr. Telmon drinking there? No.
1500. Did he ever make use of bad language? No.
1501. Or behave in any way unbecoming a gentleman? I never saw Mr. Telmon behave in a way unbecoming a gentleman.
1502. Who had charge of the long-room while you were there? Nobody.
1503. Do you mean to say there was no person in the room who had any authority over the others? I do.
1504. Who was the principal draughtsman? Mr. Drewett.
1505. How often did Mr. Drewett visit the long-room while you were there? About four times.
1506. What did he do on these occasions? He sometimes came in looking for a plan, and sometimes he would come in and look round, and walk out again.
1507. In what way were you supplied with work? I went to look for it myself—when I had finished a plan I took it to Mr. Drewett, and asked for something else.
1508. Do you know whether, when Mr. Hall was out at work, he would go and look for more? I do not.
1509. Did you ever know him to be idle for weeks because Mr. Whitton did not send for him? I have known him to be whole days idling in the office, when he would not do any kind of drawing at all.
1510. How often used you to go to Mr. Drewett's room? Probably about twice a week; when I would be done with a tracing, I would carry it up and ask for more work.
1511. Did you ever see any drinking going on in Mr. Drewett's room? Yes, I have seen him and Mr. Barton drink together.
1512. During office hours? Yes.
1513. Have you remarked Mr. Drewett under the influence of drink during office hours? Well, not much; what you might call a little jolly.
1514. Did you ever see Mr. Barton under the influence of drink? Yes, I did.
1515. In office hours? In office hours.
1516. *By Mr. Tighe:* Was this frequently the case? Mr. Barton was not in the office more than half the time; I do not think he was half the time in the office.
1517. *By the Chairman:* Have you seen him under the influence of drink in the office? Yes.
1518. More than once? More than once, but not to a great extent.
1519. Did it make him unfit for his work? Of course it made him unfit for his work.

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1520. Did he often visit the long-room while you were there? I think about three times.
1521. Did Mr. Mason often visit the long-room while you were there? About four or five times.
1522. What did he do? Walk in, look round, and walk out again; sometimes he would look at Mr. Hall's plans and walk out again, and say nothing to anybody.
1523. He is principal assistant engineer? Yes.
1524. Did he seem to have any command in the office? Not the least.
1525. Are you aware of the work done by Mr. Mason? Yes, I believe he measures the work in the field, and estimates the work done by the contractors.
1526. When you say "estimates" it, how do you mean—do you mean that he tells the value of it? No, I suppose he measures it, and then gives the quantity of earthworks done.
1527. Could Mr. Mason have observed the persons who were drinking in the long-room? He could not, except those three or four times he called in; it was impossible for him to know they were drinking, except he came in suddenly; they were in the habit of listening to every footstep and putting their bottles away. Mr. Mason could not have seen anything about it.
1528. Was there any great intimacy between him and Mr. Micklethwait? Yes, I believe there is great intimacy between them.
1529. *By Mr. Dalgleish*: Do you know it of your own knowledge? Of my own knowledge I do not know it; I am not sufficiently acquainted with either of them.
1530. *By the Chairman*: Do you think Mr. Mason ever saw Mr. Micklethwait the worse for liquor? I am certain he did; he could not have helped it, because Mr. Micklethwait was so often in their rooms that it would have been impossible but that he should have seen him.
1531. Did Mr. Whitton visit the room while you were there? Never but once.
1532. What was the nature of his visit? He came in and said some words to Mr. Mackay and went out.
1533. Which office are you speaking of? The long-room in the old building.
1534. The things you have spoken of occurred at the old office? Yes.
1535. How long were you there? From August—till the office was changed.
1536. *By Mr. Arnold*: That was only a short time? Five months; it may be more; I do not recollect what time they changed.
1537. *By the Chairman*: Do you think the disorderly conduct you have described could have been carried on if Mr. Whitton had made it a rule to visit the long-room once or twice a week, or more frequently than he did? Of course it could not have taken place if he had visited the room.
1538. Did the draughtsmen seem to care for any person seeing them in that state, with the exception of Mr. Whitton? They did not care.
1539. Did they seem to fear any person reporting them? No, they did not seem to fear anybody.
1540. Did they seem to care whether Mr. Mason or Mr. Drewett would report them? No.
1541. Why did you not report this improper conduct, which you had so often observed in the office? Because I did not want to get dismissed; I had to try to live till I got my family back to America again; I could get no employment.
1542. Were you afraid if you did report this conduct you would be dismissed? I knew it very well.
1543. Did Mr. Gardiner incur the displeasure of the department in consequence of having reported that disorderly conduct? He did.
1544. Was he in ill favour before that? No. There was always some ill feeling about that. They said he was too clever.
1545. Did he always behave in a becoming manner? He always behaved in a very gentlemanly manner.
1546. Were you ever reprimanded before you were suspended? Never.
1547. What reason was assigned for your suspension? None.
1548. *By Mr. Dalgleish*: You had a letter of suspension? Yes.
1549. Did that letter state no reason? No, the note said I should be suspended until the decision of the Executive.
1550. Do you expect to get paid for the time during which you have been suspended? Of course I do expect to be paid; I have never absented myself from my place of residence since.
1551. *By the Chairman*: You do not feel justified in entering into any other employment? I cannot; my papers are with the Government.
1552. Did you hear anything about your suspension till you got notice of it? The only thing I knew about it was that Mr. Fearnside came into the room, laughed very heartily, and said "Gardiner would soon have more company."
1553. Did Mr. Drewett speak to you about the notice? No.
1554. *By Mr. Dalgleish*: Have you ever applied for your salary since? No.
1555. Do you not think you ought? It is four months now, and I am beginning to want it very bad.
1556. *By the Chairman*: Have you heard nothing from the Works Department or the Government since you were suspended? Nothing.
1557. Did you undergo an examination before you entered the department? Yes.
1558. Who examined you? Mr. Whitton.
1559. What was the nature of the examination? He drew out a curved line on a sheet of paper, and asked me how I would lay out that curve; I told him how I would do it, and he seemed satisfied.

- 1560. What was the next question? He asked if I could estimate work, and I told him I could.
- 1561. Did he give you anything to estimate? No.
- 1562. What was the next question he asked? He asked if I had had any charge of works, and I referred him to the papers he had in his possession.
- 1563. Did he ask if you were a draughtsman? I do not think he did.
- 1564. *By Mr. Dalgleish*: Did he ask if you ever met with an honest contractor? No, he did not ask me that.
- 1565. Have you ever known tape measures of unusual length used in measuring sub-contracts? Never.
- 1566. Did you ever hear of it? I heard a conversation this morning to the effect that they were used in this country.
- 1567. Where did you hear that? I heard it from Mr. Fowler. I heard Mr. Fowler say there were long tapes used in this country to measure sub-contractors work.
- 1568. *By Mr. Arnold*: Then they are used by contractors to measure the work done by sub-contractors under them? Yes.
- 1569. *By Mr. Tighe*: Tapes marked in that manner are sometimes sold in the shops? I never heard of it till this morning.
- 1570. *By the Chairman*: You never heard of long tapes being used by any officers of the Government? No, I never heard anything about long tapes until this morning.
- 1571. Did Mr. Whitton give you anything to estimate? No.
- 1572. What was the next question he asked you? He asked me if I was in the habit of superintending construction. I said I was. He asked me where, and I referred him to my letters in his possession. He read them over and he was satisfied.
- 1573. Did he promise you any particular position after your examination? He did; he said he would recommend me for the place of a gentleman that was going to the Mauritius —Mr. Barton.
- 1574. Would you consider that examination a proper test of engineering ability? No, I would not.
- 1575. What was your opinion of Mr. Whitton's abilities from the nature of your examination by him? Well, I thought he did not know much about his business.
- 1576. You say all the papers you have relating to your career in America are in the hands of the Government? Yes.
- 1577. What position does Mr. Barton hold in the railway department? Engineer of surveys.
- 1578. Are you aware of the duties he performs? I am not aware of the duties he performs in the field.
- 1579. What duties does he perform in the railway office? He takes out the quantities of earthwork, in which he was assisted sometimes by Mr. Gardiner and Mr. Trengrouse, junior, when I was there.
- 1580. Does he take them out correctly? He took them out all from paper; that is not the correct manner of taking out these works; by figures is the way to take out anything.
- 1581. How would you do it? I would do it by figures.
- 1582. You say he has been assisted in his calculations by Mr. Gardiner and Mr. Trengrouse, junior? Yes.
- 1583. *By Mr. Dalgleish*: How do you say Mr. Barton does it? From paper.
- 1584. How do you mean from paper? He plots the cross-section and then measures it by scale and finds out the area of that space, after it is plotted, from the figures; that is the way it is all done.
- 1585. *By Mr. Arnold*: That is not the correct way, you say? Of course it is not the correct way; everything ought to be done by figures.
- 1586. *By Mr. Dalgleish*: How much more time would be occupied in one calculation than in the other? The time is lost on the ground in levelling away outside the railway.
- 1587. *By the Chairman*: Surveying land outside the railway? Yes.
- 1588. *By Mr. Dalgleish*: This is one of the things you alluded to when you said previously that more work was done than was necessary? There is five or six times the work done that ought to be done.
- 1589. *By Mr. Tighe*: Did you ever see this done before? That is the old way they used to do in England, but that arises there from the dearness of land, in consequence of which they are obliged to make cross-sections to see where they will run the railway; but in a big country like this it is different.
- 1590. Is it entirely done away with now? It is everywhere else in the world but here.
- 1591. Then the opinion of the profession is unanimously in favour of your method? Of course; it speaks for itself. The way we do, it is done in the field-books on the ground. The acting engineer is bound to give a copy of that to the chief engineer, a copy to the assistant, and to keep a copy himself; then all three calculate these quantities, and they are always at hand for the contractors.
- 1592. *By Mr. Dalgleish*: And they check each other? They check each other. They have the whole of the plans here done over with cross-sections.
- 1593. *By the Chairman*: Three miles on each side of the railway? I do not know how much it is.
- 1594. *By Mr. Dalgleish*: In America they locate the line upon the ground, as it were? Yes, right off, without having any further surveys.
- 1595. *By the Chairman*: Should not the engineer for trial surveys be in the field during the surveys, to determine the line in the best position for the railway? Certainly; that is his place.

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1596. Would the most highly competent engineer find out the best position for a railway if he was not constantly in the field? Not except he had competent persons to assist him, he could not.
1597. May not a person be a first-rate land surveyor, and entirely incompetent as a railway surveyor? Yes, he may survey land as well as anybody, but know nothing of grades and curves, because it is a different branch.
1598. Having had a good deal of experience as a railway engineer, do you know anything about the qualifications of the sappers? Yes, they are very good surveyors—land surveyors.
1599. Do you think the sappers and the young men now engaged upon the railway are proper persons to be entrusted with laying out our lines? No, I think not, except after undergoing considerable instruction.
1600. Do you know whether Mr. Barton had had much experience as a railway surveyor? I do not know. I know nothing about his experience, only from what I have seen of the plans and sections.
1601. Do you think the sappers a useful class of men to have on the railway? I think they are for the surveys after the line is located, to survey the land on either side.
1602. Do you think they have the necessary scientific knowledge? No, they do not know anything about railway surveying, except they are otherwise instructed than what they know as sappers and miners.
1603. Do you think the persons now engaged, from what you know of them, are likely to find the best line to our western country? I have not been out in the country, and I am not personally acquainted with any of them, except Mr. Micklethwait; but from what I have seen of the plans, all I can say is what I have said already, that there is four or five times the amount of work done that is necessary.
1604. You mean the plans sent into the office? Yes, the first trial survey requires no survey whatever, but to have the line faithfully marked out.
1605. *By Mr. Arnold*: How are you to find it out? By the engineer's experience and instruments.
1606. *By the Chairman*: Do not railway surveyors in America run centre lines in the field before they make cross-sections? Always.
1607. The centre line is the first thing that is run? That is the first thing. There is no surveying whatever done on the centre line but to mark it out; the angles are taken twice, and everything is checked by the levellers, the rod-man, and the man that keeps the chain; everything is checked, but there is no surveying done whatever until the centre line is finally adopted; then the surveys are made afterwards, the land lines shewing what land they take up on either side where the company require property for the uses of the railway.
1608. Then in America the practice is mark the centre line, embracing the curves, and it is finally determined before the survey? Yes.

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THURSDAY, 3 DECEMBER, 1863.

Present:—

MR. DALGLEISH,		MR. MORRIS,
MR. LUCAS,		MR. STEWART,
	MR. TIGHE.	

Mr. John Doherty again called in and farther examined:—

- Mr. John Doherty.  
3 Dec., 1863.
1609. *By the Chairman*: Are you aware whether the practice in this Colony differs from that which you described at the close of your last examination, as prevailing in America? It does.
1610. In what respect? In making a vast number of cross-sections, as far as I can see from the plans, at every chain as they proceed with the survey.
1611. I have heard that Mr. Whitton and Mr. Barton adopted this practice of having surveys and sections made at random so as to allow Mr. Barton to lay down the centre line in the office at Sydney? I know the centre line is laid down in the office from pieces of wood—curves.
1612. These pieces of wood are cut out to shew the radius—they are known as French curves? Yes.
1613. These pieces of wood are marked to shew a radius of five chains, ten chains, twelve chains, and so on, and the radius is marked upon the plan from these pieces of wood? Yes, they put the pieces of wood upon the plan and mark it by them.
1614. *By Mr. Dalgleish*: That is what you call "fudging in"? Yes. It is impossible from the curves laid down in the office for any man to lay them on the ground as they are laid down in the office.
1615. In consequence of their being laid down by these pieces of wood, and not in the usual scientific manner? The usual scientific manner is to lay them down upon the ground.
1616. Do you consider such a system creditable to any professional department? No.
1617. Would this practice be tolerated in any first-class engineering department? Not in any place I have been in for the last four-and-twenty years.
1618. You are confident in the correctness of your judgment when you say it is impossible for the chief engineer for trial surveys to perform his duty by remaining in his office? I am.
1619. You believe that his proper position is at the head of his staff in the field? I do.
- 1620.

1620. Are you aware what portion of his time Mr. Barton spends in his office? I am not aware of how much time he spends in the office. I have seen him there may be two weeks at a time.
1621. Have you any doubt that the best position for the curves and the central line of a railway could be found in the field? The field is the proper place for that—that is the place where it must finally be laid down.
1622. Should not the chief of the trial surveyors be experienced in railway surveying? The head of the trial surveyors ought to be experienced; also the parties running the line ought to be able to try the height they are at every interval of the line, and the angles they make, so as to determine the nature of the curvature and the gradient.
1623. If the centre line of the railway were determined, then sappers and land surveyors would be very useful men in the field? They would be very useful men in making surveys of property on either side of the line; for surveying only, unless they were taught civil engineering.
1624. You do not think they are all desirable men to lay down gradients or to take curves? No.
1625. Then you think, if there were two or three really competent railway surveyors, one at the head of each party, the inexperienced persons now engaged in our trial surveys would become useful men? Yes.
1626. You do not think they possess the requisite knowledge without having a man accustomed to railway surveys at their head? No, they would require some mathematical knowledge, and then, after a short time, they would become useful.
1627. You consider that the greatest difficulty is to lay down the location of a railway? Yes, that is the great point in engineering.
1628. That is, to find the best gradient? Yes, and also the best curves, because the whole value of a railroad is its gradients and curves.
1629. Do you think there is any difficulty in finding a sufficient number of men in the Colony capable of performing this work? Not the least.
1630. Do you know any men who are now out of the department who are capable? I do know many young men who would be well qualified after a few months.
1631. Do you think there are a sufficient number of persons now in the department who are qualified? I do not know one in the department.
1632. You do not know one engineer in that department who is competent to find out the centre line of a railway? I do not—one who is in the department at the present time.
1633. What leads you to form that opinion? I form it from the plans and sections.
1634. You have seen the plans and sections that have come in from the different surveyors? Yes.
1635. Have you seen none of those plans that have been creditable to the persons engaged in taking them? The best plan I have seen in point of curves is one that was sent in by Mr. Bennett.
1636. Is he the present engineer for roads? Yes. While I give that answer about the staff, I mean those who are now connected with the department. I am not acquainted with the ability of persons who are in the field farther than from what I have seen of their maps and profiles.
1637. What you call profiles we call sections? Yes.
1638. From the maps and sections sent in to the office by persons engaged in the field, you believe that they are not qualified to perform the duty for which they are appointed? I do.
1639. *By Mr. Morris:* Is that answer consistent with your previous answer, that you are not able to speak of the ability of these officers in the field? I am satisfied from the manner in which they send their maps and plans into the office, that they are not able to find the centre line in a proper scientific manner.
1640. *By Mr. Dalgleish:* You have not seen the plans and sections of all who are engaged in the field? I have not.
1641. *By Mr. Morris:* What I apprehend you mean to say is, that you are not able to judge of all in the field, but only of those whose plans and sections you have seen; and as far as you are able to judge from those plans and sections, none of those people are able to find the centre line of a railway? In a proper scientific manner.
1642. *By the Chairman:* Have you seen the plans and surveys of the extension from Penrith to Bathurst? Yes.
1643. Are they such as you describe? They are the worst plans I have ever seen; the worst feature in them is that the curves are end to end without having a straight piece between them, and the grades meet one another without having a curve between them.
1644. They come to a sharp point without having a curve? Yes. If the grade runs up, there ought to be a curve at the end to give the train an easy motion, to avoid jerking.
1645. And with respect to the S curves, they run one into another without having a straight line between them? Yes. With reference to the grades, the same power that will take a train up a straight line, will not convey it round a curve at the same elevation.
1646. *By Mr. Dalgleish:* You want about a third more power? I am not prepared to say the power, but the principle is a common sense one.
1647. *By the Chairman:* Are these the only objections you have to these plans and sections of the Western extension? There is too much surveying—too great a scope of country.
1648. Have you observed that with one or two exceptions, there are no rivers to hinder the progress of an ordinary railway survey? There are very few rivers.
1649. I believe it is usual to make what is called a transverse or longitudinal survey of a hill

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hill country before laying down a permanent survey? Yes; if I have trial lines through a country, provided there are four or six or any number of lines, if on one of these the country is considerably rougher than the others, I would take it transversely, and I might take a few cross-sections at a particular cut; but it is not necessary to cross-section all the trial lines; it would be a needless expenditure of the public money.

1650. You would take a longitudinal survey all through? Yes.

1651. You say that you have had very long experience—something like fifteen or sixteen years in America and in Scotland—in railway surveying? Yes.

1652. How much do you suppose these trial surveys should cost per mile? From my experience in America, I should think that trial surveys should be got up for £7 or £8 a mile. I know that in America they never cost more than £5 a mile.

1653. We will suppose a railway to be taken over the roughest country that it is possible for a railway to be made over, where the gradients are as high as one in forty, and where the cost of construction would be as much as £20,000 a mile—what do you think should be the cost of a trial survey in such a case? Not more than £8 a mile, unless the provisions for the party have to be brought from a long distance; but in an ordinary country it would not be more than that.

1654. *By Mr. Stewart*: Take the labour required, irrespective of the distance the provisions have to be brought? The labour should cost about £8 a mile.

1655. *By the Chairman*: How long should it take to make each ten miles of such trial survey? From three to four weeks. I have done as high as two miles a day for five months.

1656. How many persons were with you? We made up twelve or fourteen—we had to camp out.

1657. *By Mr. Stewart*: You had a gang with you? Yes.

1658. *By the Chairman*: What sort of country is that? The roughest in America—East Tennessee, including Cumberland Gap, Kentucky, — Lake, and North Carolina.

1659. Did you ever see the plans and sections of Grose Valley? I have seen them once or twice.

1660. From the opportunities you have had, would you be able to form an opinion whether an experienced railway engineer would be likely to be misled in such a way by such ground as to cause time and money to be needlessly expended upon a survey of it? When I first saw the plans I said to Mr. Robertson, "The man must be mad, or must want to waste the public funds."

1661. Do you think a practical engineer would allow £10,000 to be spent upon such a survey as that? No.

1662. What would you say of an engineer who would allow £30,000 to be spent upon such a survey? I should say a prison would be too good a place for such a man. I call it nothing but robbery.

1663. Do you think he knew anything about railway surveying? I do not.

1664. Or if he did, that he must have intentionally wasted the public money? He could not be sane and be an engineer and do it.

1665. Looking to those plans, do you think there has been a regular curve laid down upon that survey? I have seen the plans once or twice; I remember there was an S curve, like a winding staircase, with the railway crossing it. Mr. Robertson or Mr. Gardiner shewed me the plan.

1666. Did you ever see such a plan before? Never in my life, either in England or America.

1667. Do you think it was practicable to carry out the railway, as laid down in that plan? I think not, as far as I can recollect; if I saw the plan now I should be better able to speak about it.

1668. Do you think, from the plans, that the surveying is correctly made? The fixings of the rivers and low grounds may have been correct, because the sappers are, generally speaking, good surveyors.

1669. Good land surveyors? Yes; but as to the manner of putting in the hills, I never saw such work in my life in any map, either geographical, governmental, or otherwise.

1670. *By Mr. Stewart*: Altogether defective for railway purposes? Entirely so.

1671. *By the Chairman*: Is there anything in the plan to indicate that it was performed by a competent railway surveyor? Nothing whatever.

1672. Then from your evidence one would imagine that there was no competent railway surveyor engaged? I would swear there was not; I said at the first it was a great humbug—that the man must be insane to spend so much money on such a survey. Hills were shewn by a round mark, as no man ever put them in a railway survey.

1673. It shewed that the work had been done by a land surveyor rather than by a civil engineer? Yes.

1674. You say land surveyors know nothing about locating a railway? Nothing, excepting what they may know theoretically.

1675. Do you know whether Mr. Barton possesses the mathematical or professional knowledge necessary to enable him to check the correctness of any plan or section? I do not.

1676. You know nothing of his qualifications as a mathematician or a practical engineer? I do not.

1677. From the plans you have seen you think he does not possess these qualifications? From the plans I have seen I know he has not, but I have never conversed with him upon these subjects.

1678. You merely draw your conclusions from the plans you have seen, and you believe that he

he has neither the mathematical nor professional knowledge he should possess as the leader of trial surveys? I believe so.

1679. Has his manner of laying down and determining curves given you any idea of his proficiency in railway surveying? He laid down these curves in his own room roughly, and then I used to see Mr. Fearnside lay them down neatly afterwards—Mr. Fearnside is a neat draughtsman—and then I have observed him take a French parabolic curve and connect the curves where they would not meet on the paper, so to confine himself as nearly as possible to the centre line Mr. Barton had fixed. The parabolic French curve is an instrument which has all kinds of curves on it. I know that was wrong, for they do not lay down any parabolic curves on the road; therefore I say the curves on the ground are not laid down as they are on the paper.

1680. It may be that an engineer, having laid down these curves in his office, will find when he comes to put the curves on the ground that he cannot do so? That is what I mean.

1681. From the manner in which these plans are carried out, what would you think a fair salary for a gentleman possessing the engineering skill of Mr. Barton? I have different views of salaries from what are generally entertained here. I think every surveyor ought to have £300 a year at least, but I know he is not worth another penny.

1682. What position does Mr. Mason hold in the department? The position of principal assistant.

1683. Are the duties he now performs such as should devolve on an assistant engineer? No.

1684. From your experience in railway works, what duties do you consider should fall upon the chief assistant engineer? The chief assistant engineer should be at the head of everything in the field—assist in the office sometimes—see that anything that required to be particularly done, or that was difficult, was properly done—to see the work measured up on the ground where there was any difference of opinion—to see that the plans were properly carried out. The chief assistant is supposed to be the colleague of the chief engineer.

1685. What were the duties which Mr. Mason was chiefly engaged upon when you were in the office? I believe, estimating the work done by the contractor. I have seen some sections that he got up.

1686. What did you think of those sections? They were got up in a business-like way, but very rough—what any surveyor would do.

1687. Did he superintend the designs of any bridge? There is no designing done in the office.

1688. Where is it done? It is compiled from drawings from England—from books.

1689. Do you mean that the whole of the designs of the different bridges are taken from engineering works which are in the office? I do, as far as I know. I have seen the plan of the bridge at the Menangle, which was sent out at the time the iron was sent out.

1690. *By Mr. Dalgleish*: Were you here at that time? No, but I have seen it in the office.

1691. *By the Chairman*: The whole of the ironwork of that was made in England? Yes.

1692. *By Mr. Dalgleish*: You know that only by hearsay? I have seen the plan.

1693. Is it marked as done in England? Yes, it is marked as having been made at Birkenhead.

1694. *By the Chairman*: The only plans then that were done here were those with reference to the piers and tressle-work leading to it? Yes.

1695. Do you know who was engaged on those plans? Mr. Drewett, Mr. Robertson, and Mr. Trengrouse, junior.

1696. Were Mr. Robertson and Mr. Trengrouse, junior, constantly employed on it? Yes, they did the greater part of the drawing.

1697. What did Mr. Drewett do? He used to do some tracing, and some connecting of the drawings.

1698. Did he superintend the plotting of railway plans? No, Mr. Robertson, he and Mr. Trengrouse got most of the nice drawings in the office to do.

1699. Is Mr. Robertson a good draughtsman? Yes, very.

1700. Does he do his work quickly? Yes, Mr. Robertson and Mr. Trengrouse did all the bridge drawings.

1701. It has been reported that Mr. Robertson is very slow—is that the fact? No, it is not; he is very quick, as quick as any young person I ever saw in my life.

1702. Do you know anything of his qualifications as a mathematician? Yes.

1703. We have heard that he is superior to Mr. Drewett? Yes, I believe he is much superior. I have seen Mr. Drewett bring out a bridge to him to complete the tressle-work.

1704. That is, to take out the quantities? Yes.

1705. Have you ever heard him called in to correct any of Mr. Drewett's calculations? I have. I have heard Mr. Drewett call him in and tell him he wanted him to check.

1706. Mr. Robertson has been in the receipt of £100 a year? Yes.

1707. And Mr. Drewett has been in the receipt of £500? Yes.

1708. Was Mr. Robertson always steady at his duties? Yes, he was always early at his work. I was there never later than ten minutes past 9, and I always found Mr. Robertson there.

1709. Was he always one of the last to leave? Yes; he never left until it struck 4.

1710. Did you ever find him idle at his duty? Never in my life.

1711. He was always engaged? Yes.

1712. Was he a quiet young man? A quiet gentlemanly young man.

1713. Did you ever see him fight or drink? Never.

1714. Did you ever hear a complaint against Mr. Robertson until he was suspended? I never heard a word against Mr. Robertson.

1715. You never saw Mr. Mason make any plotting of a railway section? No; he has a room to himself, and I do not know what he does, only that I have seen some of his sections.

1716.

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1716. Are they superior to any others in the office? No, just the same.
1717. What would you consider a fair salary for a person who could do such work as that done by Mr. Mason? I should suppose £300 would be enough, he being only a surveyor.
1718. With reference to the duty of measuring, should not that be done by the resident engineer? It ought to be done by the assistant—the man who lays out the cross-sectioning. The resident engineer ought to have a book of these cross-sections, and the chief engineer ought to have one also. The assistant should measure the work; it should be checked by the resident engineer, and, in case of any dispute with the contractor, then it should be the duty of the chief engineer to go with his assistant and measure the work in the presence of the contractor, to satisfy all parties.
1719. Supposing the resident engineer happened to be favourable to the contractor, his measurement could be corrected by the first estimate made of the survey and the final measurement? Yes.
1720. So that there could not be any possibility of corruption, as any attempt at fraud must be discovered at the final settlement? There might be for a few months, but not finally.
1721. Do you think carpenters or bricklayers would make good superintendents of a line? I think they would if they were properly educated for it.
1722. I presume that any person would, whether a carpenter, a doctor, or a lawyer, if he were properly educated? Yes. I think a tradesman in that department would learn it sooner than any one else.
1723. Have you seen Mr. Mason direct his attention to the drawings that have been done in the office? Very little.
1724. Did he visit the drawing-room very often—the long drawing-room? He was in the long drawing-room three or four times when we were in the upper part of the town—at Phillip-street.
1725. What directions did he give? I never got any directions from anybody.
1726. Then it appears that there was no person to direct the draughtsmen? No; I always called for work when I was out of it.
1727. Who gave it to you? Mr. Drewett.
1728. Did he always supply you with work directly you applied to him? Sometimes; sometimes I received work one or two hours after I applied.
1729. Did Mr. Mason ever give you any instructions? Never.
1730. Did you ever see him give Mr. Gardiner any instructions? No, I never saw him give any instructions to anybody.
1731. Did you ever see him pay any attention to the drawings drawn by Mr. Hall and Mr. Mackay? I often saw him go to the drawings of Mr. Hall; they were the only drawings I ever saw him look at.
1732. Did you ever see him look over the drawings of yourself, Mr. Gardiner, or Mr. Trengrouse? No; he might just walk round the room.
1733. He never passed any remark, or asked what you were doing? No one has ever asked me what I was doing since I have been there.
1734. Did you ever see Mr. Mason in the room during the time Mr. Micklethwait was the worse for drink? I do not know that I did. Mr. Mason was so seldom there I cannot call to recollection; he might have been there once, but I am not certain.
1735. Did you ever hear Mr. Mason make an observation about Mr. Hall being absent from the office? Yes.
1736. What was the nature of those remarks? He said there was a plan required for a station, and he asked Mr. Mackay how soon it would be done, as they were in a hurry for it.
1737. Do you know whether Mr. Micklethwait or Mr. Mason kept a journal of the work they were engaged on? I do not.
1738. Do you know whether it is the practice in the Works Department for the draughtsmen or the persons engaged in the department to keep a journal of the work performed by them? They all keep journals and hand them in at the end of the month to shew what they have been engaged upon during the month—whether they did or not I cannot tell.
1739. Did you? Yes.
1740. When you were at work in the office did Mr. Mason make his appearance at the usual time in the morning? His room was apart from ours, therefore I cannot say.
1741. Have you seen any of his work in the office? I have seen some of his sections.
1742. Do you consider him a good draughtsman? No, very inferior.
1743. Do you, from his drawings, think him a clever engineer? I do not know anything of that from what I have seen.
1744. You do not know whether he is expeditious in the performance of his duty? No; I am not acquainted with his ability, for he works in another room altogether apart from us.
1745. When you were delivering your evidence before Mr. Whitton, was all your evidence taken down properly? No.
1746. Did you make any objection to it? I did. I would not sign one of the sheets.
1747. *By Mr. Dalgleish*: Did you ever get a copy of your evidence taken before Mr. Whitton? No.
1748. Or of that taken before Mr. Arnold? No. (*The Chairman read the evidence of Mr. Doherty. Vide p. 3 of the Appendix.*)
1749. Is that the evidence you gave before Mr. Whitton? That is part of the evidence, but there are several words I wanted to put in which they would not allow me.
1750. There is one point to which I would wish particularly to draw your attention in your evidence: You say, at the top of page 4, "I decline to answer the question whether I have



have been seen drunk in Sydney"? Mr. Moody asked me that question. I asked was I brought up for anything. He said I was not. I replied that I would not answer the question, and I wanted it to be taken out. "No," said Mr. Whitton, "it must stand in." I thereupon refused to sign it on the grounds that I would not criminate myself for any living man. I did not sign that sheet. Afterwards I went before Mr. Rae, in answer to a note requesting to know why I did not sign that sheet. I said I objected to the manner in which the evidence was taken—that my answers were not put down in the language I used; and that words were put as my answers that I never uttered—that I refused to sign anything to criminate myself; and that I still refused. He then took the sheet to Mr. Arnold, and on his return said the Minister directed that the words should be struck out, which was done, and I signed the sheet.

1751. *By Mr. Dalgleish*: How is it then that your name appears at the end of this sheet, with the words still in? That is not how I had it.

1752. These words were to have been struck out? Yes, I put my pen through them twice.

1753. After you had been some time in Sydney your daughter and son-in-law were sent back by you to California? My son-in-law was sent by the American Consul; my daughter is here now.

1754. On that occasion, parting with some American friends, they say you were a little excited? Yes.

1755. On that occasion Mr. Moody might have seen you in that state? I do not know whether Mr. Moody met me or not; that was the occasion when I got a little excited, but I walked home.

1756. You were not drunk? I was never so drunk in my life that I could not walk.

1757. You conducted yourself properly? Yes.

1758. Was that in the evening or daytime? In the evening, or after night.

1759. Some person may have seen you in this excited state, and reported it to your disadvantage? Yes.

1760. At what time of night was it? I think about 11 o'clock.

1761. Is that the only time you can call to your remembrance, when you have been excited in the streets of Sydney? No, I think I have been some three or four times; and no wonder, disappointed in life as I have been.

1762. *By the Chairman*: You have never drank anything in the office, or during the time you have been engaged in your duties? I never drank a glass of spirituous liquors in my life while I was engaged in my work. I drank twice in the office a little brandy, for I was very bad of a bilious complaint, and had to leave the office, and go home, for fear I would be reported. I had a family to make a living for, and I was obliged to stay there whether I was sick or well. On two occasions I asked Mr. Hall for a little brandy; those were the only occasions in my life that I drank a drop while I was at my work.

1763. The other occasions to which you refer were at night? Yes, all at night.

1764. After the usual hours of business had long passed? Yes.

1765. *By Mr. Stewart*: In any case, when you might have been excited, it was in the evening, after business hours? Yes.

1766. *By Mr. Dalgleish*: Have you suffered a great deal of trouble in this Colony, and been put about by being in distressed circumstances for want of work? Yes. My son-in-law had to return to America, and was sent away by the United States' Consul, leaving my daughter behind him.

1767. *By the Chairman*: When you were examined before Mr. Arnold did you wish to shew that those persons who were employed in the drawing-room could give direct evidence as to the conduct of the draughtsmen in that room, and also to shew that those who had given were seldom in the drawing-room, and could give evidence only from hearsay? Yes, I did; that was the meaning of my writing to Mr. Arnold, requesting that I should be allowed to give farther evidence, and when I came to that point in my evidence before Mr. Arnold, he objected to take anything farther down.

1768. Did you wish to state that Mr. Whitton was only once in the drawing-room for six months previously to the report of Mr. Gardiner? I did. Mr. Rae asked Mr. Arnold to put that down, and Mr. Arnold objected to it; then I quitted and walked out.

1769. When you found that only one-sided evidence was taken you did not wish to give any farther evidence? No; it was only one-sided evidence from the beginning.

1770. Do you now state that Mr. Whitton was only once in that drawing-room for six months? He was never there but once while I was there.

1771. Never but once for six months previously to Mr. Gardiner making that report? It must have been only four months previous to that that I was there—I was there on the 22nd August.

1772. During the four months you were there you saw Mr. Whitton there only once? Yes.

1773. Then he could know very little, personally, of the conduct of any of the draughtsmen in the department? He could not, except from hearsay.

1774. How often was Mr. Barton in the drawing-room during the same period? About three or four times.

1775. How often was Mr. Mason? Mr. Mason was, perhaps, once or twice more than Mr. Barton—I think five times.

1776. How often have you seen Mr. Drewett there? Three or four times.

1777. In reality these gentlemen could know very little of the proceedings of the draughtsmen? They could know very little unless they caught them drinking when they came in.

1778. Have you seen them come into the room when any of the persons who have been accused of drinking have been the worse for liquor? I saw Mr. Drewett once come into the room, and as soon as Mr. Hall saw him at the door he became solemn—quite acting. Mr.

Drewett

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Drewett smiled, and walked out of the room. That is the only occasion on which I saw them come into contact.

1779. Then all the evidence these gentlemen have given with reference to the conduct of these draughtsmen must have been from hearsay? They could not know anything about it.

1780. Have you read their evidence in the public papers? No, I have not.

1781. From your evidence I infer that you do not consider Mr. Barton to be well up in the duties he has to perform? Decidedly not.

1782. You believe he spent a great portion of his time in Sydney instead of being engaged in the field? The field is his proper place—all the time he is in Sydney he is out of the line of his duty.

1783. Are you aware whether he draws the £280 a year allowed him as travelling expenses for the time he is in Sydney, as well as when he is in the field? I do not know.

1784. Have you seen him drink to excess in the office during office hours? I have seen plenty of wine on the table during lunch time.

1785. Have you seen him drinking at any other time during office hours? I had occasion to go to Mr. Drewett's room about twice a week to look for work, and I saw him once or twice having wine—I presume it was.

1786. Do you know whether he absents himself from the office while he is in Sydney? He is not there regularly.

1787. Does he come there regularly in the morning? No.

1788. Does he leave early in the evening? I think so.

1789. Do you know whether, when he is in the office, he attends to his work? I do not know. I think mostly when he is in the office he and Mr. Drewett are together. He, Mr. Drewett, and Mr. Whitton have their separate rooms. When Mr. Barton is there Mr. Drewett is seldom in his room; they are all their time together; I do not know what they are doing.

1790. You think £300 or £400 a year would be sufficient for Mr. Barton? Plenty.

1791. You say Mr. Mason, from incapacity or some other reason, does not perform his duties properly? I say the duties of chief assistant are in the field—what he is doing now is only the business of a measurer.

1792. That of a third or fourth class engineer? Surveyor.

1793. Of course, you consider him much overpaid for the duties he performs? I do; they are all overpaid.

1794. Under proper management his office could be dispensed with altogether? If the assistants in the field understood their business his office might be done away with.

1795. You consider the chief draughtsman, Mr. Drewett, inferior as a draughtsman and mathematician, to Mr. Robertson? I do.

1796. As a professional man also? Yes. I consider that Mr. Robertson ought to be in his place, except in as far as age is concerned.

1797. Still Mr. Drewett receives £500 a year, and Mr. Robertson £100? I do not know what pay Mr. Drewett receives; I never made any inquiry.

1798. Do you know whether Mr. Drewett absents himself from the office for days together? Sometimes the whole day.

1799. Is he regular in his hours in the morning? He is generally there at about half-past 9, and from that to a few minutes before 10.

1800. At what time does he leave in the evening? He generally stays in the evening till the office is closed, but he may absent himself for many hours without its being observed—his room being a different one from ours.

1801. Your evidence seems to imply that he does very little when he is in the office? Very little. The greater part of the drawing of bridges is done by Mr. Robertson and Mr. Trenchgrouse, junior.

1802. He is in the habit of drinking to excess very frequently? I never saw the man more than a little jolly.

1803. Do you think a man who is "jolly" as you call it, is qualified to perform the duties that Mr. Drewett should attend to? Certainly he is not.

1804. Do you think it shewing a good example to subordinates to be jolly? No, I think a man who drinks two glasses of anything, even of ale, is not fit for his duty in the office.

1805. You say Mr. Micklethwait does very little work there? He does not do much work.

1806. He is scarcely fit for any duty? He is scarcely fit for anything.

1807. You have often seen him the worse for liquor? Every day that he was there. I never saw him a day sober while I was in the office.

1808. Could he perform his work when he was in that state? I think if he was really sober he could not do anything.

1809. Have you seen him come drunk to the office? I have seen him come a little tipsy to the office; he has come in shivering and could not get to his work until he has had a drink or two.

1810. Would he bring the drink with him? Yes, in his pocket.

1811. Do you think, taking his salary into consideration, he performed the work in the office he should have done? Certainly not.

1812. Then you consider him a worthless public officer? I do.

1813. You do not think him a desirable person to be employed in any public office? Not in any public office.

1814. You have seen Mr. Hall drunk on several occasions? Generally speaking every day for months when he performed all these things—I do not know the names of them.

1815. He was a great idler? I do not believe Mr. Hall has done more than two hours work a day all the time he has been there.

1816.

1816. *By Mr. Dalglish* : Not at "scissors grinding"? Excepting "scissors grinding."
1817. *By the Chairman* : You have heard him make use of most immoral language? Yes.
1818. Indecent language? Yes, in acting the "tap-room toper"—I do not remember the language, but it is too bad to be written if I did remember it.
1819. He is a sort of person who would disorganize any office in which he was allowed to remain for any period? No question about that.
1820. Supposing you were the superior in the office would you allow him to remain there one day? No, I would not.
1821. Mr. Fearnside—you have also seen him drinking? I have.
1822. Have you seen him idling his time? Yes; Mr. Fearnside could be cured but Mr. Hall is incurable.
1823. I see in your evidence, given before Mr. Whitton, you say, "I never saw Mr. Trengrouse or Mr. Gardiner drink in the office, but I have seen Mr. Mackay and Mr. Fearnside taking drink to lunch." Have you seen those gentlemen drinking only at that time? I told Mr. Whitton and Mr. Moody that I had seen those gentlemen take drink. "Oh! I suppose," said Mr. Whitton, "that was only at lunch," and it was put down in that way. I objected to it, and Mr. Moody remarked, "Do you not know the consequence if you do not sign this paper?" "I am a man, and I know the consequence," I replied.
1824. Then this statement with reference to lunch was a remark of Mr. Whitton, and you objected to its being put down as your evidence? Yes.
1825. That was not your intention? No; I stated to them broadly that I had seen them both drink in the office, so as to be totally unfit for their duties.
1826. Mr. Whitton did not take that down? Mr. Whitton did not take that down. I took the earliest opportunity to have the matter set right, as far as lay in my power, by writing a letter to Mr. Dalglish stating the circumstances.
1827. *By Mr. Morris* : How came you to sign this deposition or statement of yours? I was told of the consequences, and I knew if I did not sign it I should lose my bread and butter. I therefore signed it, but I took the first opportunity, and the next morning wrote to Mr. Dalglish stating the circumstances.
1828. *By Mr. Stewart* : Then it is not so much misrepresentation as omission of which you complained? Of misrepresentation as well as of omission, for I stated broadly that I had seen them unfit for duty, and Mr. Whitton put it down as though they had taken drink only at lunch.
1829. *By Mr. Dalglish* : You wrote to me complaining that the evidence given by you had been suppressed? Yes.
1830. And requesting to be examined again? Yes.
1831. *By Mr. Morris* : Were you not re-examined before Mr. Arnold in explanation of your evidence? No; it was glossed over.
1832. As a matter of fact, did you not state to Mr. Arnold, in explanation, that you had seen Mr. Mackay and Mr. Fearnside unfit for duty from drink? (*The Witness referred to the evidence, page 8.*) Yes, I have explained this before Mr. Arnold—"I have seen Mr. Mackay and Mr. Fearnside unfit for duty from drink. I never saw an office worse conducted."
1833. *By the Chairman* : That part of your evidence which you complain of not having been properly taken you explained before Mr. Arnold? Yes.
1834. And that appears in the 8th page of the Appendix? Yes.
1835. *By Mr. Dalglish* : Did you tender further evidence to Mr. Arnold to the effect that you had never seen Mr. Whitton in the office but once, which he refused to put down? Yes.
1836. *By the Chairman* : Did Mr. Fearnside do as much work as he should have done in that office? None of them did much work in that office—he did not.
1837. He was not only drunk but he idled his time away? Yes.
1838. Did you ever hear him make use of bad language? No.
1839. Used he to waste his time by reading the papers? Yes, and arguing politics.
1840. Mr. Mackay—you have also seen him drunk in the office? Yes, but I never heard him use bad language.
1841. Have you often seen Mr. Mackay drink in the office? Well, about daily. After Mr. Trengrouse, senior, left the room they had a regular quantity to bring in; sometimes they took a little more than they did at other times, but they were unfit for duty, and the work was not done. Perhaps where there were six draughtsmen employed there was not work enough for two.
1842. Mr. Mackay has done much of the work for which Mr. Hall has received the credit? He has.
1843. In fact Mr. Hall has done very little work in the department? Very little. Mr. Mackay has done most of the work in the architectural plans.
1844. The eight or ten draughtsmen in the department do not do the work of two? Two might have done the work that is done there, if the work had been properly fixed, and there had not been so much foolish business.
1845. In your opinion there is no discipline, no regularity, no acknowledged heads of any of the rooms in the Works Department? I never saw any one assume any superiority in the long-room—there was no head there.
1846. In any of the rooms you have been engaged in, in the various countries you have visited, have you seen such drunkenness, immorality, and idleness as you have witnessed in the Works Department of New South Wales? Never in my life.
1847. *By Mr. Dalglish* : Have you ever seen a room where so many draughtsmen have been employed, without a recognized head? I have never seen so many draughtsmen in one room, except in the General Valuation Office in Dublin, but there was no drinking allowed there, and

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Doherty.

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Doherty.

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and there was a man there in every room, who was responsible for all the actions, and for any words of an irregular kind that were spoken.

1848. *By the Chairman:* The department here was thoroughly disorganized? No question of that.

1849. When any draughtsman required work it was difficult for him to know to whom to apply—do you think it is necessary to have different plans for every station—might not the stations be classified as No. 1, No. 2, No. 3, No. 4, and so on, and one plan thus be made to serve for twenty or thirty different stations of the same class? That is the plan adopted in America.

1850. The chief engineer might put down class No. 1 station, and all that would then be necessary would be to refer to the plan of that class? Yes.

1851. If an arrangement of that kind were carried out in this country the services of Mr. Hall and of Mr. Mackay might be dispensed with altogether? Certainly.

1852. Will you look over these plans, and see whether you think it is necessary to have all these plans for one station? (*The Witness referred to eight plans of the Singleton station.*) It might be very well to have the front elevation and the ground plan.

1853. Is it not monstrous to shew all these mouldings upon the plan? Yes.

1854. Could they not be as well described in the specification as ogee or astragal mouldings? Yes.

1855. Do you think for a station, the erection of which would not cost much more than a thousand pounds, such detailed plans are necessary? Not at all.

1856. Do you not think they are calculated to confuse many contractors? It would not confuse them, but it is all useless. One general plan, with the elevation, the ground plan, and a cross-section would be sufficient.

1857. All the rest could be put in the specification? Yes; if there were a specification shewing the size of the rafters and everything else, the contractor could always refer to it.

1858. Besides if the plan of having class stations were adopted, the specifications might be printed? Yes.

1859. Which would get rid of one or two clerks in the department? Yes.

1860. Is it not monstrous to have these plans (*referring to the same*) shewing windows and folding-doors? Of course it is; one general plan and specification would embrace all the railway stations of that class in New South Wales.

1861. How many copies of these plans are drawn? I cannot tell—there are lots of them, bushels of them.

1862. *By Mr. Morris:* I apprehend they are tracings of those? Tracings.

1863. *By Mr. Dalgleish:* How long would it take a man to make a set of tracings of these? According to what they call here the "Government stroke," it would take a week to make one of these tracings.

1864. *By Mr. Stewart:* What time does the drawing take? I suppose one of these drawings would take thirty days.

1865. *By the Chairman:* There are no less than twelve or thirteen tracings of these drawings taken? I believe there are.

1866. *By Mr. Dalgleish:* You are not aware of how many? I am not.

1867. *By the Chairman:* Is it necessary to have this number of plans for any station? Certainly not; two plans would be quite sufficient.

1868. These plans need not contain one-twentieth part of the work which the plans now before the Committee contain? They need not contain one-tenth of the work.

1869. You say that according to the rate at which the work is done in the office, it would take a draughtsman about a week to make a tracing of each plan? Yes.

1870. So that to trace a set of these plans would occupy eight weeks? Yes.

1871. If there are thirteen copies and tracings to be taken from these plans, it must then of necessity occupy a draughtsman two years to prepare the necessary tracings from these plans? Yes.

1872. According to the present rate of performing work in the office, how long do you think it would take Mr. Hall and Mr. Mackay to prepare one set of plans similar to that now before you? I am unable to state farther than that I have seen Mr. Hall engaged for two weeks on a plan, pencilling in, and I have seen Mr. Mackay a full week completing the plan.

1873. Do you think, taking one with another, that a fortnight would be occupied on each plan? Yes.

1874. That would be sixteen weeks completing these plans? Yes.

1875. *By Mr. Morris:* How were you employed in the office—what were your duties? Tracing while I was in the long-room. The last time I was there I was at the distribution of materials—making sections.

1876. Tracing is work that could be done by boys? Yes.

1877. What was Mr. Robertson employed at during the time you were in the office? Drawing.

1878. Then it is not true, as stated by Mr. Whitton in his memorandum, that Mr. Doherty and Mr. Robertson are both only temporarily occupied in the office to make tracings? I have answered that—it is not true Mr. Robertson was all the time drawing bridges.

1879. How long were you in the office with Mr. Trengrouse, senior? Only a few days; after my arrival in the office he left and went up-stairs.

1880. How long were you with Mr. Trengrouse, junior? We have been together nearly all the time.

1881. Did you refer to Mr. Trengrouse, junior, when you said, "I never saw Mr. Trengrouse or Mr. Gardiner drink in the office, but I have seen Mr. Mackay and Mr. Fearnside"? Yes.

1882. There was a Mr. Telmon with you in the office? Yes.

1883. Does he attend to his duties properly? He does; he keeps very closely to his work. He is all the time tracing. Mr. John Doherty.
1884. Is he a man on whose word you could rely? I think so; he is a very timid man—a Frenchman. 3 Dec., 1863.
1885. He had, I apprehend, every opportunity of knowing whether Mr. Hall or Mr. Micklethwait were given to intemperate habits? Certainly, he was present the whole time.
1886. *By Mr. Dalgleish*: Are you aware of Mr. Telmon having made some observations with regard to Mr. Hall smelling like a brandy cask? Yes, I have heard him say so.
1887. When Mr. Hall was passing on one occasion, and asking where the bottle of brandy was, did Mr. Telmon say he smelt like a brandy cask, referring to Mr. Hall? Yes.
1888. *By Mr. Morris*: How often was Mr. Quodding in the long-room—did he frequently visit it? He was down only a few times—probably four or five times; he came down to Mr. Hall about a specification.
1889. Simply on a message? Yes, about specifications.
1890. I have not quite understood from you why, when you have observed all these improprieties going on in the office—this gross neglect of duty and robbery of the public—you have not reported it? I knew from all the circumstances, from all I saw around me, that if I did report I should be dismissed immediately.
1891. *By Mr. Dalgleish*: Were you in the habit of hearing conversations in the office, relative to the intimacy of certain persons in the office with Mr. Whitton? Yes, I mentioned that yesterday.
1892. You were led to believe those persons were intimate friends of Mr. Whitton, and had been so for years? Yes, that was from Mr. Micklethwait.
1893. You are aware that persons in the office, when they have complained to Mr. Whitton, have been told to mind their own business? I did hear that.
1894. Were you cognizant of the fact that Mr. Gardiner did send in a written complaint with regard to the conduct of some, and received no redress? Yes.
1895. And that it was circulated in the office that Mr. Gardiner was to be dismissed in consequence of having complained? Yes.
1896. This became currently known? Yes.
1897. And persons who would have given evidence if they had been called upon, were too much impressed by fear to say a word? Yes, that was the reason I did not say anything about it.
1898. *By Mr. Morris*: Is it not the fact that all these improprieties were going on long before Mr. Gardiner made the representation he did, and that therefore, that could not have been your reason? These improprieties were going on; but I knew, as I have before stated, that these persons were connected with the family of Mr. Whitton, and I would not report anything to get myself dismissed, and as soon as I thought I was any way safe, I wrote a letter to Mr. Dalgleish shewing him how the work was being done.
1899. Do you not think it would have been more becoming of you, as a person employed by the Government, to have acquainted some person in the department with these improprieties, rather than to inform some one out of doors? Mr. Whitton called once out in the long-room; and as I had been in the habit of doing in other parts of the world, when I had met gentlemen holding a superior position in the department to which I belonged, I said, "How do you do this morning, Mr. Whitton?" He never replied, but scowled as if I were an inferior, and from what I heard afterwards from Mr. Micklethwait, I knew to a certainty that I would be dismissed immediately; and that if I were dismissed my character would be ruined; and I was not going to return to America with my character ruined.
1900. What did you hear from Mr. Micklethwait, that led you to suppose anything of the kind? I heard from Mr. Trengrouse —
1901. From Mr. Micklethwait was my question? He told me he was a schoolfellow of John, and could do with him as he liked. "John" meant Mr. Whitton.
1902. *By the Chairman*: Did you hear that Mr. Trengrouse complained to Mr. Whitton? I did, Mr. Trengrouse told me himself.
1903. Did you hear what Mr. Whitton told him? He told him to mind his own business.
1904. *By Mr. Morris*: Do you think that is a justification of your not representing such gross misconduct as you have described to this Committee? I have taken the first opportunity.
1905. Surely you took no opportunity till you were called upon? I did. I took the opportunity of writing to Mr. Dalgleish. I was a stranger in the office, and was looked upon as a very great inferior, because I was from America; and I was oftentimes told if I did not do my tracings better I should be discharged—that I was working too fast.
1906. Who told you that? Mr. Hall and Mr. Drewett told me to take my time.
1907. Did Mr. Hall mean by working too fast that you were not doing your work well? He might mean that; he said I had a wild way of doing my work, like all the Americans. He often told me that I should take my time in order to get into the Government stroke.
1908. You are not an American as a matter of fact? No. Mr. Drewett often told me to take my time.
1909. Would it not be impossible for Mr. Whitton by merely visiting the room, even every day, to discover these improprieties unless he had some information direct with regard to them? I think if he had visited it once a day, and come at uncertain hours, it would have been quite impossible that there should have been such disorganization in the office. I think it was his duty to visit it at least three times a week.
1910. *By Mr. Stewart*: Do you know the length of line to be performed by the railway department? No.
1911. From your experience in private companies in other parts of the world, do you think the staff of the railway department could be reduced very considerably? I will give you an instance of how these things are managed in America. On the Illinois central rail-

- Mr. John Doherty.  
 3 Dec., 1863.
- road a survey was commenced, and finally completed in little over two years and a half; there were four draughtsmen only engaged under Mr. Mason of the Mason and Dixon's line; those four draughtsmen did all the work, besides the architectural drawings that were requisite. There are models sent round to the railway companies of bridges and station-houses, and whatever suits is adopted, that is, a model of class No. 1 station, of class No. 2, and so on; the chief engineer and directors adopt some of them, and one drawing with one or two copies answers the purpose of any length of that class, and so of the others. The Illinois central railroad was over 600 miles, and four draughtsmen did all the necessary work. There was a resident engineer upon every fifty miles, and I think three division engineers. Every resident engineer had two assistants, one with a theodolite or transit, and the other a leveller. He had also a waggon, two horses, and two labourers.
1912. Then, taking the extent of line, do you think the staff employed in our railway department very considerably beyond the strength that would be employed ordinarily in America on a railway? I do not know how many there are in the field, but I know there are twice as many in the office as are requisite for the work.
1913. You think the work done in the office could be done by half the number of persons? Yes, and done twice as well.
1914. *By Mr. Morris:* Mr. Whitton, in his memorandum, refers to the letter you wrote with a view to publication, and which was published in the *Empire*—did you write that letter? I know that any one in Government employment—I learned that in the old country—has no right to write a letter respecting the department in which he is engaged to a public newspaper while he is in the service, but I believed he had a right to communicate with a member of the Legislature, and therefore knowing his relatives in San Francisco I gave the letter to my friend Mr. Dalgleish to do with it what he pleased.
1915. Did you make that representation to Mr. Whitton and Mr. Moody? I did not. Mr. Moody asked me if I had seen a letter in the *Empire*. I said, "Yes." "Did you sign it?" So he wrote down, "I saw a letter in the *Empire* of a certain date, and I signed it." I said, "Let me have that paper, upon which I wrote I saw a letter, and I have written it."
1916. You did not write it with a view to publication? No.
1917. Did they know that you had given me that letter? Yes. I never published anything in the paper.
1918. When you arrived here from California you brought some surveying instruments with you? Yes.
1919. These instruments were of a novel character? Yes.
1920. Did you explain to Mr. Whitton the new improvements that were in the instrument? I did.
1921. Did he appreciate them? He said he had too many instruments already. I offered to sell mine to him for £30, and he said he could get good theodolites from England for less. I told him I was aware of that, but that a theodolite was not so good as a transit. He replied that he did not want it. It cost me £47 in San Francisco.
1922. In measuring with this new instrument there is no necessity for chaining? No.
1923. It is especially applicable to making trial surveys? Yes.
1924. Would it be a great saving to the Colony if it were introduced here? It would be a great saving. I took it to Mr. M'Lean, the Surveyor General; he was very ill at the time, but he took a great interest in the matter and promised to send a man to see the instrument. He came down but the instrument was in the pawn office, and he could not see it unless we could pay some couple of shillings. He saw it afterwards but could not understand it.
1925. Have you the instrument still? Yes; it would be a great saving for the Survey Department in lagoons and places where you cannot chain.

TUESDAY, 7 DECEMBER, 1863.

Present:—

MR. ARNOLD,  
MR. GARRETT,

MR. TIGHE.

MR. MORRIS,  
MR. STEWART,

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Charles Bosé called in and examined:—

- Mr. C. Bosé.  
 7 Dec., 1863.
1926. *By the Chairman:* Are you a Civil Engineer and Surveyor? I am.
1927. Where did you acquire your professional knowledge? In Denmark and Germany. I was in Copenhagen, and in Kiel—the most northern University—Germany, Schleswig-Holstein.
1928. What kind of professional work did you perform in your own country? Different sorts of work. I was surveying for roads and railways. I was surveying also for the English minister. I was also surveying the estates of other gentlemen, and doing work for the Government.\*
1929. Did you come to this Colony direct from Denmark or Germany? No, I came to Victoria first—to Melbourne.
1930. Did you do any professional work at Melbourne? Yes, I did; I was doing surveys beyond the town. I made a great many sub-divisions near Melbourne. I was also connected with

\* ADDED (*on revision*):—I held an appointment from the King of Denmark, for the Duchies of Slesvic-Holstein, till the outbreak of the German-Danish war.

with Government, and assisted in computing at the Observatory, calculating the latitudes and longitudes from the Nautical Almanac, especially longitudes. I was also engaged in teaching surveying to some contractors and Government employés.

Mr. C. Bosé.

7 Dec., 1863.

1931. How long have you been in this Colony? Somewhat better than three years.

1932. What have you been engaged in since you came to this Colony? I have been engaged partly in my profession and partly in teaching. I have been surveying and sub-dividing lands and estates near Sydney—Petersham Estate, for Mr. Macarthur, and Dobroyd Estate, for Mr. Ramsay. I have been running the best trial lines for roads, and have been rectifying the previous surveys of licensed surveyors, because I surveyed both Petersham and Dobroyd, and sub-divided both after these surveyors had done the work.

1933. Have you that with you? I have, from Mr. Macarthur, one of the trustees. (*The Witness handed in the same. Vide Appendix.*) Previous to this I was teacher of mathematics and of foreign languages at Macquarie Fields, in Mr. Macarthur's college.

1934. Have you any certificate as to your qualification from your University? I have only a copy, which is written from memory. I had some originals, but they were lost in the office.

1935. How do you mean? I sent them from the country into the office of Mr. Robertson, and then afterwards I got back only this; but my certificate from the University, with the seal attached, that I had passed my examination as a Royal surveyor, I got not back.

1936. Did you apply for it? I applied for it several times.

1937. Do you mean to say that it was lost in the Lands Office? Yes, they told me they could not trace it—that was the word they used.

1938. And this bore the seal of the University? Of the University of Kiel.\*

1939. The paper you now produce is something like a copy of that document? Yes, it is written from memory. I went to Mr. Fitzgerald's and Mr. Warburton's office, and I saw Mr. Robertson himself, but I could not obtain it.

1940. Have you any other testimonials? Yes, I have; but I have not them here.

1941. Have you been on our Western line of railway? Yes, I have been on the Western line of railway; but I was not engaged under the Government; I was teaching one of the railway engineers there. I was engaged privately, because I could not get any work here. Our profession is spoiled altogether in this country, and I could not get anything to do, so this railway engineer wanted me to give him some lessons in surveying—in the practical part of his profession.†

1942. Have you any knowledge of the manner in which our railway surveys are made? Yes, I have.

1943. Do you think they are made in such a manner as a professional engineer would make them? By no means.

1944. In what way are they not? They are defective in various ways, and shew that the rules and regulations issued by the head of the department are wrong, and that he is not a scientific man.

1945. To whom do you refer? To Mr. Whitton; because a scientific man should have penetration like the old Napoleon—like a good General—to detect whether a man had capacity or ability.

1946. You have hardly told us in what way you consider our railways defective? In various ways—firstly, the lines are in localities where they ought not to be; and secondly, if even they were in the right position, the way the work is done of laying these lines and connecting them by curves is erroneous.

1947. How do you mean connecting them by curves? Curves are used where there are obstacles; here they are used where there are no obstacles, so that there is a squandering of money, a waste of power, and an increased wear and tear of machinery.

1948. Do I understand you to mean that they make the land suit the curves, instead of making the curves suit the land? Exactly; instead of running these curves out, as a surveyor should do, in the field, being a competent man, the curves are sent out from the office into the field, and the surveyor lays off the curve from the old traverse, which may be quite erroneous, because firstly the old traverse may be wrongly surveyed, and secondly on account of hygrometrical influence the paper may be contracted, and as by contraction the circle assumes the shape of an ellipse, the distances in the map or plan do not contract equally. Thirdly, the scale being ten chains to one inch or 1:7920, all distances can only be taken off by a pair of compasses to an exactitude of say five links, provided the work is done correctly.

1949. You say that the curves are made in the office instead of being laid out upon the field, and that the land is made to suit the curves instead of the curves the land? Exactly.

1950. This in some instances will cause a great deal of expense, even if it is all practicable? It is not practicable at all, and it will cause expense, and not only so, but there will be a great waste of power. The lines are not what they ought to be; they are not in those places or localities where they ought to be. That is not the only deficiency; they have shewn a want of elementary science, and have made a curve in a plain where there is no occasion to make a curve in a distance of nearly a couple of miles. (*The Witness illustrated his meaning by referring to a diagram.*)

1951. I understand you to say that where it was necessary to make a curve to avoid a hill or an expensive cutting, a straight line has been made? Yes, and *vice versa*. The line which ought to touch the circle runs into the circle, so that if they would carry it out there would be loss of life.

1952.

\* NOTE (*on revision*):—It bore the seal of the Commission for the examination of Royal Surveyors on it, issued in the University of Kiel; and I sent with it the certified copy of the appointment by King Christian VIII of Denmark, the previous King, and signed by all the Ministers of State (which I did not get back neither), in which I took the oath of allegiance.

† NOTE (*on revision*):—Theoretical and practical, for I went with him through the first six books of Euclid.

- Mr. C. Bosé. 1952. That is to say the line does not run tangent to the circle? Yes.
- 7 Dec., 1863. 1953. You say this is very disgraceful and would be likely to cost the loss of life? Yes, but I suppose the man who would lay the railway would be so clever as to see it.
1954. You depend upon the plate layers? I should say it is done in that way instead of investigating the matter upon scientific principles.
1955. From your evidence we infer that a great deal of the work of laying down the permanent line, which should be done in the field by trial surveys, is done in the office now? Yes, it ought all to be done in the field by surveyors who are competent men.
1956. Is there any other defect in our railway surveying that you have noticed? Yes, there are a great many; the methods in which they make the roads and lay out the curves is not right.
1957. Will you explain what you mean? In laying down the curves in America and other countries, they lay down the curves by a method which is not known here; they have a mathematical formula or method by deflecting angles to run the curve out by chords of an equivalent distance, say one chain. Here they make the curves by offsets at right angles from tangents. That method is not always the best; it is very erroneous in a great many ways, and, under certain circumstances—as the offsets in this method do not pass through the centre of the circles pertaining to the curves or the offsets—are not laid out radially.
1958. Have you had an opportunity of seeing the S curves on the Western Line? There is a formula of Pombala for the super-elevation of rails, for raising the convex or outer curve of the rail. This is found out by a strict formula, and this formula should be applied which introduces certain magnitudes as radius or curvatures, otherwise there will be danger of going off the rail.
1959. After you turn one curve, and before you go on to another, should there not be a straight line? Yes; or else there will be a jerk, and the train may go off the line, and there will be tremendous wear and tear.
1960. *By Mr. Tighe*: Is that rule not observed in making S curves on this line? I would not state anything that I do not know; that is the way it ought to be, but I am not aware whether it is so or not.
1961. *By Mr. Dalgleish*: Have you seen the zigzag on the Western Line? No, I have not. They have used radii, which would not be admitted in England, of from fifteen to twenty chains. Brunel and Stephenson admitted only three-quarters of a mile radius for a curve near a depôt, but in mineral mines in England and abroad there are smaller curves used. On the Continent, if they can help it, they do not like to make curves smaller than fifty chains near a depôt, on account of the wear and tear and loss of velocity.
1962. Where have the engineers here made these lower curves? On the Western Line they have made curves of from twenty to twenty-five chains radius, and so on.
1963. *By Mr. Dalgleish*: Have they not curves of ten chains? They have down to fifteen I know.
1964. Are you aware whether they are down to ten chains? I am told so, but I would not state anything I have not seen. On the Southern Line, after running to the right and left, and squandering money in making surveys, they are now falling back upon the line pointed out years ago by Mr. Woore, a well known qualified gentleman at Pomroy, near Goulburn.
1965. *By the Chairman*: Do you know anything of what is the smallest radius for curves in England? I know so much as this: that Mr. Brunel and Mr. Stephenson limit the curves to three-quarters of a mile, although there are smaller curves than that in England—and the smallest curves are in mineral railroads—but at the time there were so many railways in course of construction every one passed himself off as an engineer, even though he had no idea of the elements of Euclid, and received his five guineas a day. At that time they built bridges obliquely where they ought to have been built at right angles, and committed many other frightful errors; but now-a-days an engineer should thoroughly understand the rules, so as not to squander one sixpence more than necessary. The great difficulty is not to make a railway, but to select the true line, the best and cheapest; and in order to do this he must take all the data which influence the lines; if he omit one of these, he may represent that to be the best which is the worst. It is for this reason that I would say a scientific man without practice is better than a practical man without theory. I have no interest in this question farther than that I should like to see the best man at the head of the department. I know it is wrongly carried on at present—also the land surveying, as I could shew. I was teaching a licensed surveyor who could not extract the square root. I told the Surveyor General (Mr. Adams) so, and he admitted that he could not extract the cube root, but would not admit that the surveyor could not extract the square root.
1966. *By Mr. Dalgleish*: This is the plan of the Great Western Railway Extension beyond Penrith, part 1—(*referring to the same*)—do you observe the lines of curvature there? I do. If this were done in contour, as I can shew by the best authors, you could detect at a moment the height of every mountain, and that would assist the engineer very much, as he could draw the trial lines in his office. This plan looks very well, but it is useless for practical purposes, because you do not see the heights of the hills. The surveyors do not know the method of projecting the hills, so as to be able to detect with the eye immediately the proper gradients.
1967. Are these S curves? The scale is so small that it is scarcely possible to see how they are. That (*referring to the plan*) appears to be a compound curve. A compound curve is two curves described by different radii, pertaining to circles which touch each other internally, going in the same direction.
1968. The last curve of the zigzag nearest Bathurst, over Knapsack Gully—I mean the curve and the curve leading to it—does that appear to be a compound curve? It is an S curve, because an S curve is composed of the elements of two circles touching each other externally,



externally, but it may be a compound S curve, because on account of the small scale it is difficult to discern between a compound S curve and a single S curve. Mr. C. Bosé.

1969. A compound curve is an union of three or four curves? It may be of two; you may call it a composite curve. 7 Dec., 1863.

1970. A compound or composite curve is used in forming ovals? Yes, it is the ordinary way for mechanics; but mathematicians construct the ellipse by its known properties.

1971. For all practical purposes this plan is useless? Yes; the plan should have shewn the heights of the hills by concentric lines.

1972. *By Mr. Morris*: Is it not obvious that the plan is intended not as a plan from which to work, but to shew the course of the line, and the properties through which it passes? Yes, it appears to be.

1973. *By the Chairman*: You attribute our defective system of railway survey to the work being done in the office that should be done in the field? Yes.

1974. You appear to speak from personal knowledge concerning the want of scientific knowledge of railway surveyors who are in the field? I do. I do not want to compromise anyone, or to call names, but I know there are persons employed in the service who do not know the contents of a circle—that is disgraceful.

1975. You know that of your own knowledge? I know that of my own knowledge. I instructed some\* of the railway surveyors myself.

1976. Some\* of those who are engaged in running trial surveys? Who are now in the employ of Government running trial surveys—they do not know the contents of a circle—they do not know the proximate relation between the diameter and the circumference or periphery—they do not know the numerical value of  $\pi$ —they do not know the approximations of 1.3 or 7.22, or how to find it.

1977. Have any of our engineers in this country applied to you for instruction? I was engaged to give instruction.

1978. By some of our surveyors? Yes, privately.

1979. By gentlemen who are in the receipt of large salaries? Yes, very good salaries.

1980. Are they considered competent railway engineers? Yes, some may consider them so.

1981. Did you give them instructions since they have been in the service, or before they went into the service? I gave them instructions since they have been in the service—they are now appointed under Government.

1982. Do you know how long they had been engaged as surveyors and railway engineers before they applied to you to instruct them? No, I do not understand. I was only engaged when I was up the country; but I had, previous to this, given instructions to men under Government, and to contractors under Government, with large salaries.

1983. Have you given instructions to these persons since they have been employed as Government engineers? Also I have.

1984. Up to what time? About a fortnight ago.

1985. You were giving some of them instructions a fortnight ago ———

1986. Had those persons been engaged as railway surveyors for a considerable time? No, they had not been engaged previously as far as I can ascertain, but they applied to Mr. Whitton for appointment, and got it without being examined, or even knowing the elements of Euclid.

1987. Were they appointed before you gave them this instruction, or afterwards? When they had been instructed.

1988. You have instructed none that were really in the employ of Government? Exactly.

1989. *By Mr. Tighe*: They were appointed by Mr. Whitton without sufficient previous examination having been made? I suppose so, otherwise they would not have shewn that deficiency in mechanics and in the elementary part of their business. I have seen different surveyors running out their lines in different directions—I mean to say, that lines which ought to coincide on the paper and in the field, or where the divergency ought to be but small, there has been a large divergency. One of the surveyors has said to me, "Will you go out and see what you make it"? I have gone out with the instruments and taken the line correctly. Afterwards he has gone out again, and said that his lines very nearly agreed with mine; whether they really did, or whether he adopted my lines I could not say. The other employé of Government has been quite out. This, I think, proves the whole department to be defectively carried on, for one surveyor is sent out after another to make a survey, and if their two lines agree they are taken for granted to be correct, whereas one man ought to know the correctness of his own line.

1990. *By Mr. Dalgleish*: Do you mean to say that one man has been sent out to resurvey the lines of another? Yes.

1991. Do you mean to say that each man does not check his own work? He tries to do so, and he may do it for his own sake, but he runs after another man and checks his work.

1992. Do you mean that he tries to check the others work, but rarely makes his own and the others agree? Yes.

1993. Do you think it is right to make this statement, and not to give the names of the persons you refer to, as it leaves us in doubt as to other persons in the department to whom your remarks may not apply? If it is necessary for my own reputation I shall give the names, but I do not wish to do so. I expect nothing from this quarter, therefore I consider myself independent.

1994. If you have no particular objection I think it would serve the public interest if you gave the names of the officers you refer to? I should not like to do so, as I came to them privately, and I must always be a gentleman. I should like to see the

- Mr. C. Bosé. the best man in the office at the head of the department. A scientific man shews less patronage and has no jealousy, but I say that if I were in high position I would have such rules and regulations drawn out by the head engineer as that every one should be responsible for his work.\* I can shew that mathematics affords every man the means of knowing whether he is right or wrong if he closes his work. He will know whether in a polygon the sum of observed angles is equal to  $(N-2) 2 R$ , or whether twice number of sides, minus four right angles, agree with his observed angles; besides the checks by intersecting lines of verification and coincidence of the magnetic needle at starting and closing.
- 7 Dec., 1863.
1995. Was it the Engineer-in-Chief you had to instruct in this way? No, it was the pupil of some other engineer who had recently been put on the staff.
1996. Was he employed upon important work? Yes, so important as laying out curves.
1997. Was it laying out curves for the contractor or laying out curves for some of the trial lines? For the trial lines.
1998. *By the Chairman*: Will you tell the name or names of the person or persons you have been instructing? I could perhaps do that without compromising myself; he was son of the Chief Magistrate at Singleton.
1999. *By Mr. Arnold*: Was it Mr. McDowell? Yes.
2000. *By the Chairman*: Did you ever give instructions to any other? Not to those connected with the Government here under the Railway Department; but to so-called licensed surveyors.
2001. Did you ever give instructions to any person engaged surveying in the north? There have been different persons that I have solved problems for; gentlemen who are licensed surveyors have often asked me about practical surveying problems.
2002. Have you given instructions to any other gentlemen connected with the Works Department? No.
2003. *By Mr. Arnold*: Only to Mr. McDowell? Yes.
2004. *By the Chairman*: Did you ever make application to be appointed to lay out the railway in this Colony? I did when I first came to the country.
2005. Did the Engineer-in-Chief take down your address? I think so. I was introduced to Mr. Whitton, I think, by Mr. Arnold.
2006. When was this? About three years and a half ago.
2007. *By Mr. Dalgleish*: You say you were introduced to Mr. Whitton by Mr. Arnold? I think so.
2008. *By the Chairman*: Do you know Mr. Arnold? I should say so.
2009. Would you recognize him if you saw him? I should say so—perhaps it was not Mr. Arnold—it was a gentleman near Mr. Whitton's room who introduced me—I took him to be Mr. Arnold. I could not say exactly; however I was introduced to Mr. Whitton at that time.
2010. Did Mr. Whitton ask you any questions as to your qualifications? I suppose he did.
2011. Did he? Yes; he asked me what work I had done, and I shewed him my testimonials.
2012. Had you those testimonials which you have since lost in the Lands Department? Yes.
2013. And you presented them to him? Yes.
2014. He took your address down, so that, if your services were required at any time, you might be sent for? Yes, he put down my address.
2015. Did you ever hear any more from him? No.
2016. Was it not about this time that Mr. Arnold stated, in the Assembly, that it was impossible to get qualified gentlemen as surveyors in the country? Yes; that there was a dearth—that was the expression—of competent surveyors.
2017. At the same time you had shewed Mr. Whitton these testimonials from the University in Germany? Yes.
2018. Do you remember the conversation that took place between yourself and Mr. Whitton on that occasion? No.
2019. Did you then consider that Mr. Whitton was qualified to judge whether you were a scientific man or not? No. He would have selected a better staff in the field if he were a qualified man. I know he is not. He would examine his staff—would subject them to a fair public examination.
2020. In consequence of the appointment of such inefficient persons in the field, you think he is not a well qualified engineer himself? By no means. "*Tel maître, tel valet*"—"As the master, so the servant"—is an old French proverb.
2021. Have you during your stay in the Colony met any qualified gentlemen, fit to be employed as railway engineers? I have, no doubt; it is rather a queer question. I have not found many; still they would be obtainable, if the department liked to get qualified men.
2022. You do not think they are numerous in the Colony? If these things were conducted properly they would come forward.
2023. Have you met them yourself? Yes, I have met clever men.
2024. Can you name them? There are not many, for there is no scope here for them.
2025. Do you think there are a sufficient number of highly qualified gentlemen in this country to carry on the whole of our railway surveys—men who are not now connected with the Railway Department? Yes, I think there are.
2026. Under the present management of the Railway Department, do you think these persons can get employment? No; it seems to me that, at present, it is all discord; the right man is placed in the wrong place, or wrong places are given to right men; for instance, a man who would make a good practical man in the field is put into an office and made

\* NOTE (on revision):—Instead of checking each other.

made a drudge of. A high engineer does not think much of drawing, though he can make his drawings near enough to be correct; he does not rejoice in the excelling of drawing; he is a man of genius—a high mathematician; this man is made a draughtsman of, and is beaten by youngsters. He has the lowest work given to him, and is used as a tracer in the office, when he might be a very good and efficient man in the field, and Government might benefit by his service there. It is the same in the Lands Department. The Surveyor General asked me if I could trace; I said I could not trace, but if he wanted the higher branches in the field I could do it. In this liberal community the most stupid men are sent out to the field, or as I think it should be interpreted, the most obsequious man. I should like to be confronted with Mr. Whitton. I have no jealousy whatever, as I think I may very shortly leave this Colony; it is of no interest to me, but I should like to see a public examination here, and I should like the Chinese bow before a superior man—the Chief Engineer should be the highest man in the department.

Mr. C. Bosé.  
7 Dec., 1883.

2027. You say that men who would have been useful men in the field, and who are nearly useless in the office, have been kept in the office, while useless men have been sent into the field? Yes.

2028. That is the fault of the management of the department of course? Yes.

2029. Do you know anything of the system of railway survey in Victoria? Yes, I have been assisting in laying out curves there and calculating curves trigonometrically.

2030. Do you think the system of railway surveying in Victoria is superior to ours here? Yes, it is deficient in many ways, nevertheless it is superior to ours, for instance, in the *minutiæ* of pegging out, the practical part of the work is better done. I know the *minutiæ*, as I have calculated most of the curves at Ballarat; they are calculated on trigonometrical calculus; it is an inferior calculus which every engineer ought to know, but they do not. The work here will not stand, because it is not done cheerfully; the men are paid but 10s. a week for their rations in the field, and they do it carelessly.

2031. *By Mr. Dalgleish*: Do they not receive £1 a week and their rations? I made a mistake; the surveyor is allowed 10s. a week for the rations of each man, and it is to the interest of the surveyor not to give too much rations to the men, and the consequence is that there is not much work done; there is no ambition in the department.

2032. *By the Chairman*: Do you know who determines the nature and magnitude of the curves? No, I suppose that is done by some genius in the office; every surveyor ought to do it in the field himself. There seems to be a mania for curves—a desire to make a curve where there ought to be a straight line.

2033. Then the surveyor receives from the office information where, and how, he is to lay the curve? Yes.

2034. Then this system of laying down curves upon the ground will not test the accuracy of any former survey? No it cannot.

2035. Is it possible to make the best line of railway under the present system, or is it mere chance? It is possible; but I will point out that it is not possible in certain instances, to choose the absolute best line. If I have to make a line from here to Victoria, and go direct there, instead of round by Van Diemen's Land, *a priori*, the straight line is best; but in other cases it is not so, and the engineer must find out what he cannot find out unless he be a mathematician, because the merely construction of the railway, after the line has been chosen, is not very difficult; but the highest investigating talent is required to make the selection between two or more lines, therefore all authorities and practical men\* (Mr. Woore asserted the same when the surveyors were running their lines near Goulburn), agree that the Engineer-in-Chief ought to be in the field himself—the selection and laying out of the line is the most difficult operation. How many data influence the priority of one line to another, even the mean value of the gradients, does not always decide, that is—the length of one line multiplied by the force of traction of that line has to be compared to the analagous data of another line, in order to establish the priority of one of the lines; but there are exceptions on account of unequal traffic, saving of capital, which influence all this and without being able to discuss algebraic mechanical formulas—the engineer will never be sure to select the proper lines.†

2036. *By Mr. Dalgleish*: I think you said you had instructed only one railway surveyor? Only one here in this country.

2037. *By the Chairman*: Has it ever to come to your knowledge, that the surveyor or engineer, in laying down these curves, as directed from the office, has found that the ground would not fit the curve, and that it has been impossible to lay it down as directed from the office? Yes, it has been so; curves have been laid down wrongly.

2038. Can you give us an instance? Yes; on the plans where this large curve is with the straight line running into it, about eight miles from Merriwa, between Mudgee and Merriwa.

2039. *By Mr. Tighe*: You must have seen both the plan and the ground to be able to say that? It was not necessary to see the plan at all. I saw the curve before me on the ground, and that there was a straight line running into the curve.

2040. And you conclude from that that the plan was made in such a way? Yes, I had reason to.

2041. *By the Chairman*: What plan would you adopt for our surveys? I would send out competent men, and the men who had to make the survey should make the curves themselves, and run the centre lines.

2042.

\* MEMO (on revision) :—Already Professor Gregory, twenty years ago, advocates this principle in his popular written work on "Railway Engineering."

† MEMO (on revision) :—The value of each particular gradient, reckoning in one direction with its proper sign + or minus, and multiplied by its corresponding length, having been calculated, then the difference between the sum of all the positive, and that of the negative ones being divided by the length of the whole line gives the *mean value*, and two lines have to be compared to that effect.

Mr. C. Bosé. 2042. You think the curves should be laid out in the field in the place where they would absolutely be laid down, instead of being laid down on paper in the office? Yes. These curves ought to be calculated analytically, for every calculation with abstract numbers is far more correct than plotting work, because you get the exact numbers in the result which ultimately may be set off in the field. That shews the great deficiency of the present system, because if the man at the head of the department were really scientific, he would have done as I have indicated; but I have heard that Mr. Whitton has said, "Calculate that curve," making a sweep with his hand upon the paper. It should not be laid out graphically on the paper and then transplanted on the ground, on account of the accumulating errors in the construction on account of the frailty of the human senses, but by calculating analytically and laying out the curves upon the ground you would have them correct. This rule is even adhered to in the excellent Survey Departments of France and Prussia, in the lower branches of surveying. The *Cadastré Français*, in a volume concerning rules and regulations, and called "*Recueil Methodique*," and in the modern survey of the Prussian Rhenish Provinces, the contents of fields are ascertained by lines and co-ordinates actually measured or calculated, but not allowed to be taken from the plan, by a pair of compasses; but in railways it is still more necessary that the utmost accuracy should prevail.

2043. Do you think a person not possessed of sound knowledge of mathematics can be a competent railway surveyor? No; there was a time when it might not have been insisted upon. When we speak of Telford—he was not well acquainted with the first rules of algebra.\* But what are the Stephensons or the Brunels? They are not such great men; they are not like Newton; they are only followers, making use of the principles others have discovered, and sometimes making great blunders; but I say that now-a-days a man must be a first-rate mathematician otherwise he cannot be an efficient man as the head of a department; he will be shewn up by his subordinates, and that is a disgrace. If he is not a practical man—if he knows the principles of mathematics—he cannot go far astray. In olden times mathematics was everything, and I would recommend that every legislator should be a mathematician. In some countries, as in Sweden and Denmark, they put over the Hall of Legislature, "*Med Law Cygges Land*." † That is what the Conqueror said, and I would write the same over the House of Assembly—"No one allowed to enter here without Mathematics." I should put that up instead of what is put up by some of the sham professors in Melbourne—"The time of a scientific man is valuable, therefore, traveller, do not annoy him unnecessarily."

2044. Then, if I understand you, it is necessary that the Engineer-in-Chief in this country should be highly qualified, in order that he might select competent gentlemen for his staff? Yes; if he has no practice, if he has theory. It is better to have no practice with theory, than to have practice without theory. He can make his own practice if he understands theory. If the head of a department is a scientific man he will choose the best men that present themselves to him. If he is a thorough-bred mathematician he will detect his men *à coup d'œil*.

2045. By Mr. Arnold: Do I gather from you that persons who are not mathematicians are competent to conduct an examination or investigation of this kind? I think not; they ought to be mathematicians themselves.

2046. By Mr. Dalgleish: Do you consider that the members of this Committee, not being mathematicians, are capable of making an examination into the circumstances attending the railways of this Colony? Yes, I should say so; for *vox populi, vox Dei*, and I am in favour of a public examination ———

2047. By Mr. Tighe: I think you hardly understand the question—is it necessary that the gentlemen who are now around you should be mathematicians? Yes, I think they ought to be; but it is not absolutely necessary, for they may select questions from books—certain books of mathematics may be put in their hands with questions and the answers to them, and if the gentlemen under examination are confined to ———

2048. By Mr. Morris: To whom did you refer when you said you thought they ought to be mathematicians themselves—did you refer to this Committee, or to those who should examine the candidates? I did not refer to the Committee, but to those who should examine the candidates. I should think it preferable that they should be mathematicians, though I think it may be possible without knowing mathematics to find out the best man. Those should know mathematics who had to select questions for candidates.

2049. By Mr. Dalgleish: Do you know for what purpose this Committee has met? To investigate into the deteriorated state of the public works.

2050. Do you consider it necessary that the members of this Committee should be mathematicians? No, not at all.

2051. Did you mean that when you answered Mr. Arnold's question? No, I took a different view of it—I thought he referred to the examination of candidates. The Committee are quite competent to detect errors in the department.

2052.

\* NOTE (on revision):—Because he was not sufficiently educated; but even he tried to get an elementary knowledge of mathematics, as his biographer tells us, because he saw the necessity of knowing it. And how many rich contractors, to some of whom I gave general practical lessons, have told me that they would give half their fortune to be mathematicians. Furthermore, I know by experience, and will be borne out by others, that what is well understood will never be forgotten. And how awkward appear those engineers and surveyors who are not mathematicians, when they use those vile compiled books, which state in long phrases certain formulæ, which, besides they are obliged to assume for true, they never will remember.

† NOTE (on revision):—Which means, "With laws Countries are ruled." That is what the old Danish Conqueror, Waldemar, said, who caused the Danish law to be issued, and his motto is above the portico of the Legislative Assembly in Copenhagen.

2052. You say you have met persons in this Colony who are men of talent, and capable of conducting railway surveys, who are not employed by the Government? Yes. Mr. C. Bosé.
2053. How many have you known? I could not say; besides I should not like to make myself responsible for any other man. 7 Dec., 1863.
2054. Do you know Mr. Martin Gardiner? I have seen him here, but I never saw him before.
2055. You have seen him where? In town.
2056. Do you know anything of him? No, I do not want to know anything more of him; I have nothing to do with him; I go my own road. I only have seen some of his writings, but I have not had time to investigate them myself. I think he is a highly bred mathematician, a good engineer and surveyor by what I can guess from the papers he has published in connection with the Philosophical Institute of Victoria. I was a member of that Institute, and was at that time computer of latitudes and longitudes at Melbourne.
2057. *By Mr. Morris:* Have you ever attempted to work out any of the problems which appeared in Mr. Martin Gardiner's papers that were read before the Royal Society—the problems of Appolonius? Not of his, but I have seen some of his writings in the library at Melbourne, and they were submitted to me by the librarian to give my opinion upon them.
2058. Did you give your opinion about them? No.
2059. Have you read the work? I have read some of it.
2060. What is your opinion of it? I think, from what I can see, Mr. Gardiner is a man of deep study; but I would not compromise myself by making myself answerable for any one, and it is not genteel to ask questions. I have read the best works in English and Continental languages on these subjects, and find no time in Australia to apply to deep studies.
2061. *By Mr. Stewart:* Without knowing anything of Mr. Gardiner, do you assume, from what you have seen of his writings, that he is a man of high scientific character? Yes.
2062. *By Mr. Arnold:* As a railway engineer? Yes, for the reason that if a man has never done a railway before in his life, if mathematics has become incarnate in him, he will be a better man than another who is not a mathematician. The want of mathematical knowledge is often surprisingly seen in surveyors and engineers by working with wrongly adjusted instruments, because their knowledge of adjustment is a practical manipulation, when once forgotten, they cannot find out again; they do not submit it to diagrams which are retained by the senses, and by applying mathematics on these diagrams they are able to find out all the adjustments; therefore the divergency of the lines by different surveyors, as they do not pay sufficient attention to the investigation of their instruments, which they cannot, without a sound reasoning—without mathematics; but the great evil is that they do not stamp the proper man here; they are not recognized. I should be better off in any despotic country than I am here.
2063. Do I understand you to say that a superior man would have a better chance here if the Government were of a more despotic character? In democratic countries, like America, you will find that pure sciences or arts are never recognized. You will also find that in France, in the time of Louis the 14th, the greatest writers flourished; also under the most despotic government, as Spain, some of the highest names in the literary world have risen. America has produced no great men, except Washington and Franklin, who were both mathematicians. There can be no doubt that the best scientific men are more patronized at Home than here. The best men could easily be discovered here if a proper examination were made; and those are the men who should be put into office. I should easily cut the "Gordian knot"—it may be done.
2064. *By Mr. Stewart:* Do you assume that in America they do not get the best men? No, in America it is different. Here it is the privilege of Government to put any surveyor they think fit into office,\* but there ought to be a previous examination. That country is the most civilized where its officers combine the greatest amount of theoretical and practical knowledge.†
2065. *By the Chairman:* Would you be willing, by submitting to a fair competitive examination as to the practice and theory of your profession, to shew your competency? Yes.
2066. Before any number of gentlemen in the Colony? Yes.
2067. *By Mr. Arnold:* Do I understand you to mean by an answer you gave to one of the last questions I asked you, that in your opinion the most accomplished mathematician would be the most competent railway engineer? Decidedly; I mean to say if one is without mathematics and one with mathematics, the one with mathematics will be better than the other without; he will be the laughing-stock—he will be the mouse in the claws of the cat—he will be shewn up by the subordinates in his office; but the other will detect any errors in the mode of carrying on the work. But he ought to be a theoretical and practical mathematician at the same time. It ought to be the same with a professor of the university; he ought to be a practical as well as a theoretical mathematician.

2068.

\* ADDED (on revision):—Here it is the prerogative of Government Departments to put any surveyor they think fit.

† NOTE (on revision):—In taking a review of the civilized states development, great philosophers arrived at the conclusion that the touchstone of a well-conducted Government is, the management of the Public Works and Survey Department. I say that it is acknowledged now that the issuing of a code of laws is easier than to base the Public Works and Survey Department on scientific principles. As a proof is quoted: The Emperor Justinian allowed ten years to the legislators to issue the "Pandects," which, through the efficacy of the lawyers, were finished within three years; whereas the English and French Public Works Departments have made trials for more than twenty years, and suddenly a new discovery shews new data which had been omitted in the first instance.

- Mr. C. Bosé. 2068. Did you not say just now that if you were to choose between pure theory and pure practice, you would prefer pure theory? Yes.\*
- 7 Dec., 1863. 2069. Do you know anything of Mr. Gardiner as a practical railway engineer? No, I have not seen him working on railway, but I know he has been on a railway in America, in Canada; and I know by what I have seen that he is a practical man for calculation and for devising the best methods of running lines and curves and so on, otherwise I do not know much of him.
2070. *By Mr. Morris:* In determining the best line of railway is it necessary that the trial surveys should be of the most careful and minute description? It all depends upon whether there is anything to be taken up; sometimes there is nothing to survey—they are mere rough bush lines.
2071. Trial surveys are mere rough bush lines? I mean there are in a great many localities no houses, no rivers, no streams. All the work depends upon the levelling; there is no survey to be filled; it is confined to the line itself.
2072. *By Mr. Arnold:* Are you acquainted with the history of our eminent engineers? Yes, I know a little.
2073. Have not many of our railway engineers risen to great eminence in their profession, whose knowledge of mathematics has been very slight? Stephenson was a good mathematician, for he solved problems; and all the best engineers have been mathematicians. A man cannot be a good engineer without knowing mathematics.†
2074. Pure mathematics? Pure and applied. But we must not take these as great men, like Newton; they are not originators of problems; they have made a great many blunders. Even Stephenson and Brunel are not perhaps equal to many men who are running about obscure. What is Brunel, for instance? There are men now, who are quoted in English scientific writings, who have made discoveries in machinery, who are unnoticed here. Such men as Mr. John Phillips,‡ whose name is quoted in scientific mechanical publications in England, for whom I was writing to Sir R. Murchison; he suggested the latter part of it; it was about the origin of the Ballarat gold fields; and he is not treated with that consideration by Government which he deserves, on account of jealousy in high quarters.
2075. Do you know Mr. Hawkshaw, the great railway engineer? No.
2076. Do you know whether he is a great mathematician? No.
2077. Do you know anything of Mr. John Fowler? No, I suppose he is known only in England.
2078. Who do you consider the greatest railway authority of the present day? I cannot say, for they are all at loggerheads. For instance, as to the selection of two lines to find out the absolute best line —
2079. I am asking you who you consider the greatest railway authority of the present day? No one can say.
2080. *By Mr. Dalgleish:* Is Rankin? He is a great man and a scientific man.
2081. *By Mr. Arnold:* Who do you consider the greatest railway authority of any day? No man could say.§
2082. You could not name any one that you think an authority? Not the greatest.
2083. Can you name any? This gentleman mentions Mr. Rankin. Others have erroneous methods; they have written; they have compiled; but no man can say that they are great authorities.|| Baker, for instance, is a teacher. No one could say which is greatest. In America, in some places, they make better railways than here or in Victoria; and there may be greater men in America or Victoria than in England, because they have introduced in England the tramway from America.
2084. Can you tell us of any great railway authority in America? There is one, Rainer, but he is of German descent; I cannot say—I was never in America. I think there is no man recognized as an authority in this sphere, because they are all at loggerheads; they cannot prove in some instances that one set of rules is better than another.
2085. Do you remember that as a rule, the greatest railway authorities have been eminent as pure mathematician? Yes, I think Stephenson.
2086. Was an eminent mathematician? Yes, I think he was a good mathematician.
2087. A pure mathematician? Not pure, I mean practical mathematician. I refer to applied mathematics.
2088. This question I am addressing to you—you will observe to find out how far you would prefer theory to practice? I mean to say he was a good mathematician, was able to investigate the bearing of formulæ in mathematics, on mechanics, optics, catoptrics, dioptrics,

\* ADDED (on revision):—But that I say, because pure practice is no food for a scientific mind; it is doing the same thing over and over again—*est siempre el mismo verso* as a Spanish proverb says, and therefore my inclination is decidedly for theory; although individually thus inclined, I know the value of practical knowledge.

† NOTE (on revision):—A great many engineers have risen to wealth, but not through mathematical knowledge only. Some have risen in the world by patronage of a despotic or democratic government; some have risen through the efficiency of their staff; some through bribery or nepotism. That they have performed creditable structures was not always a merit of their own; it was done through having large means at their disposal, through the efficacy of their staff, and that tuitive instinct to put the right men in the right place.

‡ INSERTED (on revision):—Who made many discoveries in mining engineering. He invented and improved the mining theodolites machinery for raising diggers in the coal mines; a gentleman of very extensive knowledge, as well in mechanical as in civil engineering.

§ ADDED (on revision):—And it is quite a philosophical question. We cannot compare them on a par. Who is greater, Cæsar or Napoleon?—or even Hannibal or Scipio? Cæsar was the greatest at his time, as Cicero says, because he was the first statesman, the first conqueror, the first historian, and only second in rhetorics—but who will decide?

|| INSERTED (on revision):—They are not like Vauban, who is considered the greatest engineer of all times; but he was a high mathematician, and his principles have held good through centuries because they were based on mathematics; for instance, his formulæ for stone walls or fortifications are still adhered to by the best engineers, civil and military.

dioptrics, dynamics, hydraulics, or as applied for purposes in common life; he could discuss a mathematical formula, say Pothnot's problem, or the problem of the four points in plain trigonometry, and even with reference to the curvature of the earth.

Mr. C. Bosé.

7 Dec., 1868.

2089. Do I understand you to say that you think the best mode of determining the most eligible railway engineer would be by subjecting him to a mathematical examination? First to a theoretical, and then to a practical mathematical examination. I would make it a rule to examine him in the higher branches; at least I do not say the highest branches up, applied to astronomy, as *Laplace's Mécanique Céleste*, but he ought to be capable of discussing and investigating formulæ by an analytical process, and apply them on engineering; without this he is always in the dark, or be able to investigate the scientific works compiled for the Royal Engineers in England *par ordre de la reine*. We in Germany do not call it the higher branches, but in England it is so called. I see it in Baker's elementary work, he calls elementary science "higher surveying." I studied five years in college, and took two degrees. I am not aware that any surveyor in this country has studied mathematics theoretically and practically; but I have studied it, and passed my examination as a practical and theoretical mathematician.

2090. Before you came to this Colony had you any experience in the superintendence of railways? Yes, not the superintendence of the whole work, but I was doing work on railways and other roads, and investigating them;\* and I know that railways in Germany are now built better than most of the English railways. They go upon the principle that it is better to invest a large sum of money at once than to have to go to a great expense afterwards.

2091. Would you think a person who had taken a high position as a pure mathematician, the person it would be desirable to entrust with the superintendence of railways? Not a pure mathematician; but he must know practical mathematics, such as Chambers has written a book about. [Chambers "Practical Mathematics."] He must know mechanics, but mechanics cannot be understood without mathematics; therefore he must know both pure and applied mathematics.

2092. How would you suggest that the examination you speak of should take place? I should think it belongs to the department of Professor Pell, as a man representing the University of a great nation; but if he has only taken his degree in an English University, he is not fit for such an office.

2093. Are you aware that Professor Pell occupies the highest position as a mathematician in this Colony? But I doubt very much if he is. I say there is no mathematician here; there is no great mathematician in England now.

2094. You do not think Professor Pell would be a competent person to conduct the investigation? He might be—I do not know—he ought to be.

2095. Who would you have to test him? That is rather awkward to say. I think any man might test him, who would step forward and put the questions to him in an assembly like this.

2096. Then do I understand you to say that, before you would submit candidates to an examination by Professor Pell, you would have him examined? Yes.

2097. Who should examine Professor Pell? I should not mind doing it myself.

2098. That, I presume, would imply that every one was satisfied with your competency? I would put the questions, and if he did not answer them I would answer them myself, so that I would not leave a vacuum.

2099. *By Mr. Stewart*: You assume that this examination would take place before a body of people? Yes.

2100. *By Mr. Arnold*: A common jury would you have, or a special jury? I do not know yet.

2101. Perhaps you would have a jury of members of the Assembly? I should not mind doing it myself.†

2102. Then do you think that would be the most satisfactory way of obtaining an eligible man for our railway surveys and superintendence? Yes; public competitive examinations, fairly conducted, not sham examinations, as in Victoria.

2103. Professor Pell occurs to you as the most competent person to make this examination? No; I say the professor of an University ought to be, from his position, but he is not.\*

2104. Why do you think he is not? Because he is not able; he does not know engineering; he is not a man who has written. I am not aware that he has written any books.

2105. Would you consider yourself a competent person to conduct the examination? I should not like to answer that question.

2106. Would you consider any person in this Colony more competent? There may be; I do not say that I am complete at all. I am only examined here; I do not say whether I am competent.

2107. We must have some one—who would you suggest? I do not know.

2108.

\* NOTE (on revision):—I was doing this on a road line extending twenty-five miles, under the Royal Engineer's Department, who are really men of the very highest attainments. I surveyed not only all the parishes and estates through which this line passed, but valued the losses in lands—permanent and temporary losses—and besides had to calculate the large sums for indemnification, which was sent in to the Exchequer at Copenhagen. The Committee for this consisted of the Chief of the Royal Military Engineers, Colonel Dau, and Captain Lesser; and I did the whole work of measuring and the calculating of the sums of indemnification, under the name of Commissionaire for Expropriation.

† NOTE (on revision):—That means putting questions in pure and applied mathematics; and as I should act without patronage or nepotism, the Committee would have the fairest chance, and not be deceived.

‡ NOTE (revised):—Suppose he is not.

Mr. C. Bosé. 2108. You do not think any person is competent? No, not if it is carried out as it ought to be.\*

7 Dec., 1863. 2109. After all this plan of your's you then admit to be impracticable? No, it is possible to find out the men. By public examination I think proper men will be found out if the examination is conducted fairly, but I do not say Mr. Pell is a man competent to conduct it; he may be and he ought to be competent, but I do not know the gentleman. He ought to be competent to conduct the mathematical examination. As to the practical part I have known first-rate professors in pure mathematics who did not know instruments and the making and adjustments of them. When I was examined in the field, one line was given on a high hill; from that line, which was measured minutely, I had to get larger lines by triangulation; no chain was used, and signal placed in the field. The professor came out to visit me, but he did not know the practical part; the practical part belonged to the Surveyor General if he is a scientific man and above square and cube root; the practical part is alone so extensive that a professor in the Home Universities cannot embrace it at the same time; but, in a new Colony like this, I say the professor at the University ought to combine theoretical and practical mathematics in order to have engineers and surveyors examined, because the Colony would greatly benefit by it materially; her resources would be better known and developed.

2110. Do I understand you to mean this, that you think Professor Pell would be the most fit man, or that he would not be the most fit man to conduct an examination as to the qualification of a railway engineer? By what I have said you ought to know that he would not.

2111. Who do you think would be? The Surveyor General, the Professor of Mathematics, and the Chief Commissioner, ought to be the men. One man alone would not be sufficient. Professor Pell would have only to examine in his own department.

2112. What would you propose as the most satisfactory way of conducting the examination you suggest? A public examination.

2113. Conducted by whom? I leave that to you; I could not tell. It should be by the Professor of Mathematics; it should be also by the Surveyor General if he were competent for the surveying part, and by a highly educated civil engineer who should be Engineer-in-Chief.

2114. *By Mr. Stewart:* Then you would have three examiners? Yes.

2115. *By Mr. Arnold:* In filling vacancies would you suggest that the majority of these three should nominate the candidate? That is not the way I should do it. I should have two degrees, as in the University. That is the wrong way in competitive examination as in Melbourne. There there were thirty men (they were not examined in the field), and the examination was continued for eight days, from 8 or 9 in the morning till 4 in the afternoon, without being allowed to leave the room. It was not a *viva voce* examination, but the answers were written. I answered all the questions, of which there were a great many; but it was a sham examination, as it appears the application and papers of one of the candidates had not been even opened, as he proved it to be the case in the Melbourne press. The Minister promised investigation into the affair, but the candidate returned Home in disgust. He told me so himself, when on the point of embarkation.

2116. I am asking you as to the best mode of filling vacancies in the Railway Department. I understood you to say that the best way of filling them was by competitive examination, and that this examination should be conducted by three officers. I now ask you, in case they should differ, how you propose that the election should be determined? The examination ought to be public, and the questions and answers might be written down, and the public voice could then check them. It ought to be decided by points what predicates should be given.

2117. The public voice would have nothing to do with that? Suppose there were something wrong—that one party was patronized; that is the worst, in these Colonies, that merit is not encouraged because there is too much patronage.

2118. Do you mean that you would not trust to the fairness of these Boards, or whatever you might call them? No, I would not.

2119. How do you think vacancies for appointment in the Railway Department ought to be filled up? At these competitive examinations certificates should be given to the successful candidates, who should be put into these vacancies, and as higher vacancies occurred they should, after a further examination, be promoted to them.

2120. How would you get over the difficulty that I think would arise—suppose these three officers differed in opinion, how would you arrive at a decision—by lot? They may decide by lot; but they could not differ so much if the candidate put down his answer—it would be seen whether his answer were correct or not.

2121. If they did differ would you take the opinion of the majority? Yes, I might; but there is a better way—let the answers be written, and do not let the examiners know the writers, and then let the examiners put down the number of points for each correct answer.

2122. How would you arrive at a determination, supposing there were a difference? I never gave it much thought.† I think there might be some means devised—the way they conduct the examination at the University, as I have described.

2123. *By Mr. Tighe:* Is it there decided by the majority? Yes; but not who shall have the situation—who shall have the character.

2124. Who appoints after that? The Minister.

2125. The Minister can appoint no one who has not a certificate? Not the Minister, but the Engineer-in-Chief. All that is required is an honest man to conduct the examination.‡

2126.

\* NOTE (on revision):—You may not find the *non plus ultra* of engineering talent in the Colony (that is what I mean). I did not say "impracticably"; I say it is possible.

† INSERTED (on revision):—But by publishing the answers and investigations of the candidates; that is to say, by printing questions and answers, the examiners would be checked in their decision.

‡ NOTE (on revision):—No surveyor is allowed practice in Germany unless he has passed the examination at the College or University; so these men are all stamped, and lose their appointment if they are reported to operate grossly erroneously. They are matriculated and attend the lectures, especially of the Professor in Mathematics; besides, they practice in the field.



2126. *By Mr. Arnold:* Have you any mode of gauging his honesty? No. I think the best man to conduct such an examination is one who has no interest at stake. He ought not to take the questions out of a book, but to let them flow from his own thoughts, and, with the answers of the candidates, be published afterwards. This would be a guarantee for the genuineness of the questions. If I were to sit down here to put questions to the Engineer-in-Chief, or to Mr. Pell, I should gather my thoughts, and try to put them in such a form as that they might be printed. If these questions were nonsense or trash I would compromise myself. A fool may put a great many questions which a wise man cannot answer. I would be willing to examine these gentlemen on these terms. I would put a great many questions to them; and there are many gentlemen who know me well, know that I am competent, for I have studied the best literature in English, French, and German. I should bring out the best man. I should go into the science of adjusting, and even of making instruments, for a surveyor ought to know that better even than an instrument maker.
2127. Do you think Mr. Whitton would be a competent person to examine? No, I do not think he would.
2128. You would require somebody to examine him first? I do not know him; that is to be found out.
2129. Who should examine the examiners? I should like to examine them before the public, and have all the questions put down on paper. There should not be any reference to books, but the questions should be printed, and the public at Home and abroad might then decide, not as to the competency of the gentleman, but as to the fairness of the examination, and exercise their own critics. I should propose that as the best way to bring out a man's qualifications, and the only one.
2130. Mr. Whitton would then have to be examined to see whether he was competent to sit upon this board of examiners? No, I mean that I should examine him before he was competent to be the Engineer-in-Chief.
2131. You say you would examine the professor of mathematics? I mean, to test the Engineer-in-Chief he ought to know mathematics as applied to surveying; I am quite sure he does not.
2132. It comes back to what I say, that in order to determine whether he was competent you would submit him to examination? No man would do that, for I am too obscure a person; that would be nonsense.
2133. I understood you to say you think Mr. Whitton would not be competent? Yes.
2134. In order to determine whether he was competent, you say you would submit him to an examination by yourself? Yes, but it is ridiculous—I just threw out the hint. At the same time I guarantee that I would not compromise myself, for I would not put any that I could not answer myself. I should not like to make myself the laughing-stock of the Colony, and I would answer the questions if they could not.
2135. *By Mr. Dalgleish:* Has not the party who examines a great advantage, inasmuch as he can prepare, at his leisure, questions which the person under examination has to answer instantly? Yes, if he prepares.
2136. *By Mr. Arnold:* Do you know all the three gentlemen occupying the official positions to which you would entrust these competitive examinations—Professor Pell, Mr. Whitton, and Mr. Davison? No, I do not; I have seen them perhaps.
2137. Do you know enough of them to be able to say whether you would think these persons competent to conduct an examination of the kind you suggest? From what I have said in my evidence it may be seen that I do not recognize Mr. Whitton as a man to examine others. As to Mr. Davison, the Surveyor General, he is not a scientific man; he may understand surveying, but he is no scientific man, you are quite aware of that.
2138. I am aware of nothing. I am examining you to see what your opinion is? They are no scientific men at all.
2139. Thinking these three men would not be competent, who would you substitute for them? I could not say, because I am only giving my opinion, which is of no value whatever.
2140. When you take time to consider of the matter, does it occur to you that there are difficulties in the way which you have not thought of? Yes, there are difficulties as to the trustworthiness of the men.
2141. Do I understand you to mean that you think personal preferences would creep in even in influencing the decision of a Board such as you speak of? Yes.
2142. You also say that you think these examinations should be conducted in the presence of the public? Yes.
2143. Do you think the public are free from personal preferences in the selection of candidates? I think upon the whole—*vox populi vox Dei*—the public have no interest in the advancement of the material welfare of these officials.
2144. Do you think the public would be competent to form an opinion upon the professional qualifications of mathematicians? I think there would always be critics who, besides the questions and answers being published, would decide, who would listen to the discussion of certain formula.
2145. Would you have the examination entirely *vivâ voce*? Not at all; I would have it both *vivâ voce* and written.
2146. And you would publish the papers? Yes; and I would have demonstrations on the black board in the *vivâ voce* examination; but I should confine myself not to out-of-the-way problems, but to those that were practically useful, in order to test the capacity of the candidates; but then there should be superior questions, to decide on which side the balance goes down. I should introduce, especially for the Engineer-in-Chief, to find out the best man for the head of that department. I should examine him in the higher branches.
- 2147.

Mr. C. Bosé.  
7 Dec., 1863.

Mr. C. Bosé. 2147. Do you think any person of high reputation as an engineer would care to submit himself to an ordeal of that kind? That is a question—I very much doubt it; everything would be at stake.\*

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2148. Do you believe that any eminent engineer of the present time, as Brunel, Stephenson, Hawkshaw, Fowler, or any eminent foreign engineer, would submit to a competitive examination of that kind? Not in this Colony; I think not; they would have everything at stake.

2149. Then any association of persons engaged in railway works, establishing a competitive mode of appointment, must necessarily forego the hope of getting such men as are generally regarded as being at the head of their profession? These men would not come out to the Colony unless they were patronized. No, they might submit to an examination, or they might not.

2150. Do you think they would, or that they would not? I think we are turning in a circle. They would come out if they were appointed at Home with a large salary, perhaps.

2151. What is your own opinion of the thing—do you not think the result of a competitive examination between a young man, fresh from his studies, and of a man who had become rusty in the theories of his profession, but who had gained his reputation, would be favourable to the young man? This fresh man would have no practical knowledge, though he might have considerable scientific attainments; but this rusty man, if a good mathematician, will have the principles of mathematics incarnate. They will be so deeply rooted that he will never lose them. Give him a figure, and he writes it down and demonstrates from it; for instance, he will demonstrate the formulæ for the frustum of cone or pyramid; he will know Simpson's rule in mechanics; to arrange the nonius and vernier of an instrument to read 5 seconds (theodolite), and how it has to be divided; he will know and prove the proportions between a circle and an ellipse; to find analytically the distance between a cutting and embankment, without the use of a pair of compasses; to know the strongest piece of wood to cut out of a cylinder; to know the proportion between the different stereometrical bodies and algebra, at least, inclusive of Carela's formula; the strength of building materials, or know Pothenok's problem analytically, geometrically, or trigonometrically, or demonstrate Newton's binomial formula; the equation and construction of conic sections, or the method of the least square for the repetition of angles.

2152. These are all elementary questions of mathematics? Yes; though they be, I would begin at the beginning.

2153. Do you not think such questions as you have suggested would be more readily answered by a schoolboy, who was engaged upon them day by day, than they would be by a mathematician of a high class, who had not continually kept up that branch of his studies? No.† I should be satisfied if Mr. Whitton could answer those questions—elementary questions though they be—because if these things are not properly digested he knows nothing of mathematics; he cannot know the higher branches. Bonneycastle lays it down that an elementary thing properly digested is far superior to a half knowledge of higher mathematics.

2154. That is not an answer to my question? You want to demonstrate—you may belong to the opposite party—I do not know —

2155. What party do you allude to? These questions might be answered by a schoolboy. I say these questions cannot be answered plain as they be by gentlemen who have taken their degrees in the English Universities. I have had friends M.A.'s from Cambridge and Oxford; they may answer some of these questions but not all. Living on terms of official equality with them as a teacher, I took great interest to dispute, to exchange my thoughts with these gentlemen who had taken their degrees in England, and, notwithstanding their efficiency, they were not examined in the application of mathematics on practical subjects. Nor could the Engineer-in-Chief answer those questions. I stand by my word because they have not got the books. I judge a man by his books.

2156. *By Mr. Dalgleish*: As a matter of fact, can a man who is not a first-class mathematician read the modern works on engineering science? No, he cannot.‡

2157. He must understand the calculus of plane and spherical trigonometry? Yes, the higher branches of mathematics; but here, as I mentioned to the Surveyor General, they cannot extract the cube and square root.

2158. If Mr. Whitton cannot read Macqueen, Rankin, and Weisbach he is not a proper person for chief engineer? No.

2159. *By Mr. Arnold*: Are you engaged in engineering works of any kind? No.

2160. What are you doing now? I am engaged in writing something for myself, because I am intending to go. I have been advertised for through the press of Victoria, and I expect to come in for some competency at Home. I am told so, but I do not know yet. I am writing about the departments of the Colony.

2161. Have you been employed on railway works in this Colony? I was computing in Victoria, but not under the N. S. W. Government. I can produce a letter from Capt. Clarke who knew me in that Colony.

2162. Have you ever been engaged on railway works in this Colony? No, I have not.

2163. You have had no experience of railway works in this Colony? No, except when I have been on them and given instructions to a gentleman who was engaged. I went into the field with this gentleman; he did the work himself, but I rectified parts of it.

2164.

\* ADDED (on revision):—But if they have confidence in their knowledge they will come forward, perhaps; but I doubt in this Colony, whereas in the old country they might—yes.

† INSERTED (on revision):—If he knew the investigation of these matters, if he really comprehended mathematics, he ought to answer them as a practical engineer—he ought not to forget.

‡ NOTE (on revision):—This is demonstrated by Castle. He says, one-third of the cases before the Courts in Canada were cases of incorrect measurement, because the surveyors were not acquainted with the rules of Euclid. (See Castle, surveying, &c.)

2164. What I want to know is, what experience you have had of railway works in this Colony? I have not been engaged on railways here, as I was kept out. I was teaching at the Rev. Mr. Macarthur's, at Macquarie Fields. Mr. C. Bosé.  
7 Dec., 1863.
2165. You have never been employed on railway works? Not here.
2166. You made an application for employment about three years and a half ago? Yes.
2167. What opportunities have you had of forming an opinion as to the quality of the work done? From my antecedents, knowing from practice and theory that it is wrong.
2168. What is wrong? I mean the carrying out of the works.
2169. How have you gained any information as to the plans, for instance with reference to this Mudgee line? I saw the work done in the field, and without the plans I could see that the work was done wrong; and if I saw the plans without seeing the field, I could tell whether the work was done wrong.
2170. Are you sure that the works of which you speak, or the plans of which you speak, had been finally determined upon by the Engineer-in-Chief? I could not say that.
2171. Do you know that the works of which you are speaking are those which the Engineer-in-Chief proposes to adopt? I do not know; but I know that it is of no use to make wrong plans and surveys and afterwards to make them right, or, if not, to try to make them right.
2172. Upon whom does your criticism reflect, upon the competency of the Engineer-in-Chief, or upon the competency of those officers immediately engaged in these surveys? Upon both, but primarily to the Engineer-in-Chief, because he should have selected better men.
2173. Under whom is this survey going on to Mudgee? I do not know, I think there is a new officer. He told me, "I should like to go through these things with you, but I must look out for myself. \*I am to be dismissed on the 1st January."
2174. Mr. M'Dowell told you that? Yes; I told him some practical things connected with these matters, but especially pure mathematics; but he is a very serious gentleman, and takes a great deal of care, and will turn out a first-rate man as a subordinate.
2175. You think he will? Yes, I think he will. He is not exactly to be blamed, because he does his work as well as any one, and the plans, I presume, were sent out from the office; but I think there are worse people who have been longer in the department, because I have seen men who ran out lines in different directions.
2176. Do I understand you to say that your doubt of Mr. Whitton's competency arises from his having employed incompetent persons in the superintendence of this particular survey? Yes, but not only that, he may be incompetent himself, to judge him by the plans sent out from the office.
2177. I am not speaking of that now, I am speaking only of his incompetency, as shewn in this particular survey? Yes, he ought to have competent men—men who had been subjected to some examination.
2178. Do you know Mr. Brown, who was entrusted with that survey? Yes, I have seen him.
2179. Do you know whether he is a competent person to conduct a railway survey? I do not know; I have not seen anything of him; I have no idea; but I should say, without disputing his capacity, he is a better man than a great many. I have seen him; I have talked to him; I have been through his camp when he was near Mudgee.
2180. Have you formed any opinion as to his competency for that position? I think he is a gentleman who is pretty competent, at least I should take him to be better than most of the others in the department; he might be a better man than Mr. Whitton himself; from what I have seen I should take him to be so.
2181. What opportunity have you had of forming an opinion of the comparative qualifications of Mr. Whitton and Mr. Brown? Only from the public voice.
2182. Who are the incompetent persons engaged on the survey of the railway from Muswellbrook to Mudgee, to whom you have alluded? I could not say that; I would not drive a man out of his billet; I have no interest in the matter, and even if I had I would not do it.
2183. You do not think Mr. Brown incompetent for his position? No.
2184. You think him competent for his position as superintendent of that survey? I do not know whether he has the superintendence of that survey or not. I think he is a competent person; he is a gentleman who is popular and well liked.
2185. Do you not think it advantageous that a person employed in superintending a survey should be associated with persons in whom he has confidence? Yes, I think so.
2186. Then if all the persons under him have been selected or recommended by him—do you think that that would relieve the Engineer-in-Chief from the responsibility you appear to attach to him in that particular matter? If that be the case, but I thought the Engineer-in-Chief must recommend them himself; he ought to be responsible for the work; Mr. Whitton should select the men.
2187. You place me and these gentlemen at a disadvantage, as you refuse to specify the persons to whom you refer? I can only say the work is wrong; I do not know who has done the work; that can be found out by reference to the plans.
2188. What is it you say is wrong about the work? A great many things; the curves instead of being laid out upon the field have been laid down in the office —
2189. I am speaking of the work done in the field by these surveying parties—is that wrong? Yes, that is the very thing; the curves are sent out from the office right or wrong, upon a small scale, say 10 chains to 1 inch, or approximately 1 to 8,000, that is, 1 foot in the map represents 8,000 in the field, and are then laid upon the ground by methods that ought not to be adopted, and not by trigonometrical formulæ.

2190.

\* Revised:—No; he said the work had to be left off at the specified time.

Mr. C. Bosé. 2190. Have you any other objection to make with reference to the accuracy of the work, except such as arise from directions, which you say are improper, from the office? Yes, the carrying out of the work. There are a great many other errors in this work. The lines are not run as they ought to be, and the minutiae are not properly attended to; it is too much on the cheap system; mere bush pegs are put down which may be easily obliterated.

7 Dec., 1863.

Note (on revision):—The Petersham Estate had been previously surveyed by other surveyors but they gave no satisfaction to the trustees, because whole allotments had been lost and could not be accounted for.

THURSDAY, 10 DECEMBER, 1863.

Present:—

MR. GRAY,		MR. MORRIS,
MR. LUCAS,		MR. STEWART,
	MR. TIGHE.	

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Nicholas Trengrouse called in and examined:—

- Mr. N. Trengrouse. 2191. *By the Chairman*: How long have you been in the Railway Department? Now nearly ten years; I think about three months short.
- 10 Dec., 1863. 2192. Were you there before the railway was handed over to the Government? Yes, some time before.
2193. What salary had you when you entered? £250 per annum.
2194. What salary had you when you were suspended? £350.
2195. What was the nature of your appointment? I was engaged as draughtsman.
2196. Who was the Engineer-in-Chief when you were appointed? Mr. Wallace.
2197. Had he an assistant? Yes, Mr. Brady was there when I went, as second in command.
2198. How many officers were there at that time engaged? Do you mean those in the principal office?
2199. Yes? There was only myself as draughtsman; there were but three in all—Mr. Wallace, Mr. Brady, and myself.
2200. Were you the only draughtsman? I was the only draughtsman at that time.
2201. Were you found competent to do the whole of the work required? I imagine I must have been, because there was never any complaint made about my work.
2202. Was there any complaint made about your work? None whatever; rather the opposite.
2203. May I ask how you obtained your appointment? It was from an advertisement in the papers; but when I applied I feared I should be rather late, because I found that when I saw it, it was the third time it had appeared; however, on applying, I saw Mr. Wallace, and he told me he was afraid it was too late, because they had had several applicants, and had selected one who was partly engaged, but I had a small book of drawings with me which I did in England, and, although they did not bear exactly on the requirements of a railway department, after seeing them they said that would be quite sufficient; they knew a person who could draw after that style was the person they wanted.
2204. Did you know any persons in the Government then? No, not at that time.
2205. You were really unknown to any person? Yes; that is, as regards interest or influence.
2206. How long had you been in the Country then? I have previously stated that I have been in the Country eleven years, but I find I have been twelve years.
2207. What were your office hours? From 10 till 4. I was then told, without asking about it, that at any time I wanted to go out I could do so; we had from 1 till 2 for refreshment; but of course having that advantage I would have been sorry to stoop so low as to take any advantage of it.
2208. Were you fully occupied during those hours? Yes, I had plenty to do, inasmuch as I was allowed to take work home in the evening, for which I was paid at the rate of time and a half—that is, three days for two.
2209. Were you engaged upon any other work but drawing? Yes, I had a deal of writing to do; it was writing principally that I took home to do.
2210. Not the plans? No.
2211. Did you do any writing during the office hours? Yes.
2212. Have you been engaged in any other office as draughtsman, except the Department of Works, since you have been in the Country? Yes, I have been engaged in two other offices; the first was Mr. Sherwood's office—he was an engineer. I got out a portion of the drawings for Tooth's brewery—the ironwork in connection with that building.
2213. What was the nature of your duties in the Railway Office—were you employed merely as draughtsman or as architectural surveyor as well? Draughtsman only; but I did designs for stations.
2214. Had you then ever been in business on your own account? Yes, I was in business on my own account as draughtsman, and I have done some of the largest maps that have been done in the Colony; one of the first was the Waterloo Estate for Sir Daniel Cooper.
2215. Is that the one hanging up in Sir Daniel Cooper's room? I do not know whether it is hanging up now; it must be very much faded now of course.

2216. How many years have you followed the profession of a draughtsman? It must be now between thirty and thirty-five years altogether.

Mr. N.  
Trenghouse.

2217. What railway lines were open to the public on your appointment? There were not any open at the time I was appointed.

10 Dec., 1863.

2218. What line were you first engaged on? The Liverpool line, I think.

2219. Did you do any of the drawings for the Sydney and Parramatta line? No; they were complete, and the line almost ready to be open when I entered.

2220. Were you able to make all the drawings required in the department at that time? Yes; there was no one else in the office to do it.

2221. How long did you perform these duties single-handed? I think it must have been six or eight months.

2222. Before you received any assistance? Before I received any assistance.

2223. Who was engaged to assist you at last? My son.

2224. At what salary? 10s. a day, equal to £156 a year.

2225. When he first entered the department? Yes; he was forward in drawing then, because I had instructed him previously.

2226. How long was this before the staff was sent for by Sir William Denison to England? A little better than two years, I think.

2227. Did you and your son then continue to do the whole of the work required as draughtsmen in the Railway Department? Yes, the whole of it.

2228. How long had Mr. Wallace left before the staff arrived? I think it must have been something like twelve or fifteen months.

2229. Who acted as Engineer-in-Chief after Mr. Wallace left the Country? Mr. Brady then took his position and carried on the works.

2230. Do you know anything of his abilities, or do you think he was competent to be at the head of an engineering staff? Mr. Brady's abilities I consider were far superior to any one I have known in the Colony—many of his trial survey plans are in the office—I may almost term them specimens of the manner in which the work is done by him, as well as various drawings of station buildings, and also one intended for a terminus, that was not acted upon. I do not refer to the present wooden building; and as regards expedition I never saw any one so quick at figures or at any work.

2231. We have a lot of plans here—have you seen them? I have looked over a few of them.

2232. Have you seen any of Mr. Brady's? I have not seen any of his here.

2233. I have heard it stated in the Assembly that your abilities as a draughtsman were scarcely worthy of consideration—are there any of your drawings in the office? There are.

2234. Are there any here? There are some here.

2235. Will you shew the Committee some of your drawings? (*The witness selected certain plans from amongst a number lying in the Committee room.*) This (*referring to a book of drawings*) is a set of plans intended for the Campbelltown line; these were made before the present staff came out; this comprises the whole of the drawings supposed to be required for the Campbelltown line—embankments, cuttings, bridges, occupation gates, &c. On one sheet you will observe there are four drawings, but according to the method at present adopted each drawing would occupy one sheet, for which there is no occasion.

2236. *By Mr. Stewart*: How long, on an average, would each of these sheets take you to prepare? I think about two and a half or three days to each sheet. I am considered by some to be slow at drawing, and by others fast.\*

2237. *By the Chairman*: Do you see any plans there (*referring to the plans in the room*) done by the staff that came out from England that is called Mr. Whitton's staff? (*The witness selected certain plans.*)

2238. Are those for the same line of railway? Yes.

2239. *By Mr. Stewart*: These were acted upon? Yes, these are the working drawings. Now I shew four designs on one sheet, where these only shew one or two, which is of course a saving of time as well as paper.

2240. *By the Chairman*: These are the drawings done by the staff that came from England? Yes, part of them.

2241. Whose is this (*referring to a particular drawing*)? That is mine; I remember, not long after this particular drawing was done, I was told Mr. Whitton had a great mind to tear it up; I inquired why, and was told Mr. Whitton should say there was no occasion of getting up drawings in that style; but I found afterwards it was because this one drew a little more attention than some others in the book.

2242. *By Mr. Stewart*: How much more time would be required to do one of these sheets than one of those you shewed us? I should imagine these would take something like 20 per cent. more time.

2243. This would take more than a week then? Yes.

2244. *By the Chairman*: This (*referring to a sheet of drawings*) is for the station house you proposed for Campbelltown? It is built. This is the residence of the station master.

2245. Do you shew the whole of the drawings required for this station house on one sheet? Yes.

2246. How long did it take you to do this plan? I should say a week.

2247. How long would it take you to take out the quantities? Perhaps half a day.

2248. *By Mr. Stewart*: You could get all the quantities from what is placed on this one sheet? Yes.

2249.

\* ADDED (*on revision*):—But I should much like to test the former with any one in our office.

- Mr. N. Trengrouse. 2249. *By the Chairman*: This (referring to another sheet of drawings) is the passenger station? Yes.
2250. And you shew all required for that station upon this one sheet? Yes.
- 10 Dec., 1863. 2251. Do you remember how long it took you to do this plan? Perhaps eight or nine days.
2252. And you shew everything required for the information of the builder on this plan? Yes.
2253. *By Mr. Stewart*: The plan you have just alluded to, shewing the station master's residence, indicates on one sheet all that would be necessary for practical purposes? Yes.
2254. And the same remark will apply to the second sheet having reference to the station? Yes. I think it is an insult to the mechanics of this Colony to give quarter full size sections of doors, skirtings, and so on, which would imply that they do not know how to get out a skirting or the panel of a door without all this instruction.
2255. This plan occupying eight days to make would afford as much information for practical purposes as a plan occupying eight weeks? Yes, quite so.
2256. Then all the additional labour would be quite useless? Yes. The object was merely to fill up the paper and make it look showy.
2257. It is only necessary to describe the character of the mouldings you want to any mechanic in the trade? That is quite enough.
2258. *By the Chairman*: For instance, if you wanted a door made, instead of wasting a day in making drawings of it you would merely describe it in the specification? Yes.
2259. Do you not think it very desirable, instead of getting drawings out for every station house, that there should be drawings of different classes—1, 2, 3, 4, and so on—so that the Engineer-in-Chief could select different class station houses for different localities, and in that way one set of drawings would be sufficient for twenty, thirty, or forty station houses? I think it would be very desirable; it is the plan adopted in England.
2260. It would be a great saving of time and expense? Of course it would be. The foundations only would differ, but all above the surface of the ground would be the same. The difference of excavation and foundations might be added or deducted as the case may be.
2261. After the first plan and specification were made, a number of specifications might be printed, and in that way an immense deal of clerical as well as professional labour would be saved? Yes, the specification would be the same for all above the ground.
2262. Are not levels generally selected for station houses? Yes.
2263. And the difference in the foundation would be merely the difference in the description of earth to be excavated, which could be added in writing to the printed specification? Yes, at the end.
2264. *By Mr. Stewart*: Has it been the system here to have sets of plans for each station in the Railway Department? Yes, I do not think there has been a station put up but what there has been a separate set of drawings for it.
2265. *By the Chairman*: The same thing could be done with gates, and to a great extent with bridges, fencing, and all that sort of thing. If regular plans were kept in the office for these things, they could be adopted in different parts of the country for the different lines? Yes, that could be done. Of course bridges are determined by the section, but all above a certain height could be the same, whether they were a mile or a quarter of a mile long.
2266. If this system were carried out, then fully half the labour of the department could be saved? It would quite save the services of one or two officers.
2267. Look at these plans of the stations at Singleton and Penrith, and say whether they are not nearly copies of each other? Yes, they are all the same.
2268. Is not a great deal more shewn there than is necessary for practical purposes? Yes, there is a great deal too much detail.
2269. Is it necessary to shew mechanics the different timbers in the roof—for instance, the rafters, and so on? No.
2270. Would you not describe that in the specification? Yes.
2271. Would not these elaborate drawings tend to confuse a great number of our contractors? I believe it tends to make the works cost more than they should.
2272. *By Mr. Stewart*: What amount of labour do you think is bestowed on this sheet? I should say it would take a fortnight.
2273. This is merely one of the set? Yes.
2274. How many sheets are there to make this one complete? Eight sheets to complete the dwelling and goods warehouse.
2275. And each would take a fortnight? This would take a fortnight.
2276. Then it would take two months for each building? Four months for each set.
2277. *By the Chairman*: It is necessary to have tracings of all these, is it not? Yes.
2278. How many sets of tracings are made for each of these stations? Two sets; the inspector and the contractor have each a set.
2279. Does not Mr. Whitton have a set? No, not of these, only of the plans and sections of the lines.
2280. There are only two sets of tracings of these? Only two sets of tracings.
2281. How long do these tracings take? I should think the one I referred to as taking a fortnight to make in the first place, would take nearly a week. The tracings would take about half the time the others would, or a third, perhaps.
2282. So that each set of tracings would take about two months, or about eight to complete the drawings and tracings? Yes.
2283. The plans you drew for a station house, which detailed all that you think necessary for the information of a contractor, would take you eight days to make and the tracings four days, or twelve days in all? Yes, about that.
2284. And you think all the time that it has taken over twelve days, to make these other plans, is a waste of public time and money? I do indeed. 2285.

2285. Were those drawings which you shewed the Committee made before Mr. Whitton's staff arrived in the Colony? Yes, completed. Perhaps it would be as well I should here state that these drawings were ready and waiting to be carried out when Mr. Whitton came here; he saw them and, using his own words, he said "he never saw drawings more beautifully got up in his life." I am only just mentioning this to shew the contrast between what he then said and what he now says of my abilities.
2286. Did your son commence making drawings soon after he went into the department? Yes, very soon after; for a short time he was engaged about the writing—relieved me of that duty, and then afterwards he commenced on the drawings.
2287. How long has Mr. Whitton been here? I think seven years in January next.
2288. How many persons were in the department as draughtsmen before you were suspended? Within six months before we were suspended there were ten.
2289. Do you know what opinion was formed of the staff when they arrived here—of their abilities? I can hardly say; I know there was some talk about them by myself and others in the office. Of course, considering they had just come from England, with all the late railway improvements, I felt this as much as any one, and was only too anxious for them to commence their duties; when they did I was at once relieved of all apprehension—I entertained no fear nor doubt after seeing their performances.
2290. When they first came out, you thought they would be able to do the work in so superior a manner that you would be displaced? Yes, their having just come from London.
2291. But afterwards you were not at all afraid? No.
2292. Did they soon commence their duties after their arrival? Not so very soon. Just coming off a voyage they took some time before they did commence. They were all introduced to me, and I made them acquainted with the plans and arrangements of the office. I suppose they were something like two or three months making themselves acquainted with the plans; it was naturally the first thing they would do, and of course they were anxious to get all the information they could, which I think was got more from the plans than on the ground.
2293. When did they commence to receive their pay? From the time they were engaged; before they left England.
2294. How many were there of them? Five, with Mr. Whitton.
2295. Do you know whether their passages were paid? Yes.
2296. And all their expenses? They had their expenses paid them afterwards; £30 each I think was paid them for wine and other things which were not allowed them on the passage; they made application for it after their arrival, and something like that amount was allowed them.
2297. *By Mr. Tighe*: For each man? For each man.
2298. *By the Chairman*: Your pay commenced from the day you commenced work? Yes, I commenced the day following my engagement; in fact, they wanted me to commence at once; I could not do so, because they had no drawing boards; I had to find my own drawing boards, and so on.
2299. What extension did they commence on? The Campbelltown line was the first.
2300. About what time was this after their arrival? I think they commenced with the drawings about three months after. I should observe, the first thing Mr. Drewett did as a draughtsman, was to get out some designs for drawing boards; there were none in the office, except my own. I thought it strange that, coming from England, they had not provided drawing boards on the most improved principles. After that Mr. Drewett made a drawing for a press for the drawings; it was put up and had to be altered, as the drawers could not be got out. After this Mr. Drewett commenced the first station drawing he did, for Honey-suckle Point, near Newcastle; that drawing took him, I think it was five weeks—a two-roomed weatherboard building. I should imagine that drawing cost the Government something like £70 or £80.
2301. How much was the house worth altogether? Perhaps £150, and the platform another £100. I should remark that when the drawing was finished there was scarcely any of the original surface of the paper left, as there was very little that had not been erased two or three times. Mr. Whitton was three or four days about it, and Mr. Mason about the same time. That (*referring to a plan among those in the room*) is a copy of it merely; the original is quite a curiosity.
2302. In what way? The way in which it is cut up—so scratched out and erased.
2303. *By Mr. Morris*: So that scarcely any of the original surface remains? Yes. I should state that Mr. Drewett was three days attempting to get out the quantities.
2304. The quantities of this thing? Yes. I say "attempting," because he could not do it.
2305. Who did it? Mr. Mason did it afterwards.
2306. *By the Chairman*: This Mr. Drewett is the chief draughtsman? He goes by that name.
2307. Receiving £500 a year? Yes.
2308. *By Mr. Stewart*: Should you assume at that time that he had not had practice in that way? No, I think he was not accustomed to station drawings; he was more accustomed to bridge drawings.
2309. He had not had practice in that character of drawings? No, at least I should imagine so from the execution of his work that he had not; he could not have had in fact, for in some other drawings Mr. Mason has done nearly half of them.
2310. *By the Chairman*: A gentleman having any pretensions to draughting, surely it would not take him anything like five weeks to draught such a thing as that? That was the time he was about it. A man of course, to be a draughtsman, should have some mechanical knowledge; and in fact he ought to be a mechanic himself, because no one can make a drawing of anything without having the design complete and finished on his mind before he commences to draw it.

Mr. N.  
Trengrouse.

10 Dec., 1863.

- Mr. N. Trengrouse.  
10 Dec., 1863.
2311. A building like that, surely a draughtsman could design it and complete the plans in two days? Yes, he should be able to do so; or at the outside in three or four days.
2312. And any carpenter or mason could take out the quantities of a thing like that in two or three hours? Yes; I would not hesitate to say, I could go with three men and put it up in a fortnight.
2313. The whole building? Yes.
2314. *By Mr. Stewart*: What length is the building? About forty-three feet.
2315. *By the Chairman*: Then that was the first drawing Mr. Drewett did after he arrived in the Country? Yes, after making the designs for the drawing boards and the press.
2316. The press which would not open? They could not get the drawers to work.
2317. What was the width of the building we have just been speaking of? 10 ft. 5 in., and the verandah 4 ft. 9 in.
2318. *By Mr. Stewart*: Merely a weatherboarded building? Yes.
2319. What was it roofed with? A shingled roof and corrugated iron verandah.
2320. *By the Chairman*: That was the first plan Mr. Drewett made after he was engaged in architectural drawing? Yes; the next was a set of plans for the Campbelltown line.
2321. Was the survey of the Campbelltown line made before they came here? Yes, the plan, section, and set of drawings, were all complete before they came here.
2322. Were any of these plans that you made or the survey made by Mr. Brady acted upon by Mr. Whitton's staff? All the plans of trial surveys that were in the office have been acted upon; they have been a key to all the present surveys. In the case of the Southern line, I believe Mr. Brady's line has been adopted till they come to Picton. I do not believe that if a tracing were taken off Mr. Brady's line and laid on the present line, you would scarcely perceive the thickness of the line out anywhere; but when it gets to Picton Mr. Brady's line goes towards the east, while that of the present staff turns towards the west. Mr. Brady's route would have dispensed with the tunnel altogether.
2323. But they abandoned the drawings? Yes, they did, but could not with the plan and section--those being proclaimed they were bound to act upon them. Mr. Whitton's reason for doing away with these drawings was, that the bridges being laminated arches were out of date, and not considered of good construction; but now they are being used at Singleton and several other places. I do not see why, after being said to be out of date ten years back, they should again be brought into use.
2324. You say you and your son were engaged on the new drawings as well as the old? Yes; I think I have pointed out some of mine.
2325. Were there many plans done in the office at that time? A great many plans, because the trial surveys had been in progress a long time.
2326. You say Mr. Brady's trial surveys were generally found to be correct. Yes, very. There is a plan in the office--there was, at all events--of a survey of his from Sydney to Goulburn, both plan and section.
2327. As far as they have adopted his surveys they have been found to be correct? Yes; I never knew him in fact to make a mistake.
2328. Where was Mr. Brady at this time--how was he engaged? When Mr. Whitton came out he took the position of Engineer-in-Chief, and Mr. Brady was then employed on the line, I think, as Superintendent of Locomotives; he also had the management of the line.
2329. Did he appear to give satisfaction? Well, he could never give Mr. Whitton satisfaction, otherwise I do not see any one but would be satisfied with him, for he was very efficient.
2330. Do you know why he could not give Mr. Whitton satisfaction? I think it was nothing but professional jealousy; it could be nothing else.
2331. Do you consider Mr. Brady a superior man to Mr. Whitton as a professional man? If I wanted any skilful work done I should certainly have sent to Mr. Brady for that purpose.
2332. Were his trial surveys considered of very much value in the office? They were very much used.
2333. And always found to be correct? I never knew them to be otherwise.
2334. And you say he was also very expeditious in his work? Yes; he would take home as much work in the evening, or rather bring it in the morning, that would take some in our office two days to perform.
2335. Then you considered him a very valuable public officer? He was.
2336. Do you think that was the opinion of all who had the opportunity of testing his qualifications? Of all that were in any way disposed to speak justly of him.
2337. Are there any of his drawings in the office now? Several; some of the best drawings in the office are his; the drawing of the viaduct across Long Cove, just beyond Petersham, in particular was very beautifully executed.
2338. Do you know how long it took him to do that? I do not.
2339. I have heard that immediately after Mr. Whitton arrived in the Country he placed a spy over this gentleman--do you know whether that is true or not, or do you know anything of it? Yes, I am sorry to say it is true, because the party himself told me--the party who was instructed to watch him--Mr. Richardson.
2340. Richardson was placed by Mr. Whitton as a sort of spy over Mr. Brady? To watch him--to watch his every action were I think about the words of the instructions given him.
2341. Do you think Mr. Brady was aware of this? He was, because Richardson, as soon as he was told to do this, went and told Mr. Brady what his instructions were; he told him he was directed to watch everything he did; Mr. Brady said, "All you have to do, Richardson, is to be sure and give a faithful return of everything you see me do."
2342. You say Mr. Richardson told you this? Yes.
2343. And he told Mr. Brady also? Yes.



2344. *By Mr. Stewart:* Was the viaduct you have just alluded to made before Mr. Whitton came to the Colony? Yes, the Parramatta line was completed and open before Mr. Whitton came, and also the line to Liverpool. Mr. N. Trengrouse.
2345. You have heard no complaint of that viaduct? Of course bricks were not made twelve years ago like they are now, and I believe since Mr. Whitton came out a few of the bricks had crumbled away. Mr. Whitton I believe had two timber longitudinals laid over the viaduct on which the rails rested. 10 Dec., 1863.
2346. Was not that the viaduct that Mr. Flood in former days drew the attention of the House to its bad construction? I think not.
2347. *By the Chairman:* That was the skew bridge in Erskine-lane at Newtown? Yes; it fell down afterwards.
2348. Who was the Engineer-in-Chief in those days? Mr. Wallace. Its falling down was on account of the bad quality of the bricks and mortar; there may have been some neglect on the part of the officers of the department in reference to the quality of the mortar.
2349. It is standing now? It was built a second time.
2350. On the same principle? Yes. I think cement was used instead of mortar.
2351. The principle was not defective? No.
2352. In the specifications at that time, for skew bridges, was not common mortar allowed to be used instead of cement? Yes.
2353. Going back to this matter about Mr. Brady and Mr. Whitton—do you know whether Mr. Whitton found out that Richardson had informed Mr. Brady? No, I think not; had he been aware of it Richardson would not have remained in the department, I should say, another day. But Mr. Whitton is well protected on all the lines as regards his own men; he has a man from England, well known to him at Home, to protect him on all the lines.
2354. To let him know secretly anything that takes place? Yes.
2355. Is it true that the line from Sydney to Parramatta was surveyed by Mr. Whitton's instructions, to see if Mr. Brady had favoured the contractors or committed any fraud? Yes, it was, soon after Mr. Whitton's arrival.
2356. By whom was this survey made? By Mr. Micklethwait.
2357. Are the plans in the office? I do not know; I do not remember ever having seen them; but they ought to be; of course he had no business to make a survey without plotting it.
2358. Are you aware that anything improper was discovered? Nothing whatever; I know he was suspected, and that he felt it most acutely; it was supposed that he had allowed the contractor to charge for some few thousand yards of earth-work more than should have been allowed.
2359. Can you form any idea of the cost of this survey to the Government? I think it must have taken some three or four months, and that must have cost £300 or £400.
2360. Do you think Mr. Whitton has many of these persons on the lines to give him this secret information? There is one on every line.
2361. Is he an officer favoured by Mr. Whitton? Yes, none can give him greater satisfaction than those who make complaints.
2362. Do you think this spy system was the cause of Mr. Brady resigning? I think it was one of the causes, but he was otherwise ill-used; for instance, after being in the service so long, and having been Engineer-in-Chief, he was given Pitt-street to survey, and to take the cross sections for the tramway; that would be rather degrading when there were so many in the office who should have done this work instead of him. Notwithstanding, he did it and in a very short space of time; I think he did the whole in a fortnight; he made the survey, cross sections, and plotted it. I know he astonished them in the office.
2363. At the general rate they do work in the office, how long would it have taken them to do that—how long would it have taken Mr. Micklethwait, for instance—Had Mr. Micklethwait the same salary as Mr. Brady? Mr. Micklethwait did not come out till some time after.
2364. What salary was Mr. Brady receiving at the time he was surveying Pitt-street for the tramway? £750, and Mr. Mason was getting £700. The £50 was taken off Mr. Brady's salary, I believe, so that he should not be above Mr. Mason.
2365. Is Mr. Mason quick at his duties? He is supposed to be quick. He would not have a thing of that sort to do; but those whose duty it would fall to I think would take two months to do it.
2366. What Mr. Brady did in a fortnight? Yes; but Mr. Brady acted differently perhaps in many respects from what they would have done—for instance, he commenced this work very early in the mornings, to avoid the frequent interruptions of the traffic; in fact, any one doing a job of that sort should embrace the early morning for it. But supposing he had taken his average time, I should say he would do it in one-fourth the time they would.
2367. It was Mr. Micklethwait that was instructed to make the survey of the line to Parramatta? Yes.
2368. Was it not about that time that the accident occurred through which Mr. Want lost his life? Yes, it was at the same time, because Mr. Micklethwait was near the spot when it occurred; my son was with him, and was the first, I believe, who went and fetched brandy, after the accident, for those who were injured.
2369. Do you know if there was an officer of the name of Richardson then on the line? That is the same party I have just referred to.
2370. Was he on the line at the time of this accident? Yes, he was the inspector at the time, I believe.
2371. Do you know whether this gentleman, Mr. Richardson, reported the dangerous state of the line at this particular place? I have heard it stated that he made this report to Mr. Whitton,

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Whitton, I think, two or three times, and it was taken no notice of, and at the same time he said that if it was not paid attention to an accident must occur at that spot. I think it was on account of the sudden change of the curve, and also the line not being sufficiently raised on the outer rail—not giving the proper slope for the equilibrium of the carriages and train.

2372. And it was this that Mr. Richardson said would cause some serious accident? I believe that was the reply.

2373. Mr. Richardson told Mr. Whitton that unless the outer rail of this curve was raised considerably, an accident would occur? I will not be certain whether that was the reason he gave, but he said it was at that particular point the accident would occur.

2374. Do you know anything about a Mr. Morgan on the line? Yes, he was one of the men from England.

2375. Do you know anything about his taking a gang of men, and altering, at night, this portion of the line, after the accident? He did, I believe, take a gang of men there, but as to the time I do not know; I heard the object was to prevent any one ascertaining the direct cause of the accident.

2376. Did you hear whether he altered the rails as had been previously suggested by Mr. Richardson? I cannot answer that question to be certain about it, but I believe the rails were altered to such a position that had they been so before, the accident would not have occurred; I have heard that the rails were so altered that it would have prevented the accident had it been done when suggested by Mr. Richardson.

2377. *By Mr. Morris:* In what year was this? About five years and a half ago. There is a plan somewhere, which I got out, shewing the carriages in their tumble-down state.

2378. *By the Chairman:* And shewing the locality of the accident? Yes.

2379. Was not this plan got up as a key to the inquiry that was made? Yes.

2380. Did you ever hear that this man Richardson was requested to make some statement that was not in accordance with facts with reference to the accident? He was dismissed, I believe, for what he did say, but he has stated that had he told what he was requested to say by Mr. Whitton he would not have been dismissed. It was put in that way to him—that he was to make some excuse for it that should not reflect upon Mr. Whitton; he was to talk the matter away—give some other reason for it.

2381. Mr. Richardson, however, stated some facts before the Committee —? Yes, I think he adhered to what he had originally proposed to Mr. Whitton when he found it was in an insecure state.

2382. And he was dismissed shortly after the investigation? I think within a few days after.

2383. I think this occurred shortly after Mr. Brady resigned? Mr. Brady had resigned before the accident occurred. I think I should, now that we are speaking of Mr. Brady, state to you what has been said of Mr. Brady by Mr. Whitton—that he would never rest until he had got Mr. Brady out of the railway office, and he swore he would never leave him till he had hounded him out of the Colony.

2384. How do you know this? I was told by a gentleman who heard Mr. Whitton say it.

2385. Who was the gentleman? Mr. Nealds. It shews to what an extent Mr. Whitton will go when he once entertains an ill feeling towards any one.

2386. There were five gentlemen known as Mr. Whitton's staff who arrived from England? Yes, five altogether.

2387. Are they all in the office now? All but one—Mr. Bridgman.

2388. How long did he remain in the office? Hardly twelve months.

2389. Why did he leave so soon? I may say he was a decided gentleman—a nephew of Sir William Denison—and he could not put up with Mr. Whitton's (I think I may use the term) insolence; he was so annoyed by him that he would not remain, and went Home again, I think, within twelve months.

2390. What was the nature of his duties? Draughtsman. I have pointed out some of his drawings; he used to take the drawings up after they were supposed to be completed—he was rather artistic—and used to touch them up to give them effect. I do not mean to say that was all he did.

2391. Was not Mr. Whitton's staff engaged for a term of years? They were all engaged for three years with the exception of Mr. Whitton; I think there was no time stated with him.

2392. Do you know at what salaries they were engaged? Mr. Whitton, £1,500; Mr. Mason, £600; Mr. Drewett, £500; Mr. Barton, £400; and Mr. Bridgman, £400.

2393. Then all of them came out at a higher salary than you were receiving? Yes, the lowest had £50 a year more than I had.

2394. Have you had any increase since their arrival? Not since their arrival. My increase of £100 took place before I had been in the service twelve months. At the time of my engagement they stated that the salary was very low, and would probably be increased, and after seeing what I could do they raised it.

2395. Since these gentlemen arrived here you have never had an increase of salary? None whatever.

2396. Nevertheless you are competent to do any work these gentlemen could do? I have never had to return anything given to me yet.

2397. Did not some of these gentlemen have an idea of constructing the railway fences out of sawn timber—sawn posts and rails—all through the Country? I believe the first specification that was drawn out was so worded—that all the timber was to be of sawn stuff, both posts and rails.

2398. Whose idea was this? I do not know, unless it was Mr. Whitton's.

2399. I suppose the timber was to be imported—something like the signal posts? It could not have been that, for it was to be ironbark; that makes the idea more novel still, of course.

2400. Unless they meant to send the ironbark to England and re-import it again? They do things of that sort sometimes in this Colony. It would have been a very good speculation for a sawyer to set up a saw-sharpener if they had attempted to cut out all that stuff in that way.

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2401. Do you know any person in the department who knows anything of the qualities of our colonial timber? I cannot speak as to that question. Of course they have tables of the different strengths and qualities of timber, because that was got out for them by Captain Ward; but whether they can go out into the bush and select timber I do not know.

2402. What are Mr. Drewett's duties in the office? He is engaged as draughtsman.

2403. Is he a quick and good draughtsman? That I cannot say he is, although it is true, since he has been in the Colony, he has very much improved; as to being quick, he is the opposite, in my estimation.

2404. You think he is very slow? I do not consider him very slow, but he is slow.

2405. His salary is much higher than yours? Yes, his salary is £150 a year more than I was getting when I was suspended—as much as myself and son together.

2406. He was brought out from England to do the work you were then doing at £350 a year? The same work.

2407. Who got out the station buildings' drawings prior to Mr. Hall's appointment? I got out most of them.

2408. On what drawings is Mr. Drewett mostly engaged? Bridges principally.

2409. Have your son and Mr. Robertson made bridge drawings? They made, I think I may say, most of them in the office.

2410. Who made the drawings for the Menangle bridge? All in the office have been connected with those at different times.

2411. Do you know how many sets of plans were made for this bridge? I think three distinct sets were made, but there has never been any plan of the bridge completed in the office. The two first were for Mr. Whitton's inspection, to say which he would select.

2412. Do you mean that those plans were finished, or merely that sketches were made of them? They were drawn out roughly, for him to say what they should be as regards stays and diagonals.

2413. Two sets of these were drawn out to see which Mr. Whitton would approve of? Yes.

2414. How long would each of these occupy in drawing—how many men were engaged on them? Mr. Drewett was principally engaged about that; Mr. Mason, being assistant-engineer, gave instructions, and Mr. Whitton and Mr. Barton had something to do with it—these three would consult together.

2415. And Mr. Drewett would get up the drawings? Yes, just a sketch of the supports, the piling, truss-work, and so on.

2416. How long would these take him, each set? I can hardly say; I was not in the same room with him; I should say there was something like five or six months bestowed upon them.

2417. Five or six months in getting up these two sets? The whole of them, and other persons in connection with them afterwards; that was before they determined on having a stone and iron bridge.

2418. Merely to select which would be the best? Yes.

2419. And Mr. Drewett was engaged entirely on these plans, and Mr. Whitton, Mr. Mason, and Mr. Barton, occasionally? Yes, Mr. Drewett was occupied the whole time, I do not mean to say without intermission, because other things would come in between.

2420. For the bridge that was decided upon at last, only the drawings of the piers were made in this Country? That is all.

2421. The whole of the plans for the ironwork, as well as the calculations for the strength of the girders, were made in England? All that was done, I think, was to give a sketch of the river, with the position of the abutments and the two centre piers, and from that it was left for them to make the calculation at Home; I never saw anything about the ironwork done here.

2422. Can you inform the Committee the time these plans were in hand—that is the plans for the bridge at last decided upon, independent of the plans that took six months to prepare that were not adopted? I cannot answer that question with any certainty; I believe the drawings are not completed at the present time.

2423. How long was Mr. Drewett occupied over it? Over twelve months altogether in connection with the bridge.

2424. Who was assisting him? Five or six; almost all in the office—there was Mr. Telmon, Mr. Robertson, my son, Mr. Braddock, I think Mr. Mackay, Mr. Gardiner—nearly all in the office.

2425. Was your son assisting him? Yes.

2426. How long? I could not possibly say.

2427. Do you know how long Mr. Robertson was engaged in that way? I made a rough calculation at one time of the cost of the plans for this bridge; I made it come to over £1,100 for labour paid for making the drawings.

2428. How long do you think it should have taken a good draughtsman to make these plans? I should say a couple of months ought to have completed them.

2429. One man? Yes, to complete the drawings for a bridge suitable for that place.

2430. Do you think you could have done them in two months? I do; I do not mean to say I should have made the calculation for the strength of the iron girders.

2431. They did not do that? No.

2432. Could you do in two months what has cost the Country, according to your estimate, £1,100 in salaries? I could, if I had proper instructions in the first instance.

2433.

- Mr. N. Trengrouse. 2433. Such instructions as an Engineer-in-Chief should be able to give to a draughtsman? Yes.
- 10 Dec., 1863. 2434. And you were receiving £350 a year? Yes.
2435. What would it cost at that rate? About £60.
2436. However, these plans ought not to have cost above £100? No. Of course if a draughtsman gets instructions to do a thing three or four different ways, he is not to be blamed for a thing of that sort.
2437. Is this the manner in which these gentlemen creep over their work generally? I believe it is; I do not see that any of them are killed with work.
2438. Have you ever heard Mr. Drewett speak disrespectfully of Mr. Whitton? It would not do for me—I should not like, in fact, to state things I have heard him say.
2439. Are you on good terms with Mr. Drewett? I must acknowledge we are not on such good terms now as we were; we used to be on good terms, but latterly he has chosen to speak disrespectfully of me, so I am informed, calling me “an old cut-throat,” and that sort of thing: of course it is very childish. I have heard him say, speaking of Mr. Whitton, “he is a great fool, and I do not think he actually knows what he wants himself.” That I have heard him state of Mr. Whitton, when he was about the Menangle drawings. This was in reference to the proper batter that should be given to the outside piles. Mr. Whitton wanted the batter altered. These piers are very high, something like seventy feet, and Mr. Whitton directed him to give them a difference of only eight inches in the whole height. I think the batter given is generally one in eight, but in addition to this he directed to be added eight inches only in the whole height.
2440. About an eighth of an inch to a foot? Yes.
2441. Which was perfectly ridiculous? You could not see it, and as to calculating the difference of pressure, you could not do it.
2442. Do you think a batter of one in eight was sufficient for a structure so high as that? I will not be quite certain whether that was the batter given there; that is the average batter given to others; it should be considerably more there.
2443. Is that the average batter given to bridges throughout the line—one foot in eight? Yes.
2444. Can you assign any reason for Mr. Drewett's ill feeling towards you? I cannot assign any other reason than that I think it is professional jealousy, or it may be that I stand in the way of his getting an increase.
2445. How can you stand in the way of his getting an increase? Because I believe he has been twice put down for an increase, and it has been struck out by the Minister; I suppose he could not with propriety increase his salary, knowing mine was so low.
2446. Have you ever been put down for an increase? No, although Mr. Whitton assured me he would do all he could for me in that respect. I thought at that time his promise could be relied upon; he asked me “what salary would I like”? I said, I should like a salary more equal with the others who could perform the same duties as myself. Up to the present time, however, I have had no increase.
2447. Is there not a large library in the Works Department, of books of recent date, embellished with bridges and other drawings? I believe they have a very good collection—large works that have been recently published.
2448. I believe Captain Martindale imported a great many of these? Yes; I believe they have the best library of the kind in the Colony.
2449. Have you seen any of these books used in getting up drawings? Yes, I have seen Mr. Drewett using them; and as soon as I went into his office the book was immediately closed. I suppose he did not wish me to see what he was doing.
2450. Mr. Drewett being chief draughtsman in the department, is he not expected to take the time and see that the others do their duty? I have been told that he has been so instructed.
2451. Is he in the habit of attending his office early in the morning—is he more regular in his attendance than others? He does not come at the proper time—he is more frequently late.
2452. Is he not in the frequent habit of absenting himself for days together from his office? Yes, he is often away from the office. His health is none of the best; he is very nervous and excitable; and that may account for his strange manner at times.
2453. Does he leave earlier in the afternoon than others? I do not know that he leaves earlier than the others. I should remark that he is more punctual to his duties when Mr. Whitton is known to be in Sydney.
2454. *By Mr. Morris*: Is not Mr. Whitton always in Sydney? No, he is down the lines occasionally; sometimes away a week or a fortnight at a time.
2455. *By the Chairman*: You mean to say that “When the cat is away the mice will play”? This knowledge is taken advantage of in that office. I do not believe there is a day when it is known Mr. Whitton is away but what Mr. Drewett comes late in the morning and goes home to dinner, which is strictly prohibited; Mr. Whitton has threatened to dismiss any one who does it.
2456. Is Mr. Drewett the best draughtsman in the office? No, I cannot say yes to that.
2457. Is he the best mathematician in the office? I believe he knows nothing about mathematics.
2458. Does he do more work than any other in the office? Certainly not—he does less. He has a strange way of running about the office with a book and pencil in his hand; why he does it I do not know.
2459. In what does his superiority to any of the others consist? I do not know; I am not aware that he has any scientific or good qualities.

2460. Is he as good a draughtsman as Mr. Robertson? No.
2461. Or as good a mathematician? I should think not.
2462. Does he do as much work as Mr. Robertson? Not one half.
2463. Is he as useful in the office in any capacity as Mr. Robertson? I should say decidedly not. Mr. N. Trengrouse.  
10 Dec., 1863.
2464. And yet Mr. Robertson has been in the office for two years at £52 a year, and last year at £100, and Mr. Drewett five years at £500? That is the fact. Mr. Robertson can shew better sections and get out better views to give an idea of work than Mr. Drewett can.
2465. Better in every respect? Yes, and as regards the amount of work they do, there is no comparison.
2466. Then I suppose in justice they should change places—Mr. Robertson should have the £500, and Mr. Drewett the £100? That would be the proper change to make as regards the abilities of the two and the value they are in the department.
2467. From your experience and knowledge of the work and abilities of Mr. Drewett, do you think him worth to the public more than £150 a year? I do not, considering the amount of work he does.
2468. Are the Committee to understand then that Mr. Drewett, although a junior in the office in point of service, yet receives a high salary, is inferior to any of his subordinates either in ability or in the amount of work he performs, is irregular in his attendance, and intemperate in his habits? As regards the latter I do not know much about it.\*
2469. Have you never seen him drinking? Yes, I have seen him drink.
2470. Have you seen him the worse for drink? Yes, I have.
2471. What have you seen him drink? Both wine and brandy.
2472. At what hours? The times I have seen him drink have been mostly at luncheon, but I have seen him drink at other times.
2473. Have you been at work in the same room with him? Only at the first—on his first arrival, for perhaps twelve or eighteen months.
2474. Have you had any opportunity to know whether he is in the habit of drinking in working hours? No, I have not many; my duties of late have not called me much into the room where he is engaged.

FRIDAY, 11 DECEMBER, 1863.

Present:—

MR. DALGLEISH,		MR. MORRIS,
MR. GRAY,		MR. STEWART.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Nicholas Trengrouse called in and further examined:—

2475. *By the Chairman:* From what you said yesterday, it would seem that the only qualification of Mr. Drewett for his present position is being a favourite with his Chief? Yes, I think it is more that, and the fact of his being appointed with him at Home, than anything else, considering the amount of work he does. Mr. N. Trengrouse.  
11 Dec., 1863.
2476. Is there not a rule in the office against going out to lunch? It is strictly prohibited.
2477. But Mr. Drewett, you say, often goes out to lunch? There is scarcely a time when Mr. Whitton is away but what he does so.
2478. Has Mr. Drewett a son in the office? He has in the Roads Branch—not in the Railway.
2479. Has Mr. Mason a son in the Works Department? In the Roads Branch; he was in the Railway Department, but he left that and went to the Roads.
2480. Do you know the salary Mr. Mason's son gets? I do not know what he gets now; he is made a bridge inspector now I believe.
2481. What is his age? I think two or three and twenty.
2482. Do you know what salary Mr. Drewett's son gets? He was getting, I think, £60 or £65 a year.
2483. Do you know why Mr. Mason's son left one department to go into the other? I have heard some reason given for it. I think Mr. Whitton and he could not agree together.
2484. Mr. Whitton and Mr. Mason's son? Yes; he always had a dislike to him from the time he came out; in fact the remark he has made, if I may make use of it, was that he was more suited to be a boatman or drayman, or something to that effect.
2485. Mr. Whitton said so? Yes; that he was more fit to be a waterman or drayman than to be attached to the office; Mr. Drewett told me this.
2486. I do not know whether I asked you whether Mr. Drewett was in the habit of absenting himself from his duties for days? He is often away portions of the day; he is in the habit of complaining of having severe toothache and things of that sort.
2487. Have you known him frequently to be absent for the day altogether? Yes, he has been away for days together.
2488. You have said in your evidence, that you made one set of plans complete for the Campbelltown extension? Yes, I stated that I made the plan and the set of drawings; the section I did not do.
2489. Who did the section? That was done before I went to the office. I do not know who did it—it was signed by Mr. Brady. 2490.

\* INSERTED (on revision):—All but the last remark is quite correct.

- Mr. N. Trengrouse.  
11 Dec., 1863.
2490. Do you know why they were not acted upon? The only reason given for the set of drawings being dispensed with was, as I think I have previously stated, that the bridges were supposed to be of an inferior class, being laminated arches—they were out of date, was Mr. Whitton's remark, and not suited to the Colony.
2491. Have they not used this description of bridge on the Singleton line? Yes, and there are several on other lines.
2492. Do you know of anything that would make them suitable for the Singleton line and not for the Campbelltown line? Nothing at all, but it is not customary for one engineer to have anything to do with the drawings of another. In this case the line had been proclaimed, and could not be interfered with, but the section was deviated from; they reduced the height of the embankments.
2493. The section taken by Mr. Brady? Yes; and from the fact of doing so—I suppose to reduce the cost—the line became inundated.
2494. If Mr. Brady's original section had been carried out, the line would have been raised above flood level? I do not believe the water would ever have reached it, because he had considerable experience in the Colony, and knew the nature of the floods.
2495. Was the Campbelltown line the first that Mr. Whitton and his staff commenced on in the Colony? Yes.
2496. Have you ever heard what this mistake of Mr. Whitton's cost the Country—altering the section? I have heard it stated that it cost something like £20,000, because a large portion of the embankment was washed away; they had to construct several open viaducts, beside that, as the traffic was not stopped, they had to make a temporary road.
2497. If Mr. Brady's original plan had been carried out that would not have been required? I believe not.
2498. Do you know when Mr. Hall entered the service? About five years since.
2499. What was he first engaged on? The first work he did was tracing.
2500. How long was he engaged in tracing? I think it must have been for about two years before he commenced drawings.
2501. After he commenced drawings, what drawings was he engaged on? I think the first drawing he did was the Parramatta station.
2502. That must have been about three years ago? About that time.
2503. Since which he has been engaged on station drawings exclusively? Yes, since that he has taken up most of the station drawings.
2504. Has he had any person to assist him in these station drawings? Mr. Mackay has assisted him throughout—in fact he has done the greater portion of the stations.
2505. And what has Mr. Hall done, then? Sometimes he has been on the line; he got out the first station, and from that most of the others were merely pencilled off, I think.
2506. You saw the drawings for the Singleton and Penrith stations—whose work were they? All that I saw was Mr. Mackay's. In fact Mr. Hall cannot see to do any fine work.
2507. Then Mr. Hall and Mr. Mackay had been engaged for the last three years in making station drawings and supervising their construction? Yes, I think the whole of that period.
2508. Mr. Hall has been receiving—what salary? Up to the commencement of the present year he was getting £350, and the whole of this year he has been in the receipt of £400.
2509. And what does Mr. Mackay receive? £200.
2510. How did Mr. Hall conduct himself in the office? With anything but propriety, considering he is so advanced in years, or even if it was otherwise as regards age.
2511. Was this known to all the persons in the department? Yes, it must be known to all of them, because he used to amuse most who came into the office.
2512. Did Mr. Mason come into the office on any occasion? Not whilst he has been acting improperly.
2513. Did you ever see Mr. Whitton and Mr. Mason together in the office? I have.
2514. Have you seen anything occur immediately after they left? Do you refer to the drinking?
2515. Yes? I remember soon after Mr. Hall came into the service—I think about two or three weeks—he and Mr. Micklethwait had been drinking; they sent out for brandy, and Mr. Mason came into the office, I do not know what for; he remained about half a minute. I could see from his manner that he perceived brandy had been used in the office; he immediately went down stairs, and in about sufficient time for him to go to Mr. Whitton's room, and tell him of it, Mr. Whitton came into the office, and remained about a quarter of a minute; he had not been gone down a minute before the bell rang, and the messenger came for Mr. Micklethwait to go to Mr. Whitton; he went, and returned laughing. Mr. Hall was then sent for, and after he came up it seemed, from what they said, that they had been censured for drinking brandy in the office.
2516. How do you know that Mr. Whitton had censured them? Mr. Micklethwait told me and others of it, and laughed about it.
2517. They did not seem to care much about the censure? No.
2518. Had it any beneficial effect on the conduct of these gentlemen? I think not.
2519. Did you see them indulging in drinking shortly after that? Yes, from that to the present time.
2520. Is this one of the cases which you refer to in your "supplementary evidence," when you say Mr. Whitton and others must have known of these drinking habits of these gentlemen? That is one of the occasions I refer to.
2521. You say that other officers of the department also knew that Mr. Whitton had censured Mr. Micklethwait and Mr. Hall? Yes, because he made it known afterwards.
2522. You said in your "supplementary evidence" to Mr. Arnold that Mr. Whitton had not correctly taken down your statement—can you remember those portions he omitted?

- One portion was, after I had stated what I had seen take place in the office, he put his fingers in his waistcoat pocket\* and asked me if I did not think it my duty to make the circumstance known to him before; I told him no, I did not, because on a previous occasion I had mentioned the circumstance to him, and he then suggested to me that it would be better if I attended to my own duties and minded my own business. This portion was omitted.
2523. Mr. Whitton refused to take that portion of your evidence down? It was omitted, and I believe if that had been inserted I never should have been in the position I am now; I never could have been suspended.
2524. Was it not the reason that you were suspended, that it was alleged against you that you had not made known these circumstances before? I believe there is nothing else they can trump up against me.
2525. How long is it since you brought under the notice of Mr. Whitton the conduct of these gentlemen? It was two years and a half or three years ago.
2526. Afterwards, of course, you were very careful what you said about the conduct of those in the office? It was hardly likely I was going to subject myself to similar treatment again.
2527. Can you give the Committee the exact words you made use of to Mr. Whitton on that occasion—when he asked you whether you did not think it your duty to acquaint him of it before? I hardly know whether I could do that just now. He asked me, throwing himself back in his chair,† if I did not think it my duty to make him acquainted with the irregularities in the office, having known what I had then stated, and I told him what I have previously stated.
2528. That you had done so? That I had previously done so; and I told him the terms in which he had answered me. I think I have the date that I told him of it, because I thought it was treatment that I did not deserve, and I was determined to take notice of it.
2529. Was Mr. Hall at variance with any other officer in the department? There is scarcely an officer in the department but what he has been months together without speaking to or they to him.
2530. Was he considered a clever, quick, and correct draughtsman? Well, I do not think any of those qualities could be attached to him; for instance, I do not see what has been required to bring out any ingenuity as an architect.
2531. The station buildings on the line are of the most simple structure, are they not? They are all plain brickwork; there may be a few with—I cannot say enriched mouldings, because there are nothing but common ogee mouldings. If they were to get up buildings such as those now being carried up in Pitt-street north, or such as the University, then some credit might be attached to a man's ability.
2532. Have you heard of a charge of a very serious nature having been brought against Mr. Hall, at the Police Office at Penrith? Yes, I have heard of it having taken place.
2533. Did this take place while he should have been engaged on his duties, inspecting the station house at Penrith? Yes, the stations or line.
2534. Have you heard the nature of this charge? The first charge I believe against him was for rape; but I believe it was reduced to the lesser offence, that of assault with intent, for which I believe he was tried.
2535. He was charged before the Magistrates? Yes.
2536. Do you know whether he was committed? No, he was not committed, but it was a very close shave.
2537. I believe there was some disagreement between the Magistrates? Yes, they were divided in opinion; one-half considered he was guilty. I was in Penrith some short time since and made inquiries, and was told it was known by all there that it did take place, because his character was well known in Penrith.
2538. Have you ever heard of the same officer having been accused of some similar offence at South Creek? Yes, I have heard that a servant girl there was—the word they used was—"rushed" by him; that he ran after and seized hold of her.
2539. What was the result? The landlord happened to step in just in time and separated them. I do not know whether it cost him anything to get off that matter or not, but that was a very near escape for him.
2540. Have you heard that he was absent from his duties in consequence of a threat made by the navvies that they would personally chastise him if he came on the works again? I have heard that they threatened, if they caught him on the works again, they would annihilate him.
2541. Have you heard of his having absented himself—? He was in the office two days, I think it was, evading the officers who were serving this summons upon him; in fact Mr. Mason at the time asked me if I knew why Mr. Hall was in the office; he said he thought it very strange that he should be there when he ought to have been on the works. His health was not good, and I believe Mr. Whitton allowed him to be on the line for a time to recruit his health. It was during that time this occurred.
2542. Are gentlemen in that department allowed to make drawings, or supervise the construction of works for their own benefit for private parties? It is not allowed now, although I have done some little work myself; and Mr. Whitton told me he had no objection to its being done, so long as it did not interfere with the duties of the office.
2543. Do you know whether Mr. Hall made the drawings and superintended the construction of a large building at Newtown? He did.
2544. Did you hear that he sued the owner of the building for £30, balance of the commission for the construction? Yes, he told me he had agreed with him to make the drawings

\* ADDED (on revision):—Throwing himself back in his chair.

† ADDED (on revision):—At the same time placing, I think, a finger and thumb of each hand in his waistcoat pockets.

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- drawings and superintend the erection of the building, at the rate of  $2\frac{1}{2}$  per cent. on account of his holding a Government appointment, but it seems it cost him more than 5 per cent., something near 8.
2545. I have heard the gentleman who owned the building gave him £80, and then he summoned him for £30 more? Yes, he did so; and that £30 was for a clerk of works that he charged for, though he was never near the place.
2546. That was a direct imposition? Yes, decidedly.
2547. He was nonsuited? Yes, he did not recover.
2548. Do you know whether he lost two or three days from his duties, in prosecuting this claim of his? I cannot say the length of time, but it was several days.
2549. How long ago was this? About three years and a half.
2550. Have you heard of Mr. Beazeley—a public officer—drawing plans and superintending private buildings? I believe he did something of the sort at Balmain; I have only heard it mentioned in the office.
2551. Do you know whether Mr. Whitton was aware of these gentlemen performing these works? He must have known of Mr. Hall having done that work; I do not know whether he knew anything about Mr. Beazeley—he may have known, but still he is not in connection with this staff.
2552. Do you know whether he reprimanded Mr. Hall for doing this work? Not that I know of.
2553. Did you ever superintend any private buildings? I made a set of plans for a schoolhouse, in connection with the church I attend at Newtown.
2554. What did you receive? I did mine gratuitously.
2555. Then you received nothing for it? Nothing at all.
2556. You did it for the benefit of the neighbourhood? Yes; the minister of the church knew I was connected with the Railway Department, and he thought I could have no objection to give my donation in the shape of labour instead of cash, which suited me very much better.
2557. What did that building cost? £1,400.
2558. Did you make any other drawings for the church? This was for the schoolhouse. I made drawings for a gallery in the church.
2559. Did Mr. Whitton know of this? Mr. Whitton heard I was making these drawings.
2560. Did he say anything to you? Yes; I had occasion to go up to him once—which is very seldom, for I do not see him more than three or four times in the year—I happened to go up this time, and he spoke to me about it. He said he had been informed that I was making drawings for a schoolhouse, and added, “Do you know it is against the rules?” “No,” I said, “I do not.” He then replied, “Although you have made the drawings I have a great mind to prevent your superintending the construction of it.” I remarked, if I chose to devote my time to that sort of thing instead of, as many in the office did, to the billiard-table, I should have been allowed to do so without the interference of any one.
2561. He did not censure Mr. Hall for undertaking this large work, for which he received £80? I believe not.
2562. You say there was a Mr. Mackay engaged with Mr. Hall in making drawings for the station houses? Yes.
2563. Do you think Mr. Mackay is an expeditious or good draughtsman? He is a good draughtsman, but he is slow—very slow. Even if he were to pay full attention to it he is not at all speedy; but he is so given to discussion, to talking, that I may say quite half the entire day is lost in that way, and unfortunately he cannot work and talk at the same time.
2564. You consider a large amount of time is wasted by these two gentlemen? A very large amount.
2565. Whom do you acknowledge as your superior in the office? Mr. Whitton is the only one I ever had anything to do with. I have sometimes received instructions from Mr. Mason, but that was during the first two or three years after their arrival in the Colony.
2566. You say you do not often come into contact with Mr. Whitton? That was when I was connected with the drawings. At the present time Mr. Moody is the chief clerk under Mr. Rae, and all papers after being opened are given to him, and he distributes them to the different parties whose duty it is to perform certain work. These papers come from him to me.
2567. I believe Mr. Mason ranks next to Mr. Whitton? Yes.
2568. What are his principal duties? I think the only thing he does now is measuring up work for payment; he used to do different duties in the office, but now I think he does nothing but measuring up.
2569. Then he must be away from the office most of his time? I think he must be away seven or eight months out of the twelve.
2570. Do you think if Mr. Whitton should be suddenly called away, the railway works would come to a stand? Decidedly not; my opinion is that they would progress very much more rapidly.
2571. Do you think the Colony has been much benefited by this new staff that was sent to England for? I certainly cannot see in what respect, because, looking at the amount of work that has been done since they have been out, divided amongst so many, it is very small, considering there were so many plans in the office to assist them on their arrival in this Colony.
2572. Do you know the difference between the salaries they receive here and the salaries they were engaged at at Home? Mr. Mason was engaged at Home at £600; he is now receiving £700. Mr. Barton came out at £400, and is now receiving £600, and is down for another £100.



2573. Mr. Barton also receives £280 a year for expenses, does he not? Yes, it was voted last year, and he receives it whether he was present or away from Sydney, so that virtually he has £880 a year. Mr. Barton had an increase twice in one year. Mr. Bridgman, who has left the service some time since, came out at £400, and had no increase. Mr. Drewett came out at £500, and he has had no increase.\*

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2574. *By Mr. Gray*: In receiving these increases, was any alteration made in Mr. Barton's standing in the office—was he shifted to a higher grade? In name only.

2575. *By the Chairman*: Not in duties? Not in duties.

2576. *By Mr. Morris*: He is the head of the department of trial surveys? He is said to be.

2577. *By the Chairman*: He was at the head of that department when the trial surveys were made in the Grose some years ago? Yes; the fact is, it is left so much to the Sappers that you can hardly call him the proper head.

2578. Is there not a great want of discipline in the department; for instance, I have heard days have been lost in seeking plans—particular plans that have been required? I have known plans to be searched for two days together, and then not found. In fact there is no discipline at all; I do not think it is understood hardly in the office.

2579. Have you not heard that there has been great loss of time in seeking up documents? Yes, almost everything. They do not appear to have anything properly arranged.

2580. Who has charge of these drawings? I had charge before the present staff came out; I then had them all numbered, and a corresponding number in a book, which was indexed, and a description of the plan written opposite the number. I still have a large number of plans in the office; these I require for my particular duties, and I have all arranged on shelves.

2581. Who is expected to have charge of the plans that you have known days lost in seeking? Mr. Drewett; he has charge of all the plans, independent of the working plans which I use.

2582. I find in the Estimates that there are but five draughtsmen set down for the Railway Department—how are these extra five paid;—you say there are ten draughtsmen actually engaged, and only five are accounted for on the Estimates—from what fund are the other five paid? Salaries of the other five come out of the contingent sum of £2,000.

2583. Have there been ten draughtsmen engaged in the office for a considerable time over one year? Yes, for the last three and a half or four years.

2584. And still there are only five placed on the Estimates, though ten are engaged? Yes.

2585. Do you know whether a large number of tracings are sent to England? I think there must be a large number sent.

2586. Why do you think so? On account of the work that has to be done in England; they must get the sections before they are in a position to carry it out, or send it out here, complete. I think there were tracings of a very large map sent Home, the object of which I cannot imagine, without it is to shew the large amount of work the present staff have done since they came out here—the immensity of the Country, and the difficulties they have to contend with. It is a very large tracing of the whole of the survey on the Southern line.

2587. What is the object of sending it? I think only to shew the difficulties they have to contend with.

2588. A sort of professional advertisement? Just to shew their ability, I think. What makes me think this particular tracing is sent Home is this: About two years since inquiries were made for this tracing, and it has not been seen for some time, I believe; and from that fact, I think it has been sent Home to England.

2589. *By Mr. Stewart*: Was that a copy or the original? That is the copy; the original took a very long time to do; this in question took over twelve months.

2590. *By the Chairman*: Who did this? Mr. Telmon did most of it, and my son did some of it.

2591. Was it really required? I should think not. It is 4 feet 6 inches wide, and 50 or 60 feet long altogether.

2592. Mr. Telmon was engaged upon it about twelve months—and your son, how long was he engaged? Perhaps two or three months.

2593. Who else? I could not say; there are one or two who have now left the office, who were also engaged on it. It was made, of course, in a great number of sheets.

2594. What do you consider the cost of that piece of tracing? Mr. Telmon is getting but a small salary, though he has been there so long, and is a man of some ingenuity; he receives 10s. a day, or about £150 a year. It may have cost £250.

2595. It was not at all required to carry out the works? Not the least.

2596. Do you not think that, if the office were in a proper state of discipline, a great number of persons could be dispensed with? That is my opinion; I should think at least 15 or 20 per cent. of labour could be dispensed with.

2597. Had Mr. Whitton anything to do with the first telegraph posts put up in the Colony—I refer to those clothes-prop affairs? Mr. Whitton had to do with them.

2598. What had he to do with them? I do not know unless he was applied to to get a drawing of these posts. I think there were three made to shew the iron ring on the top, and some tracings were afterwards made.

2599. How many tracings? Three or four.

2600. Three drawings and three tracings? Yes.

2601. What was the use of them? To shew the contractors who supplied the posts what sort of sticks they required.

2602. That they wanted clothes-props or something similar? They were simply long poles, about six inches at the base and four at the top.

2603.

\* NOTE (on revision):—The salaries paid this new staff here are in most cases nearly 500 per cent. more than they were receiving in England.

- Mr. N. Trengrouse. 2603. Common poles cut out of the bush? That is all.
- 11 Dec., 1863. 2604. And they made plans of these things? Yes.
2605. What was the cost of these plans? Perhaps with the time taken up in consultation what they should be, and the time the drawings took, it may have been some £10 or £15.
2606. Is Mr. Whitton much on the railway works? No, he is not; I consider not near so often as he should be.
2607. Do you know whether he ever goes over the trial surveys previous to a line being adopted? I do not think he does in all cases. I think he is mostly satisfied with the plan presented to him.
2608. By his subordinates? Yes. I do not think he goes over it on all occasions.
2609. Is not a great portion of his time taken up in writing minutes—have you had an opportunity of knowing? Yes, a great deal of his time is taken up in that respect.
2610. I have heard that a great portion of his time is taken up performing Mr. Rae's duties—is that true, or do you know anything of it? Not from my own knowledge can I speak to that fact, but I have heard it spoken of by others in the office as being the manner in which he is mostly engaged. It is said, "He does all Rae's work—Rae has no trouble at all—it is all done for him." If any question is asked they say directly, "How can you expect Rae to know anything about it?"
2611. *By Mr. Gray*: What sort of work is this? Any reports or answers required for explanation, duties which, if the Commissioner knew anything of railway business, should be answered by him, because they are questions not at all connected with engineering ability.
2612. *By the Chairman*: Then in reality Mr. Whitton does work that should devolve upon the Commissioner? It is so stated in the office.
2613. Do you think this is from a desire to have the whole of the works and the management of the railway in his own hands? Yes, I conceive it is nothing but that he shall be considered to have the sole and entire charge of the whole of the works.
2614. Do you think Mr. Rae is competent to perform those duties which Mr. Whitton does for him? I should say not.
2615. Then in that case Mr. Rae is hardly fit for his position as Commissioner for Railways? I have heard that stated by many parties in the office. I have come in contact with Mr. Rae but very seldom myself; it is hardly to be expected he should know much about railways, considering he never saw one till they were opened in this Colony; from that fact he cannot know much about them.
2616. What duties does Mr. Rae perform? A great many papers that come to me from Mr. Rae come in connection with land notices. All that I ever see upon them of his is "Submitted, J.R.," such a date, or "I recommend, J.R.," such a date. I see very little of Mr. Rae's work, either on papers or correspondence.
2617. Is it not usual in England, when an Engineer-in-Chief has constructed a line, that he hands it over to a manager? Yes, that must be the custom, because it is hardly likely an engineer in England, or anywhere else, should have anything to do with it after it is completed. You may just as well say an architect after he has completed a house for a proprietor should come and superintend the domestic arrangements. Of course his duty should be only to look after works in progress.
2618. Of course it is not necessary that the manager of a railway should be a civil engineer? Certainly not; he should rather be a good mercantile man.
2619. A good business man would be better than a civil engineer? Yes, it is a thing altogether apart from a civil engineer's duties. I cannot see how it will be by-and-by, when there are so many miles made—whether he can attend to the whole of them.
2620. Do you not think an engineer having so many distinct lines under his command would be much better employed in the field occasionally than be continually in the office, doing the duties Mr. Whitton now does? I think it would be a great benefit to the Colony if Mr. Whitton were to devote the whole of his time to the three lines now in progress.
2621. As Engineer-in-Chief rather than as Traffic Manager and Commissioner? Yes, because being so engaged in these matters must absorb a great portion of his time and distract his attention from the construction of the lines, which I am sure require his undivided attention.
2622. Were not a great many mistakes made by the Engineer-in-Chief in the construction of the line of railway to Penrith as well as that to Campbelltown? I do not know whether they should exactly be termed mistakes or not, but there has been a great exhibition of errors in judgment or calculation, if any, on the Western line, as regards culverts and viaducts.
2623. *By Mr. Gray*: Who was Engineer-in-Chief at that time, Captain Martindale or Mr. Whitton? Captain Martindale was Commissioner; Mr. Whitton was Engineer-in-Chief.
2624. *By the Chairman*: Captain Martindale was considered to do the office work and the regulation of the railways, and Mr. Whitton the construction of the lines? Yes; according to the Act there must be a Commissioner.
2625. Is it not the fact that, for any mistakes that may have occurred on the railways, Mr. Whitton is responsible, not Captain Martindale? Mr. Whitton decidedly, not Captain Martindale.
2626. I have heard that there have been a great number of alterations on the railways—for instance the viaducts on the Great Southern line from Menangle to Picton. If you had the plan could you shew where these alterations were? I think all the alterations could be exhibited on the section. What I now refer to are the culverts; I think most of them were increased in size.
2627. That is on the Penrith line? Yes.
2628. Was not the viaduct at South Creek increased from 300 feet to 1,200?

I cannot remember now the difference of length, but I know in many of them there is a wide difference; in some instances I suppose 500 per cent. added to their length.

2629. Was this done after the railway was let to the contractor or before? Afterwards.

2630. Then, of course, the Government would be the loser, and have to pay for the alteration? Well, I believe in England if a thing of that sort occurred, the moment they deviate from the original contract the contract is null and void.

2631. I do not know whether that portion of the Menangle line is in the room—could you see, and tell us where the alterations are? (*The witness selected a plan.*) This is the working section of the line from Lochinvar to Singleton; there will not be so many on this as on the others.

2632. Which others—on the Picton line or the Western line? The deviations are marked on the Picton section.

2633. Are they marked there? There are some here I see, a three feet culvert altered to a bridge, with three 20 ft. openings, at 27 m. 44 ch.

2634. Will you state the other alterations on that section? A 3 ft. culvert to an 8 ft. culvert at 27 m. 20 ch.; a 4 ft. culvert altered to a bridge with five 20 ft. openings, at 29 m. 42 ch.; a 2 ft. culvert altered to a 5 ft. culvert, at 29 m. 64 ch.; 3 ft. culvert to a bridge, with twelve 12 ft. openings, at 30 m. 3 ch.; a 4 ft. culvert to a bridge, with seven 20 ft. openings, at 30 m. 28 ch.; a bridge with four 20 ft. openings, increased to twelve 20 ft. openings, at 31 m. 53 ch.; a 4 ft. culvert to a 5 ft. culvert, at 31 m. 19 ch.; a 2 ft. culvert to a 3 ft. culvert, at 31 m. 39 ch.; a 2 ft. culvert to a 3 ft. culvert, at 31 m. 58 ch.; a 3 ft. culvert to an 8 ft. culvert, at 31 m. 79 ch.; 2 ft. culvert to 3 ft. culvert, at 35 m. 14 ch.; 5 ft. culvert to a bridge with six 20 ft. openings, at 35 m. 79 ch.; 5 ft. culvert to 8 ft. culvert, at 37 m. 45 ch.; 5 ft. culvert to 8 ft. culvert, at 39 m. 26 ch.; 2 ft. culvert to 3 ft., at 39 m. 75 ch.; 2 ft. culvert to 5 ft. culvert, 40 m. 63 ch.; 2 ft. culvert to 3 ft., at 41 m. 49 ch.; 5 ft. culvert to a bridge with four 12 ft. openings, at 43 m. 2 ch.; 2 ft. culvert to a bridge with six 12 ft. openings, at 44 m. 45 ch.; 5 ft. culvert to a bridge with seven 12 ft. openings, at 45 m. 7 ch.; here is an extra bridge with eight 12 ft. openings, at 45 m. 49 ch.; a 2 ft. culvert altered to a bridge with six 12 ft. openings, at 47 m. 30 ch.; a 2 ft. culvert to a bridge with six 12 ft. openings, at 47 m. 58 ch. I think there are about the same on the other lines, both Southern and Western.

2635. There are the same mistakes made on the Southern and Western as you have pointed out on the Northern? I think about the same, rather more perhaps.

2636. Were those alterations made after the lines were let to the contractors? I think so. That could be ascertained of course.

2637. After the lines were let of course these alterations would be an additional expense to the Government? Yes, because all extras are charged by the cube foot; all contractors give in a schedule of prices, and any additions or alterations that are made are paid for accordingly; in fact, you cannot carry on railway works without acting upon a schedule of prices; you cannot let a line without it, because the first time you have an alteration to make, this schedule is at once brought into operation.

2638. Unless it were done in that way the contractor would be placed in a position to ask what he pleased? Yes, just the same as Mr. Rhodes did when he was here; he had what prices he liked, not having in the customary way signed the bond.

2639. If a contractor took a contract for a lump sum, and there were any deviation from the original plans and specifications, he could throw up his contract, and demand measure and value for the whole of his work? He could, because even if there are extras, and he agreed to do them, he would demand a good sum in the absence of a schedule. That has been proved at Penrith, in reference to the goods warehouse.

2640. There was a mistake made in that—was there not? There was a mistake made in the drawings, and in consequence he got out of the contract.

2641. He ordered his timber according to the drawings, and when it was got out it was found too short, and they had to erect a wall to meet the difference? Yes.

2642. It was found that if the building had been put up of the lengths given in the drawings, the engines or goods wagons could not go in? Not according to the drawings. The mistake was made in the drawings, although the figures were correct. When a contractor takes out quantities he invariably takes out his rule and measures them off by the scale, and in consequence of the drawing not being of the proper size, he made a mistake of something like two feet.

2643. *By Mr. Gray:* How long it since the first drawings for this railway were made—the alterations on which you have pointed out? I cannot say; I cannot remember the date; but I believe it took place after the contract was accepted, and I think after it was commenced.

2644. Do you say the first drawings were made after the contract was accepted? No; I thought you asked me when the alterations were made.

2645. Can you tell us whether these alterations in the viaducts were made since the large floods we have had here, or not? Yes, most of them. Perhaps I have not answered that correctly. The first large flood that took place I think was in 1859, and then alterations were made in one of the sections that was connected with the Menangle Bridge; but I believe when that was done the Western line had not been touched.

2646. *By the Chairman:* The first drawings of the Western line had not been commenced? No.

2647. *By Mr. Gray:* Are you aware whether these alterations of the culverts, and so on, were made in consequence of those floods shewing a higher rise than had been anticipated? That was known before the Western line was commenced, I think.

2648. *By Mr. Dalgleish:* Was not a large part of the Western line remade in consequence of these floods in 1859? I cannot remember.

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2649. *By Mr. Gray*: Are you aware — ? There was a portion, I believe, of the Western line carried away, now it is mentioned to me, when the line was commenced, and some of the culverts were altered and made larger, that is to say, where there was a five feet culvert there was another five feet culvert commenced beside it.
2650. Was any of the Northern line injured by these floods? I do not remember.
2651. Then if the Western line had to be altered on account of the floods, the first drawings must have been made before the floods took place? That I cannot speak of.
2652. Could they have commenced the railways at all without the drawings? No.
2653. Then of course the drawings must have been made before the floods? It may not have been that very large flood that affected the Western line. It may not have been at that time. I do not think the Western line was commenced when that high flood was known at Menangle. Dates would shew.
2654. Are you aware whether the alterations which occurred in the culverts and water-courses on the Southern line were made in consequence of these floods? I know the Menangle Bridge was kept up either five feet or seven feet higher than the original drawing on account of the floods, but that affected the stonework only, of course.
2655. *By Mr. Dalgleish*: That is the section of the Western line you have been speaking of (*Produced*)? Yes.
2656. *By Mr. Gray*: Does that section shew the date? There is no date. This is the working plan. (*Produced*.) There is no date or name on either of these.
2657. *By the Chairman*: Then these are not the proper plans? Yes, this is the working plan I have had to use in doing my work.
2658. Ought it not to be signed by the Engineer-in-Chief and by the contractors? Yes, it should.
2659. That is the working plan for the extension from Parramatta to Penrith? Yes.
2660. Is that the portion Sir Morton Peto & Company had? Yes, from the Blacktown Road on to the Cross Roads, I think.
2661. Perhaps that is the reason the plan is not signed, because Sir Morton Peto's agent refused to sign the agreement? I do not remember seeing a plan in the office with their name attached to it.
2662. That may be the reason why their signatures were not attached to the plan? It may be.
2663. In other cases the names of the contractors and the Engineer-in-Chief are on the plans? Yes.
2664. *By Mr. Gray*: Are you aware whether all these alterations, enlarging the culverts and viaducts, were made in consequence of the floods having shewn them that there was likely at times to be a greater rise of water than they had previously estimated? Well, I cannot of course answer to that; that is to say, whether it was the reason they did so; I do not know.
2665. Is it likely to have been the reason? I think it is likely.
2666. *By the Chairman*: These mistakes were mostly connected with the culverts, were they not;—were there any other mistakes in these lines, with the exception of the culverts? I think that is all. There was a mistake in laying out the line, the extension into Penrith; it is hardly worth noticing; they were some five feet out in making the survey; the points did not agree.
2667. Do you mean five feet out in the level? No, in the position on plan; they commenced the survey from Proctor's-lane to meet the line already surveyed, and they were some five feet out at the junction of last contract.
2668. *By Mr. Dalgleish*: So that if the two lines had been formed, as they went on, by the survey, they would have varied five feet where they should have met? Yes, they would require a sharp curve to connect each other.
2669. The width of the gauge? Yes, just the width from centre to centre; and this was in a short length too; had it been a long length it might have been a quarter of a mile out.
2670. *By the Chairman*: I do not suppose it would have been a very difficult matter for a scientific man to have ascertained the watershed of these places where the culverts had to be altered? Decidedly not.
2671. Would you not suppose an Engineer-in-Chief, before he laid down these culverts, would have run over the land to get some idea of the watershed, and calculate the size of the culverts necessary to carry off the water that would fall? It ought to have been done at the time the survey was made, or after the line was determined upon; and any experienced man, with anything like an eye, from walking along the centre line, could almost arrive at the watershed and calculate the size of the culvert from it.
2672. Do you know how the sizes of these culverts were ascertained? The only way I have seen it done is, that after the section was completed they would take the section and go through it, and put down a three-feet culvert here and a bridge there, as the appearance of the section would seem to warrant; while, at the same time, a place that in the section would appear deep would have no collecting ground, and in another apparently small water channel it may have a collecting area of ten, twelve, or twenty miles.
2673. Do you mean to say the whole of these culverts were arrived at in this random manner? I do not say the whole of them were, but I have been by when parties have arrived at some of them in this way.
2674. *By Mr. Gray*: What is the general way of estimating the size of culverts—taking the area of the collecting ground and estimating the quantity of water by the ordinary rainfall, as ascertained by statistics? Yes.
2675. But in case an extraordinary rainfall takes place, such as has never been known before, may not the very first engineer be out in his estimate, even with all the care he may take?

take? I do not see that there could be the wide difference shewn by these alterations; for instance, putting a 10-ft. culvert where a 2-ft. culvert would do, or altering a 2-ft. culvert to a bridge of several 20-ft. spans.

Mr. N.  
Trengrouse.

2676. *By the Chairman:* He would not make so gross a mistake as putting a 5-ft. culvert which it was afterwards necessary to alter into a bridge of five 20-ft. openings? Certainly not; no one's eye could deceive them so far.

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2677. Do you not think the proper course, instead of laying the culverts down, as you say they do in the office, at random, would be for the surveyor to ride or go over the watershed and ascertain the probable collection of water? They cannot by possibility have any other way of doing it; no one can form an opinion of a piece of land without seeing it, not to say a word about the collecting area, except by either having it surveyed or by looking at it. Any one accustomed to that kind of duty could judge what space of collecting ground there was.

2678. At any rate there could not be the wide difference shewn in the instances you have given from the section? No.

2679. Were not some of the culverts on the present line partly completed before the alterations were made? I have—there were; that was on the Western line, I think.

2680. Then of course the cost of these alterations fell upon the Government? Yes, any deviation had to be paid for by the Government.

2681. Do you know whether any of these difficulties or mistakes were pointed out to the Engineer-in-Chief, or any of his staff, by persons unconnected with the Government? I have heard it was a resident I think at Parramatta, who, whilst the culverts were being constructed, stated he was satisfied they never would carry the water away, and I think from that information they were increased in size, from 5 ft. to 10 ft., which would give four times the area.

2682. Was there not something very peculiar in the alterations made at Harris's Creek, on the Southern line—was not that enlarged very much indeed—was there not a very small culvert originally intended for that locality? I think there was a 5-ft. culvert, which was altered to a 10-ft. culvert.

2683. These mistakes have occurred both on the Southern and Western lines, and also on the Northern line? I believe on all three lines.

2684. Are there more engineering in these extensions than on the line between Sydney and Parramatta? No, there are no engineering difficulties at all in connection with any of the works yet done, but there has been a little more skill required in connection with these last works, than on those between Sydney and Parramatta.

2685. These great mistakes occurring on the whole of our lines do not reflect much credit on the Engineer-in-Chief, or his staff? No, indeed, they certainly do not.

2686. You think it would be more beneficial to the public if Mr. Whitton would attend more to his professional duties than to Mr. Rae's duties? Yes; of course it all depends upon the Engineer-in-Chief as to the direction they shall take, and this regulates the cost; therefore, if that is neglected it must fall heavily on the Colony.

2687. In all large works in the old country is it not considered the first duty of the Engineer-in-Chief to examine and test the foundations of large works? It is always the custom everywhere, and of course should be carried out, because the whole superstructure depends upon them.

2688. Do you not know that in all large works, the foundation is left open till it is inspected by the Engineer-in-Chief? Yes, and if a contractor happens to have commenced any portion of the foundation before the engineer has inspected it, he is made to take it up again.

2689. I see by the written evidence sent in to the late Minister for Works, that you had occasion to complain of mistakes in some of the drawings, preventing you from going on with your work? That was in the proclaimed plans, where land had been shewn on the side of the line that was not actually required at all; and having of course to get out these notices, to make the owners acquainted with the amount of land to be taken from them, I was unable to get on with my work.

2690. Then I understand that since you have been taken off the drawings you have been confined to the land—giving notices and drawings of the land taken up by the railway? Yes, to the owners. I think it was partly because I was more acquainted with the plans and the localities that the lines were going through, that this was given to me; or it may be that Mr. Whitton saw I was before any of his staff in carrying out my duties, and that this minor work would be a check upon me, and give them an opportunity of getting up to the style in which I did my drawings and my work generally.

2691. What was the nature of your duties in reference to these? In the first place the line has to be gazetted forty-one days, and notices have to be got out and served on the owners and occupiers of land.

2692. Who got them out? I got out the whole of them. After that a copy had to be made for the arbitrator, and two for the deeds—the deeds are in duplicate. I have to do the whole.

2693. You have to do the deeds? That is, the transfer of the plan of the land taken on the two deeds.

2694. How many copies of each of these drawings have you to make? I think it is twenty-six.

2695. You mean to say you have to make twenty-six copies of every piece of land taken for railway purposes? I have to make fourteen copies of every bit of land taken for railway purposes.

2696. Is it necessary to make so many copies? The number could, I think, be reduced by six.

2397.

- Mr. N. Trengrouse.  
11 Dec., 1863.
2697. Will you mention what you make the fourteen for? There is a tracing, first of all, for permission to enter upon the land—that is, where they require it before the forty-one days have expired; a notice for the owner, and a notice for the lessee—there are sometimes two or three lessees; a notice for the occupier; a duplicate for the owner, and one for the lessee; a duplicate for the occupier; copy of plan for the valuer; copy of section for the valuer; plan for arbitration; duplicate tracing for transfer of plan on the deed; and copy for the deed book.
2698. What are those you think could be dispensed with? The duplicate for the owner, the lessee, and the occupier; the duplicate for arbitration, the tracing for transfer, and the copy in the deed book. The working plans themselves are duplicates, and we only act upon them; therefore there is no occasion for making a second plan.
2699. Is your time fully occupied? My time is fully occupied, having the whole of this to do. I am now speaking as though I were in the office.
2700. You now stand suspended? Yes.
2701. Are you otherwise engaged? I am not.
2702. Why not? Because I am an officer of the Government, daily awaiting their pleasure.
2703. Have you applied for your pay? I have not.
2704. Why do you not apply regularly every month, the same as if you had been engaged in the office? From the fact of being suspended I did not think it would stand over so long as it has done, and therefore I did not make application. I have received no salary since July.
2705. *By Mr. Gray:* Was it in July you were suspended? The 26th August. The reason I have received no pay since July is that they stopped five days pay in the month of August, and I declined to take the balance.
2706. *By the Chairman:* Why did they stop five days pay in August? They stopped it from the date of suspension.
2707. *By Mr. Gray:* Is there any rule in the Government service with regard to paying or not paying salary during the time of suspension? I believe not.
2708. Is it not usual, that when an officer who has been suspended is afterwards reinstated, his arrears are paid up, and if he is dismissed he receives nothing from the time of suspension—is there any rule to that effect? I am not aware of it.\*
2709. *By the Chairman:* Do you know of a case that was lately brought before the District Court, in which a gentleman who had been suspended recovered the whole of his salary from the time he was suspended until he received notice of dismissal? Yes.

TUESDAY, 15 DECEMBER, 1863.

Present:—

MR. DALGLEISH,  
MR. GARRETT,

MR. MORRIS,  
MR. STEWART.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Nicholas Trengrouse called in and further examined:—

- Mr. N. Trengrouse.  
15 Dec., 1863.
2710. *By the Chairman:* I see by your written evidence sent in to the Minister, that you have had occasion to complain of some mistakes, which prevented you from going on with your work—will you explain what those mistakes were? There was one occasion on which I had to complain in reference to the Western line; it was the proclaimed plan from which I was then working; it did not agree with the working plan, so much so that I could not go on with my work correctly. The land intended to be taken in the first instance, was not taken, therefore the two plans did not agree by, I should think, the width of something like two or three chains or more. This was pointed out to me, and I made a complaint to Mr. Barton about it.
2711. Then you mean, that if the workmen had been started on two different parts of this line, where they should meet, the lines would be several chains apart from each other? Yes, that may have taken place had they commenced the work.
2712. Would there have been any alteration in the level? That would depend upon the nature of the ground.
2713. Suppose the ground were not level? In that case there might be a difference of several feet.
2714. In the level? Yes.
2715. What was the nature of your duties in the office since you have been taken from the drawings? I have been getting out the notices to be served on the owners, lessees, and occupiers of land, and also getting out descriptions, and making tracings of plans, for the valuer, and things of that sort.
2716. Were not these more clerical duties than professional ones? No, it would not rest with any clerk to do work of that sort, because a person must have a knowledge of drawing to get it out, and also to get out the descriptions.

2717.

\* ADDED (on revision):—If such were the case, no act could possibly be so unjust, for why should any officer be purposely kept under suspense a year or so, even though he deserved it, at the same time having done no wrong, and then be told his services were dispensed with, after having daily waited on the Government the whole time of his suspension?

2717. Then you drew the plans of the land required by the railway, as well as giving out the notices? The plans were drawn by the surveyor, and I had to make tracings from them. Mr. N. Trengrouse.
2718. How many tracings were you required to make? I stated before that I had to make fourteen copies myself of every bit of land taken for railway purposes, but altogether there are twenty-seven copies made, or rather twenty-seven different times the land taken for railway purposes is copied. I omitted to mention some of the above last time. 15 Dec., 1863.
2719. How many times is it necessary to copy it? With reference to my portion they could be reduced by six, that would leave copies to be made eight times only. I have to make fourteen copies now. I could mention those I did not give in before. The first is the plotting—a four chain plan; then there is reducing the same to ten chains; this is for proclamation; then a duplicate of that; there is a copy of the working plan and a copy of the working section for Mr. Whitton; then the same for Mr. Mason; two for the Inspectors; and two for the contractors; that makes twenty-seven.
2720. Now how many are absolutely necessary, do you think? I think those for Mr. Whitton could be dispensed with, because there are the working plans in the office at any time he would require to look at them.
2721. How many do you think could be dispensed with altogether? That would be eight altogether.
2722. Then still they would require nineteen? Yes.
2723. Can you tell the Committee why this work was allotted to you? I cannot assign any reason for it, more than that I think Mr. Whitton wanted to keep me back as much as possible. I know, on comparing the drawings—I do not say it of course in the way of boasting—there was such a wide difference in the manner I did my work and that in which Mr. Drewett did his, that I think my present duties were allotted to me in order Mr. Drewett should have a chance of perhaps overtaking me, as regards my abilities in drawing; or it may be that I should not be in a position to demand an increase of salary, on account of the minor nature of the work given me to do.
2724. Then the work you have to perform should be done by the very lowest hand in the department? It could be done by a junior, but of course he must be conversant with plans.
2725. Was your time fully occupied? Yes, quite occupied.
2726. Did you require an assistant? I applied for assistance, but I could not get it.
2727. Did you require assistance? Yes, I required assistance, because I had to write off the descriptions in a book, and then copy them again; of course when first made out it is boy's work to copy them from mine, as I have to keep copies of all these things.
2728. Can you say how many plans are made of the railway lines, including the working plans, contractor's plans, notices, deeds and all? Twenty-seven.
2729. How many plans are made of the line? They would be all plans in connection with the line, with the exception of four sections; that would be twenty-three plans and four sections.
2730. Similar work to this is required for all the three lines? Yes, all the lines—all the land that is taken in fact.
2731. Were there not some errors in some plans, which was the cause of some minutes passing between you and Mr. Whitton? Yes, those were the plans I referred to, on the first portion of the Western line, on the other side of the Nepean River. I knew the land was shewn on the plan on the opposite side of the road to that on which it was intended to take it.
2732. Could you point out those errors on the plan? I do not think the plans are here.
2733. Did you report this to Mr. Whitton? Yes, I was obliged to; I could not get the plans altered, therefore I could not go on with my work, and was compelled to mention the circumstance to him. I should think a minute passed between us six or eight times on the subject.
2734. Was the plan altered? No, the plan was not altered—that is, the plan from which I was working; but after the Christmas holidays, when I returned and took up the plan to continue my duties, I found another plan had been put there, and the one I had previously been using taken away. It was placed just in the same position as the one I had left when I went away; it was rolled up from both ends to come to the middle of the plan, just as I had left the other on the table.
2735. What could have been the object? I suspect it could only have been to throw any blame, should any blame be attached to any one, on myself.
2736. Did you ever hear who changed the plans? No; I could never find that out.
2737. *By Mr. Stewart*: Was this an incomplete plan? They were supposed to be the plans laid before the Assembly, but they did not agree; there were three plans, and neither agreed one with the other, though they should all agree.
2738. *By the Chairman*: And they changed the plan you had been working on? Yes, they put another in its place.
2739. Did this occur in the long drawing office? No; that was up-stairs, in the room I was moved into afterwards, which had been Mr. Cowlshaw's room.
2740. How came you to be moved into this room? I think it was that I should perhaps be more accessible, being in the main building, and on account of its being a spare room; but it may be perhaps that I should not see what was going on in the long-room.
2741. Was not this Mr. Cowlshaw's room? Yes; Mr. Cowlshaw had only left it a day or two before.
2742. How came Mr. Cowlshaw to move from it? Mr. Cowlshaw could not stand the cold; it was a very cold room, and he was at home occasionally from ill health, caused it was said by his having taken cold there.
2743. Was there any fire-place in the room? No, no fire-place; it was only a small place 9 feet by 7 feet, or 9 feet by 8 feet. 2744.

- Mr. N. 2744. It was not considered too cold for you? No, of course not.  
 Trengrouse. 2745. It was quite good enough for you? Yes.\*  
 15 Dec., 1863. 2746. Who moved you there? Mr. Whitton; he sent down a note or memorandum to say that I was to move up there at once, or at my earliest convenience, or something of that sort.  
 2747. Was the room Mr. Cowlshaw was moved into a better one than that? Yes; there was a vast difference.  
 2748. Brussels carpet and so on, I suppose? Yes.  
 2749. Things that were not in the room he moved from? No; there was only a piece of floor cloth there.  
 2750. How is it this gentleman has a room to himself? He has not a room to himself, he is in the room with Mr. Moody.  
 2751. Are the clerks' duties in the Works Department considered of more importance than those of the professional men? Well, I should imagine it is so considered, for the salary of many of them is very much higher, and from the fact of there being such great care taken, and their comfort so much studied. I do not think there is a room where a clerk is that is not carpeted.  
 2752. The whole of the room carpeted and a hearthrug at the fire-place, I suppose? Yes, and gig mats for their feet in some of them.  
 2753. Afraid they might catch cold? I suppose so.  
 2754. Have the professional men got these things? No, I suppose they are considered to be more hardy from the nature of their work.  
 2755. Are the duties of the clerks connected with the Works Department more arduous than those of the professional men? Not at all; I should say they are not equal to the duties in a mercantile house.  
 2756. But the salaries are higher than those of the professional men? Yes, in many cases.  
 2757. I suppose most boys leaving a good school would be capable of performing most of the clerical duties in that department? Yes, when they had learnt the routine of book keeping, which they would probably do before leaving school; the duties are very similar to mercantile duties—they all have reference to sums of money.  
 2758. I do not suppose they are considered to kill themselves with work? No, I should consider rather the opposite, considering the number there are.  
 2759. *By Mr. Garrett:* Do you think there are too many? I do indeed.  
 2760. *By the Chairman:* From your experience in the office, do you not think a great number of the clerks might be dispensed with without injuring the efficiency of the office in any way? I do think so.  
 2761. Have there not been some places made for particular persons in that department? I have heard that spoken of in the office.  
 2762. Could you name the individuals? Well, I could do so, but I had very much rather not.  
 2763. The Committee would very much rather you would? It would affect them you see.  
 2764. That matters not, Mr. Trengrouse; the Committee wish to have the information; we want the truth; we want to arrive at the state of the department as far as we can—the efficiency of the department; if you decline to give the information, say so? There is the Record Department, the duties there used to be performed by one clerk.  
 2765. How many are there now? There are three now.  
 2766. Are the duties more extensive than they used to be? They would not change so suddenly as that it would be necessary to put two additional clerks there in a short space of time.  
 2767. Do you know who introduced them, or whose friends they are? I have heard that one was placed there by Mr. Rae, and the other by Mr. Arnold.  
 2768. What are their names? I cannot tell you that.  
 2769. *By Mr. Garrett:* What is the name of the gentleman who was there originally? Mr. Ford.  
 2770. *By the Chairman:* Do you know the names of those who are there now? One is Mr. Elyard; I do not know the name of the other; he is a lad about seventeen or eighteen.  
 2771. How long is it since this increase took place in the number? I should think it must be two years since, somewhere about that time.  
 2772. But Mr. Ford was found competent to perform the duties before this increase to the department? Yes, quite so.  
 2773. Is it not the custom when a salary is increased to allow the lucky fellow who receives the increase also an assistant? Well, I have known that take place; that has taken place with reference to Mr. Quodling—he had an increase of £50 a year, at the same time there was an assistant allowed at, I think, £100; now he is down again—at least last year he had another increase; he has had an increase three years in succession.  
 2774. Who has? This Mr. Quodling; but there is another assistant down, or two, I forget which.  
 2775. Four individuals to do the work Mr. Quodling used to do before he got an increase of salary? Yes, I think there are two more in the office since I have left; I know there is an additional one.  
 2776. Then they go on the principle, the more pay the less work? I do not see what they can have to do. Mr. Quodling does little else but run about the offices. I do not know whether it is necessary he should do so; but he is known there as “Mr. Whitton's policeman.”†

2777.

\* ADDED (on revision):—My having been so long in the service.

† ADDED (on revision):—From this fact it may be requisite.



2777. I presume they become astonished at their own importance after they get an increase or two? That is the great evil of it.

2778. And of course directly they get a good salary they must have a fag to do their work? I believe they do less work from the moment their salary is increased.

2779. What are Mr. Cowlshaw's duties? He is termed valuer; he values the whole of the land required for railway purposes.

2780. What salary is he getting? £600.

2781. Do you know how long he has been in the department? Five years or five years and a-half.

2782. Does this £600 include travelling expenses? No, it is independent of that.

2783. Could not a man of ordinary capacity perform those duties, do you think? I should say he could.

2784. Do you know what travelling expenses are allowed Mr. Cowlshaw? He used to get £150, but two years since it was reduced in the Assembly to £75; now he is down for £100, but I think it does not matter, his expenses are paid, what he charges.

2785. Is he mostly in or out of the office? I think about eight months out, and four months in.

2786. Do you think this gentleman has his time fully occupied valuing the lands taken up by the railways? Yes, I should say his time is fully occupied when out, but I cannot see how it can be when in the office.

2787. Then if that is the case his duties would not occupy above eight months in the year? Of course when in the office he has to draw up his reports upon his valuation of properties.

2788. I suppose that would occupy the best part of four months? The greater portion of the time.

2789. Then we may say he is pretty well occupied? Yes, nearly the whole time.

2790. There is another gentleman of the name of Moody in the same office with Mr. Cowlshaw—what is Mr. Moody supposed to do throughout the day? He assists Mr. Rae—at least I think he is there specially to wait on Mr. Rae.

2791. *By Mr. Morris*: He is the chief clerk? Yes, I think he is chief clerk of railways.

2792. *By the Chairman*: What are his duties? After the letters are opened by Mr. Rae they are given to him to distribute the different communications to the parties whose business it is to carry them out.

2793. I believe he is considered to be more of a Commissioner than Mr. Rae—that he has considerable influence over Mr. Rae? Well, I have often seen persons wanting to see Mr. Rae, when he has had the greater portion of the conversation with the party who came to see Mr. Rae. He appears to have considerable command over him; in fact, I have heard him say himself that he has got Mr. Rae completely under his thumb—not exactly in those words, but he has said, "I have got Rae that way," putting his thumb on the table so.

2794. How long has he been in the department? I think five years or five years and a-half.

2795. Do you think he is a person in whom implicit confidence can be placed, from what you know of him? Well, I do not think much of him myself; I should like to have but very little to do with him; he is not particular as to what he says, at all events, in deviating from the truth; that I do know.

2796. Do you know what salary he is receiving now? £100 a year.

2797. Do you know what he received when he first joined the Works' Department? I do not remember the salary he entered upon.

2798. Do you know what occupation he followed before he joined the Works' Department? I think he was in Mr. Justice Wise's office before he came to our department.

2799. He came here from Melbourne—did he not? I think to Sydney he did, or whether it was to any other part of the Colony I do not remember. I know he has been at Melbourne.

2800. Do you know what occupation he followed there? I do not know that he followed any occupation but that of a policeman.

2801. He was a detective in Melbourne—was he not? Yes, I believe he was.

2802. And then when he came here he went as clerk to Mr. Wise, and through his influence got into the Works' Department? I do not know about that. He was porter or messenger to Mr. Wise, or something of that sort—he used to carry his bag.

2803. Did he not take very active measures in the dismissal of Mr. Nealds? Yes, I believe he was the person principally referred to when they wanted to get information up.

2804. When they want to get up a case against an individual, Mr. Moody is mostly employed? Yes.

2805. Is not this the gentleman that Ridley complains of meeting before he went in to give evidence, telling him to be very careful what he should say, and that it would be better for him at some future time? Yes, the same party.

2806. Then before a case of dismissal is to be got up, he is found to be a very useful person? Yes, he is considered to be *au fait* at all those matters.

2807. This same gentleman, I believe, took a trip to the Fitz Roy Mines on one occasion? Yes, he was sent up there.

2808. By whom was he sent? Well, I cannot say by whom he was sent; I know he saw parties out of doors in connection with it; I do not know who sent him, or whether he was sent by the Government or not.

2809. Did you hear whether he surveyed these mines, and made a report upon them? Yes, he did so; he reported on the state they were in, and what he thought would be required in money to complete them, before they could make any iron there.

2810. Do you think now he was sent by the Government—that he was appointed by the Government

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- Mr. N. Trengrouse.  
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- Government to go and make a survey of these mines, or was it by a private company? I should imagine he was sent by the Government—I mean those, of course, in the office—and I know parties out of doors, at least I have heard so, were also interested in the matter.
2811. What interest could the Government have in these mines that they should send one of their high salaried officers to inspect them—I am speaking now of the Government, not of individuals in the office? I do not know I am sure, unless it was to be in a position to make their own iron required for carrying on the railways.
2812. This is private property—I am not speaking now of any person connected with the department, but of the Government? That is the only reason I can assign. There may be parties in the Government who wished to secure these mines to themselves in connection with others out of doors.
2813. There may have been parties connected with the Works Department—? Just so—officers of the department.
2814. They might have sent Mr. Moody up to make a report that they might receive benefit from buying up the shares? I think buying the whole of the works. I know he made a very high calculation of what would be required besides the plant that was there and what had been already done. My idea was that it was done with the object to make the shareholders believe they never could raise sufficient money to complete the works, and that being so they would let other parties get it into their own hands.
2815. That was the object of his report, to make the affairs of the company appear as bad as possible to dishearten the shareholders? Yes, it was, because I saw a party afterwards who told me his valuation was just about double the amount required to complete the works.
2816. How long was he away from the office on this business? Two or three weeks.
2817. Did he receive his usual Government salary during his absence? I am not aware.
2818. Do you know whether he was paid by the company? That I cannot tell; he may have had some present made him perhaps—at least I know he had.
2819. You know he had a present made him? Yes.
2820. From whom—was it from the company or other individuals? It was from parties out of doors.
2821. Were these persons shareholders in the company? I think it was some who wished to get the mines into their own possession—two or three individuals.
2822. And they made Mr. Moody a present for this report? Yes.
2823. Do you know the names of these gentlemen? I think Mr. Dean gave £50.
2824. Did Mr. Mort give anything? I heard Mr. Mort and another gentleman gave £100; I think it was £150 he had from them.
2825. These gentlemen were not connected with the company? I should imagine they would be.
2826. Were they connected with the Fitzroy Mining Company at the time? No, not then, but I think they were the parties who wished to secure the mine for themselves.
2827. Who performed Mr. Moody's duties in the office during his absence on this occasion? Mr. Forde; the duty would devolve upon him in the other's absence.
2828. Was it not expected that if these three gentlemen got possession of the mines Mr. Moody was to get an appointment? I have been told he paid more attention to that particular matter than he did to the duties for which he was sent, to secure a situation for himself.
2829. Are not Mr. Moody's duties solely to wait upon the Commissioner? He does little beyond that; in fact I think those are all his duties.
2830. You spoke of his misrepresentations—do you know whether he has made any misrepresentations with reference to his brother officers? Do you mean as regards the way in which they carry on their duties?
2831. Yes? He has every opportunity of doing so, being so intimately connected with Mr. Rae.
2832. Do you know whether he has done so? He has with reference to myself.
2833. He has misrepresented you? Yes.
2834. To whom? To Mr. Rae. I sometimes get minutes down in connection with land plans—perhaps I have the papers down four or five different times,—and on two occasions I found he had made a minute with reference to myself, which was anything but proper—in fact it was decidedly false.
2835. What was it? A plan had been sent down for—I think it was for the arbitrator—and in the minute returning it I said it was the third plan made for the same occasion. He wrote on the minute again to say my remark was uncalled for. I wrote back again; he then wrote a long article on it, upon which the remark was made by Mr. Arnold, "Seen—may be put away." Now, an act of this kind may be very damaging; I should not have seen it,\* but that I happened to get the same documents again, and I happened to see his minute with them.
2836. Were any of the officers of the department afraid of him? There are some of those immediately under him that seem to dread him more than one would imagine without they saw it.
2837. Has he not been up before Mr. Arnold for some immoral conduct? I have heard he has.
2838. Have you heard the nature of the charge? To speak plain in the matter, it was a connection he was supposed to have with women—that is, other than his wife.
2839. What was the result of the investigation before Mr. Arnold? I have heard that Mr. Arnold

\* Revised :—Known this piece of treachery.

- Arnold treated the matter very lightly, and said it was no business of his, or something of that sort; that these things ought not to be brought before him.
2840. Do you know what Mr. Moody's occupation and pay were with Mr. Justice Wise? I never heard. Mr. N. Trengrouse.  
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2841. Have you heard whether there exists good feeling between Mr. Whitton and Mr. Moody? I believe not; I have heard that at one time in particular they were very much opposed to each other, although they are always transacting business together.
2842. *By Mr. Dalgleish*: Do you know that of your own knowledge? No.
2843. It is mere matter of hearsay? It is only what I have heard.
2844. *By the Chairman*: Have you ever made any application for an increase of salary? I have repeatedly—that is, almost annually.
2845. To whom did you apply? I have spoken to Captain Mann when he was Commissioner, and I spoke to Captain Martindale soon after his arrival in the Colony, but I found that by having done so I gave great offence to Mr. Whitton.
2846. By your having applied to Captain Martindale instead of to Mr. Whitton? Yes, I had previously applied to Mr. Whitton, and could not get it, and then I applied to Captain Martindale; I was told by Mr. Micklethwait that Mr. Whitton should say he never would forgive me for having done so—that I had so offended him by having applied to Captain Martindale.
2847. Do you think this prevented you receiving the same increase that other officers in the department have received? Well, I think so. This same gentleman, Mr. Micklethwait, has told me Mr. Whitton was never known to forgive any one that he took a dislike to, or who gave him offence, even in England—he never knew him to do so.
2848. What is your salary? £350.
2849. And Mr. Drewett's? £500.
2850. Has Mr. Drewett received any increase since he came to the Colony? He has not received any increase; still he has been recommended twice by Mr. Whitton, and struck out again.
2851. You have a free pass to travel by railway? I had; I have never paid anything for travelling on the lines since they have been opened. It was considered to be part of my salary.
2852. Do you pay now? When I travel I do, which is very seldom.
2853. At whose instance was the free pass stopped? I think it was at Owen's, the station master; I can only say I have heard so—that it was Owen and Mr. Moody who put their heads together to try and stop it. There are minutes in the office proving that it was part of my salary. It was brought forward in Captain Martindale's time, but could not be taken away from me.
2854. You were elected one of the first councillors in the Marrickville municipality? Yes.
2855. Are you one of those councillors now? No, not at present.
2856. Why? I found I could not devote the time to it that it required.
2857. Was there any objection made in the department? Yes, there was an objection raised by Mr. Whitton. The council meet fortnightly, in the evening, at 7 o'clock, so that the duties then could not interfere with my official employment; but four times a year the quarterly meetings are held at noon to make up the accounts. I attended on one of these occasions, having spoken to Mr. Mason, and I left at 11 o'clock. This always takes place on a Saturday, when the office closes at 1 o'clock, so that really I was only asking for two hours. On another occasion I spoke to Mr. Whitton, but he objected to my going, unless it was on important business; I said it was important, and told him what it was. "Well, he said, "I object to your going, for you have done enough already for that municipality without my "permission."
2858. What did he refer to? To save the municipality all the expense I could I compiled a map or plan of it, shewing all the streets and sub-divisions, and while engaged on this I remained in the office on one occasion from 4 to 6 o'clock, and used a pentograph belonging to the office to increase a plan. That came to his knowledge.
2859. You did not do it in the office hours? No.
2860. Did you use Government paper or any Government material? No; I buy all my own paper, and get receipts for it.
2861. Who is chairman of that municipality now? Mr. Halligan.
2862. Is he not an officer in the Works Department? He is.
2863. What office does he fill? That of clerk to the Minister.
2864. Did you ever hear of any objections to his attending those duties that they prevented you from fulfilling? Not the least; he can go, I believe, when he likes.
2865. Then it was the individual that filled the office, they objected to, not the duties he was performing? Yes, I suppose so; that appears to be my misfortune.
2866. You were chairman of the municipality for some considerable period? I was requested by some to act as chairman, but declined taking the office, because I knew I could not get away to attend to the duties.
2867. What did you save the municipality by compiling the map? I should think it would have cost them £15 or £20.
2868. You never have heard of any complaint of Mr. Halligan filling the office that they would not allow you to do? No.
2869. Mr. Halligan is a very high paid public officer—is he not? I think his salary is not high—£450.
2870. How many increases has he received? I do not know.
2871. What office does he fill in the department? Chief Clerk to the Minister.
2872. Does he attend pretty regularly to his duties? I believe he does not; he is in and out occasionally—I do not know whether his duties require it or not. 2873.

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2873. Do you know whether he attends regularly in the morning? I do not think he is often there before 10 o'clock.
2874. Does he get leave of absence pretty often? I do not know that he requires to ask permission.
2875. Why not? Being the head of that department, I think he can go in and out when he likes.
2876. Can he absent himself for a week at a time? No, I do not mean for that length of time—only for the day perhaps.
2877. Have you ever known him to be absent in case of sickness? I have.
2878. You have a Mr. Goodchap in the office? Yes.
2879. How long has he been connected with the department? I think he has been connected with the Government many years; he was in the Lands Department before he was transferred to this.
2880. What salary is he in the receipt of? I will not be certain whether it is £300 or £350.
2881. Do you know whether Mr. Halligan was in any other public office before he joined the Works Department? Yes, I think he was also in the Lands.
2882. Do you know why he left that office? No, I am not aware.
2883. Is there a time-book in the Works Department? Not at the present time; there used to be one.
2884. Why was it discontinued? I think the reason of its being discontinued was, that it was not signed by all parties. I do not think above half signed, and then it fell off by degrees.
2885. Did they refuse to sign? I think not. I do not think any one in particular looked after the time-book to see that it was kept up.
2886. There is a time-book kept in some other of the public departments? Yes, in the Auditor General's, and also in the Registrar General's Office, I think.
2887. And in the Central Police Office? I am not aware.
2888. Is it not a very excellent test as to the regularity of officers attending their work in the department? It is so, because it tends to make them more punctual. The proper way to keep the book would be, that ten minutes or a quarter of an hour after 9 there should be a line drawn close under the signature of the last officer, so that no one could sign coming after the prescribed time; it would be a very good plan and a good check.
2889. And then every three months the time-book could be made up, and would be a good test as to the regularity of the attendance of the gentlemen of the department? It ought to be made up, and a balance struck, at least four times a year, to shew who exhibited any zeal for the service.
2890. Was it not the high paid officers of the department who refused to sign this? I think Mr. Barton never signed; it was the high paid ones; it would not do for the others to object.
2891. It was because the high paid officers objected that it was discontinued? I think it was.
2892. I suppose if the juniors had refused to sign they would have been dismissed the service? Yes; I think they would not have remained very long after.
2893. Then, if that is the case, it appears the higher they are paid the more irregular they are in attending their duties? I think above all they should attend regularly to set the example, because one hour of a high paid officer is equal in cost to a day almost of the juniors.
2894. Have you heard them say that Mr. Hall was very clever at his profession? I have heard that stated.
2895. You remember Mr. Hall living at Newtown when he was doing this building? I do.
2896. Do you remember any person discovering some very great errors in Mr. Hall's construction of the roof—a publican named Seale? Yes; a friend of the proprietor of the house came to look at the progress of the building, and found that the roof was completed, or said to be completed, ready to get the slates on, and he told the proprietor that if he attempted to cover it in in that state it would all come down. There were no ties to the principals, consequently the whole pressure was outwards on the walls.
2897. That did not speak much to Mr. Hall's ability as an architect? No, indeed.
2898. Do you think a boy, who had been apprenticed to an architect for twelve months, would have committed such an error? I should think not. There was also a mistake in the cellars, that is perhaps hardly worth talking about. It was a large square bank puddled all round, and of course as soon as it became wet it expanded and pressed the sides in.
2899. Referring again to the Menangle Bridge, I have been told there was a large amount of earth removed from a cutting, before commencing the bridge, which had to be taken back again and replaced—do you know whether that is true? Yes, there was a great deal taken from the northern approach to the bridge—taken too low—and had to be replaced.
2900. I presume that was another mistake of the engineer's? I do not see whose mistake it could be, without it was the chief or district engineer.
2901. Do you know what was the cost of taking away this earth, and replacing it again? I do not think it was so very much; something like 3 or 4,000 cubic yards, which would cost some £400 or £500 perhaps.
2902. I suppose that is considered a trifling amount by engineers and draughtsman—£400 or £500; they think very little of making mistakes which only cost £400 or £500? Well, I imagine there are a great many mistakes that cost that amount.
2903. Do you mean to say there are so many great mistakes that £400 or £500 seems a mere trifle in your estimation? Well, it does in my estimation.
2904. Do you know whether the contractor was paid extra for this work, or was it measured in his general work? I think it very likely he would; if it was a mistake of any of those in connection with the Government he would be paid extra for it.
- 2905.

2905. If it was measured up in his general work, that would prevent the mistake from being discovered? Only the party who measured up, the Engineer-in-Chief and the clerk perhaps, would know it. Mr. N. Trengrouse.
2906. How did you come to hear of it? I forget now; I was told of it, and ascertained afterwards it did occur. 15 Dec., 1863.
2907. *By Mr. Dalgleish:* Who are the parties that could give us correct information on that subject? Mr. Mason could; I think he measured up on that line.
2908. Is there any one out of the office that ought to be able to give us correct information on the subject—the contractor? I do not know, I should think he would not say anything about it.
2909. *By the Chairman:* Who would not say anything about it? I suppose the contractor would not.
2910. It would be difficult then to get the information? Yes, I think so; of a mistake of that kind.
2911. How did you hear it? I forget now who it was that told me.
2912. *By Mr. Dalgleish:* Are you satisfied it is true? I feel quite satisfied.
2913. Can you suggest any one in the office who ought to be able to afford us that information? Mr. Mason ought—I think he measured up that work.
2914. *By Mr. Morris:* His field-book would shew? It would be his measuring-book; it would not shew it without it was expressly mentioned.
2915. *By the Chairman:* Did you hear that this was reported to Mr. Whitton in any way? No, I never heard it was reported to him.
2916. Did you report it to him? No.
2917. Do you not think that every person who hears of this system of mistakes—perhaps not fraud—should report to the Engineer-in-Chief? There was no occasion for my doing that; he must have known it; nothing occurs on any of the lines that he does not know.
2918. Because he has spies you say? He is so protected on each of the lines by men who came out from England that he knows everything that occurs. He has Bewick on the Northern line and Morgan on the Southern and Western.
2919. Mr. Whitton, on the part of the Government, guaranteed to find and build proper foundations for the piers of the Menangle Bridge? Yes, he did.
2920. Do you know what this cost the Government in excess of Mr. Whitton's estimate? I never heard; a very large sum of money I believe.
2921. Could not these foundations have been as easily contracted for as those of the Penrith Bridge? Yes, I should think the borings on that occasion could have been ascertained more easily than those for the Penrith Bridge.
2922. There were also some mistakes in the foundation of the Penrith Bridge—were there not? Yes, as regards the depth; they have had to go some fourteen feet deeper than was anticipated or ascertained—seventeen feet instead of three feet.
2923. Were not borings taken for the piers of the Penrith Bridge? I believe for all of them; there must have been, because the depth is shewn on the cross section.
2924. Do you know by whom those borings were made? I think it was by Mr. Morgan—under his direction I believe.
2925. Who had charge of the men? He had charge of the men.
2926. Was it not considered that, at a distance of three feet below the surface of the earth, a good foundation could be found? Yes, it is so shewn, that they would come on good bed rock.
2927. Shewn in the cross sections? Yes.
2928. But they found they were compelled to go down seventeen feet? Yes, fourteen feet lower than they anticipated.
2929. The cofferdam was constructed for a depth of three feet? Yes. Some fear was entertained about the cofferdam collapsing, and they had to put large beams across.
2930. In that case there would be a sacrifice of life? Yes.
2931. It would be more likely to collapse while the men are at work at it—shaking it—than during the night, when everything is quiet? Yes, of course.
2932. In the Old Country is it not considered the special duty of Engineers-in-Chief to look to the foundations of their most important structures? Yes, I believe after the foundation is got out to the depth required, it is left open for the Engineer-in-Chief, to go down and inspect it, to see whether it is a proper foundation.
2933. Do you know whether the Engineer-in-Chief attended while Mr. Morgan was boring to ascertain these foundations? I am not aware.
2934. Who has suffered from this engineering bungle? I cannot see that the contractor will suffer; he must be paid surely.
2935. He contracts to perform certain works shewn on the plan, and it is there shewn that there is a solid and good foundation where the foundation is expected—of course he will have to be paid for all he does below that? Yes.
2936. Will it not, in fact, break the contract altogether? No, not if it is done by any schedule of prices, whether it is much or little.
2937. Has the contractor taken it at a schedule of prices? I think it likely.
2938. Would it be likely a contractor would have tendered at the same price for work seventeen feet under the water as for work three feet under? No; the prices have to be increased for every foot they go down.
2939. Speaking of engineering bingles on the lines, they can be very easily rectified by adding a few thousand pounds to the contractor's account, and the public be none the wiser? Of course it could be managed. No one has a right to doubt but what the measurements are

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- are all accurate and measured only once. No one could possibly know whether this difference of depth was added to the value of the building or the quantity.
2940. Is there not a great width of land shewn on the plans where the surveys are made along the line? In some places four miles are shewn.
2941. On each side of the line? Two miles on each side of the line. That is on the smaller ten chain plans.
2942. Have you seen the plans for the extension from Penrith to Bathurst? Yes.
2943. What is shewn on those plans? A width of four miles is shewn on some of those plans.
2944. That they have surveyed? I do not know that it is surveyed.
2945. It is shewn on the plan? Yes.
2946. What is the use of shewing it unless it is surveyed? I suppose it is to shew the large amount of work they do, or to fill up the paper.
2947. *By Mr. Morris*: As a matter of fact they could not have surveyed the Bathurst line two miles on each side—it is impossible? Yes, in some places.
2948. *By the Chairman*: Does not the line keep side by side with the main road? It is on the road a great portion of the way.
2949. Who made this survey? I think it was the sappers.
2950. If the land is not surveyed, how do they arrive at its features? From the maps they get from the Lands Office, and sometimes from memory.
2951. Was the present mode of getting up Lapstone Hill Mr. Barton's idea? He takes the credit for it; but it was first suggested by seeing the *Illustrated Times*, or the *Illustrated News*, where it was given in a plate.
2952. *By Mr. Dalgleish*: It is the celebrated American zigzag? Yes; I never heard a word of it until that book came to the office.
2953. *By the Chairman*: You say the sappers have made most of the surveys for all the lines? I believe so.
2954. Do you know what salaries they are getting? I do not know; they are very different from what they used to get when connected with the Government as sappers.
2955. Do you know anything of the survey of the Grose? Nothing more than having seen the plan.
2956. Was this made by the sappers? Yes.
2957. Can you say under whose great engineering skill this survey was directed? Mr. Barton had charge of the sappers at that time. I suppose it was under Mr. Whitton's instructions.
2958. Do you know the total length of the Grose Valley? I am not certain about it, but I think I heard it was about forty miles.
2959. What length did the sappers survey? I cannot answer that question. I have forgotten what it was, although I have seen the plan; the plan would exhibit it.
2960. Do you know whether the report is true that they got so bewildered that they could not find their way out? I have heard that they were a long time before they could find their way out.
2961. Did you ever hear how much powder was consumed in blasting before the survey could be made at all? Nothing more than I was told that several tons of powder had been used in blasting the rocks to cause the survey to be made.
2962. Have you heard the cost of the survey? I have heard it cost £30,000.
2963. Were any cross-sections taken? Yes, there must have been by the plan shewn.
2964. Do you know at what intervals? I do not know whether it was at less than at every chain or more.
2965. Do you know whether Mr. Barton was there much of his time? I do not know; I do not think he was.
2966. Have these plans been made use of in any way? No.
2967. Then this survey which cost £30,000 is perfectly useless? Quite so, as far as railway matters are concerned.
2968. Has Mr. Barton been in the office the greater portion of this year? I think nearly the whole of the first four or five months this year he has been in the office.
2969. Who has charge of the sappers during the time he is in Sydney? I believe they are left to themselves, any more than that one is appointed to be at the head of the others.
2970. Do you know what salary Mr. Barton was engaged at in England? £400.
2971. He is getting now—what? £600.
2972. Besides £280 for travelling expenses? Yes, that is paid this year.
2973. Do ever you see the printed Estimates? I do sometimes.
2974. Have you seen those for 1864? I have seen those got up by the late Ministry.
2975. Can you understand why the officers and salaries in your branch are so changed about in the Estimates every year? Well, I cannot account for it more than that it should be to confuse the thing, so that they could not be ascertained or understood.
2976. Has not Mr. Barton been receiving £600 and £280, together £880, for the whole year, whether engaged in the field or in the city? For the whole of this year.
2977. And still he has been at home above half his time? I think he has been in the office quite half or more than half this year.
2978. I see in the Estimates for this year two assistant engineers, at £700 each—are not these intended for Mr. Barton and Mr. Mason? Yes.
2979. Then it is intended to increase Mr. Barton's salary £100, making, with travelling expenses, nearly £1,000 a year? It would.
2980. What is Mr. Barton supposed to do when in Sydney, or at the office? When at work he is generally getting out quantities of the earthwork.

2981. Are these supposed to be important or difficult calculations? Not at all.
2982. Have you ever seen Mr. Barton drunk in the office? No, I cannot say I have seen him drunk. Mr. N.  
Trengrouse.
2983. Have you ever seen him drinking spirits or beer during office hours? Yes, I have seen him drinking both. 15 Dec., 1863.
2984. Have you ever seen him in that state from drink that he could not perform his duties? I do not remember having seen him in that state. I have seen him very much bloated in his face, flushed a great deal; but he often goes away immediately after luncheon, and it may be from that fact I have not seen him so.
2985. How much is the most you have ever seen him drink in the day, in the office.—Any questions I may ask you, do not answer them unless it is from your own knowledge, not from hearsay at all; if you do not know of your own knowledge, say so.—How much is the most you have seen him drink during the day? I have seen him drink three or four times in the course of the day.
2986. You say you have seen him leave the office immediately after lunch—does he go in and out as he likes? Yes, I think no one has any control over him in that respect.
2987. Nothing can be said to him for leaving the office at any time during the day? I should say not. He has often said to me, "I am going out somewhere for Mr. Whitton;" he has repeatedly said that to me when he has been about leaving the office.
2988. Would that be on professional duties? I imagine not; it was some private matter—that was my opinion at the time.
2989. What has been the salary for a second engineer for trial surveys—I see it has been omitted from the Estimates altogether for 1864? The salary is £500; that is Mr. Micklethwait; and £280 for expenses.
2990. £780 altogether? Yes.
2991. Is that the gentleman who, with Mr. Hall, caused most of the insubordination in the office? Yes, those are the two.
2992. What is the meaning of twelve "District Engineers," set down in the Estimates at £573 each? I cannot understand that; it is altogether a fresh term; I think it is meant for the inspectors on the lines.
2993. Is Mr. Micklethwait to be one of these? I expect so.
2994. Then these twelve district engineers is a new creation? Yes, as regards the term; the duties of course are the same.
2995. Are the duties the same as those of line inspectors? Yes, it must be meant for the same parties.
2996. They do not appear in any other Estimates but those for 1864? No, I think this is the first time they have been designated in that way.
2997. I presume the appellation of district engineer conveys a much higher title, and that is an excuse for an increase in their pay? It is the name only—the duties are the same. When Mr. Whitton first came out, I should remark, he distinctly objected to anything of the sort as district engineer, because Mr. Brady, I believe, was on the line at one time, and also Mr. Francis Bell up in the north. I have heard him myself say he objected to any district engineers at all.
2998. *By Mr. Stewart:* He held for line inspectors? Yes.
2999. *By the Chairman:* What salary have the inspectors of ways and works received up to this time? I think they have different salaries; there are some at £350, £400, and £450—I think so—the Estimates will shew.
3000. They have merely changed the name on purpose to increase the salary? I imagine it must be that.
3001. They will have to perform the same duties as district engineers as they have as inspectors of ways and works? Yes. I see they are set down at £500, making a sum of £6,000.\*
3002. It will be an increase of from £170 to £200 per annum for each person? They are all set down for an increase; whether they get it or not of course I cannot say.
3003. Can you tell me why these four inspectors or district surveyors are required for each of the three lines? I cannot.
3004. I see by the Estimates for the last three years, that a clerk in Mr. Whitton's office has had an increase of £50 each year;—do you know whether Mr. Whitton recommended him for a further increase this year? I do not know of my own knowledge—you say I must not mention what I have heard.
3005. *By Mr. Dalgleish:* You may say anything in explanation? He was set down, I believe, by Mr. Whitton, and struck out by the Minister.
3006. *By the Chairman:* What is the name of this favoured officer? William Quodling.
3007. What did he enter the service at? I think £250 or £200—I will not be certain.
3008. Then I see on the Estimates he has an assistant at £100 a year, and an increase of £50 is down again this year? I believe it is the same.
3009. And another £25? I think he had £50 last year, and I believe he is down for another £25 this year.
3010. And I see there is another to be appointed at £150? Yes, that is the one I spoke of just now; I believe there are two others in the office, making four altogether.
3011. Who is the assistant draughtsman set down at £100 a year for the present year? Mr. Robertson.
3012. Mr. Robertson entered the office at £52 a year? He did.
3013. And these young clerks enter at £100 and £150? Yes; there is one down this year as assistant to Mr. Quodling at £150.
- 3014.

\* NOTE (on revision):—This is exclusive of expenses and forage allowance.

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3014. What do you think of Mr. Robertson as a professional draughtsman? I think him a very clever young man.
3015. Do you think him a superior draughtsman to Mr. Drewett? Yes, I think his work is superior.
3016. Do you think he is superior to Mr. Drewett as a mathematician? Yes.
3017. Does he attend more regularly to his duties, and perform more work than Mr. Drewett? Yes, both; because he is very punctual to his time, and I know he is very attentive.
3018. Do you know anything he is inferior to Mr. Drewett in? I do not.
3019. Then you consider him superior, in every respect, as a professional man, to Mr. Drewett? I do think so.
3020. And this young man was kept in the office for two years at £52 a year, whereas they take junior clerks and give them £150 a year directly they enter the office, to do such work as any boy from a respectable school could perform? Yes. A clerk has nothing but copying to do at first, but Mr. Robertson can compile his work.
3021. Mr. Robertson must have been engaged for many years as a draughtsman before he entered the department? He was engaged with Mr. Blackett in architectural drawings; he brought some specimens of his work, which Mr. Barton shewed round the office, saying what a clever young lad he was—drawings of the University; they were so well done that some of the draughtsmen would scarcely believe they had been done by him.
3022. And although they were receiving junior clerks in the office at £150, they never thought of recommending the increase of this young man's salary? No, he was there for two years at £52 a year.
3023. And one year at £100? Yes, for the present year he is set down at £100, I think.
3024. How long has Mr. Robertson been in the department? About three years or three and a half years—I cannot say exactly.
3025. Do you know whether any of these juniors, who were received in the office at £150 or £100 a year more than a professional man like Mr. Robertson was receiving, are relatives of any persons in the department? I am not aware that they are. One, I believe, who is set down for the first year in Mr. Whitton's office as assistant to Mr. Quodling, is brother to Mr. Thomas, now in the Roads Branch.
3026. Do you know at what salary Mr. Quodling entered the office? I cannot say—either £200 or £250.
3027. What was his age when he entered the department? I suppose about twenty or twenty-one.
3028. How long has he been there? He must have entered at £200, because he has had three successive increases, and has now £350.
3029. How long has he been in the department? I do not know; I think about five or six years.
3030. *By Mr. Stewart:* Then he was two or three years at £200? Yes.
3031. *By the Chairman:* Have you seen anything of Mr. Micklethwait lately? I have not.
3032. Have you heard anything of him? Yes, I saw a gentleman last week who was in his company about three weeks since.
3033. Has he been at the office lately? No, he saw him up in the north.
3034. What is he doing there? He has charge, I believe, of the surveys there. I am not aware but what he is still carrying on the surveys. I think he has a staff of men.
3035. Have you ever seen him drinking in office hours? Yes, I have frequently.
3036. *By Mr. Dalgleish:* Do you say you saw a gentleman that saw him in the north? Yes.
3037. Did he make any report of him? I asked him if he had seen Mr. Micklethwait recently; he said he had; I asked how he was getting on, and he said "I do not think the poor fellow will trouble anybody much longer;" I asked him what he meant, and he said, "He is so ill."
3038. *By the Chairman:* Was that all that passed? That was all that passed in relation to him.
3039. Have you seen him drinking in office hours? Yes, frequently.
3040. To such an extent that he could not perform his duties? It must be from drinking; he used to leave often at 2 o'clock.
3041. Has this occurred often while he was on duty? It has repeatedly.
3042. *By Mr. Dalgleish:* Did he drink early in the day? I have seen both him and Mr. Hall commence at half-past 9.
3043. Have you observed whether he was able to take a glass steadily to his head and drink it? No, very seldom.
3044. His hand shook? Yes.
3045. In such a way that he had to take both hands? Yes, at times.
3046. *By the Chairman:* Have you seen any of his work lately? No.
3047. Have you heard he has got past work this year? No, I have not heard that.
3048. *By Mr. Dalgleish:* Can any one whose hand shakes in the manner you have described, act as a surveyor? Decidedly not, because he could hardly take hold of the screw when he wanted to regulate the levels.
3049. *By Mr. Stewart:* I suppose this stimulant was taken so early in the morning to steady their hands? Persons in the habit of drinking to excess, I believe, cannot do anything till they take some drink in the morning.
3050. *By the Chairman:* This is from drink—not from age? Yes.
3051. How do you account for his promotion as district engineer at an increased salary? It would not be an increased salary to him, because he has at the present time £500 a year.
3052. Was not Mr. Mann up in the north for several weeks lately? Yes.
3053. Have you heard what he was doing there? I have not.



3054. *By Mr. Dalgleish*: You say Mr. Micklethwait gets £280 a year besides his salary— what is that for? Expenses for board and lodging, and all who are in the receipt of that sum should keep three horses. Mr. N. Trengrouse.
3055. Is not the sum of £280 allowed in lieu of equipment? Yes. 15 Dec., 1863.
3056. Then I find he gets 15s. a day as well? No, I think that is included in the £280. I know in the Estimates there is a note at the bottom of the page stating how the £280 is made up.
3057. *By the Chairman*: Have you heard what Mr. Mann was doing there? I do not know.
3058. Have you heard Mr. Mann make use of obscene and disgusting language in the office? Yes, I am sorry to say his language was often of a very low character.
3059. Have you ever seen him at his work? I have seen him at his work, but he did but little throughout the day.
3060. What is his salary? He was getting £156 per annum before he left to go into the field.
3061. *By Mr. Dalgleish*: Now he has £300 and £280 travelling expenses? Yes.
3062. *By the Chairman*: How long has he been in the office? About six years, I think.
3063. What does he do when he is supposed to be out in the field? He is connected with making the trial surveys.
3064. Where had he any experience as a surveyor, to go in the field? I cannot say.
3065. Do you believe he has had any experience as a surveyor? I should say he was not equal to get the work out with that accuracy required.
3066. How old was he when he came to the office—about? I think about sixteen.
3067. And was he taken on at sixteen, at £150? I think the first year he was there he had no salary.
3068. But the second year he had £150? When his salary commenced it was £150, but because my son's salary was £156, his was made £156 also, so that he should not be subordinate to my son.
3069. Was he as valuable an officer as Mr. Robertson? I should think not.
3070. Did he know anything of his profession when he went to the office? Not much.
3071. Do you know whether Mr. Whitton and Mr. Mann's father are very intimate? They are very so; they exchange visits with each other.
3072. Do you know whether Mr. Barton is also very intimate with Mr. Mann? Yes, both Mr. Whitton and Mr. Barton.
3073. Can you account for the difference of salary given to Mr. Mann and Mr. Robertson? Well, I cannot; it is not at all events for professional ability; it must be, I suppose, on account of the intimacy between Mr. Whitton and his father.
3074. You cannot otherwise account for it? No.
3075. It cannot be for his professional abilities? It cannot be that. Some surprise has been expressed in the office by Mr. Whitton's staff, that his salary was not increased before; and the reply has been, "Oh, it does not matter, his time will very soon come." It was thought he would have been increased or promoted long before he was.
3076. Does not Mr. Barton keep a very fine sailing boat? Yes, he has a boat.
3077. Do Mr. Whitton and Mr. Barton very often visit Cockatoo in this boat? They visit Cockatoo; I do not know whether it is in this boat.
3078. In office hours too? I am not aware.
3079. Do you know Mr. Whitton was away from office for a month or so? He was away for some three or four weeks, said to be ill.
3080. Do you know whether he was then seen sailing about in Mr. Barton's sailing boat? He has been seen sailing about; my son told me he had seen him.
3081. Was this during office hours? Yes.
3082. Mr. Barton was with him? Yes.
3083. Was Mr. Barton away from ill health then? No, not during the time Mr. Whitton was.
3084. Have you ever seen Mr. Mann drinking in the office? I have.
3085. Have you seen him the worse for drink? No, I cannot say I have seen him the worse for drink; he has been flushed.
3086. What have you seen him drinking? Brandy and beer.
3087. In your evidence already given, you say you have seen Mr. Hall drinking to excess in office hours;—what quantity have you seen him drink during the day? I have seen Mr. Hall drink a bottle of brandy in the course of the day, and also take beer with his luncheon.
3088. Besides his bottle of brandy? Yes, he used to have beer to his luncheon, because he considered it was a greater zest or relish than the brandy.
3089. How much beer used he to take? A pint; sometimes a bottle, that is of bottled ale; mostly he sent out for a pint of draught ale.
3090. *By Mr. Dalgleish*: You know he drank a bottle of brandy a day? I do. Perhaps I may remark that Mr. Whitton asked me how I knew it was brandy; I told him by the smell. He then asked how I knew the bottle was full; I said it was hardly likely the bottle would be corked and sealed without it was full. He asked me how I knew he drank it all; I told him it was hardly likely he would send for another the following morning if he had not drank the whole of it.
3091. Was that taken down? No.
3092. *By Mr. Stewart*: Was this French brandy or Martell's? Principally he used to take dark brandy.
3093. At all events you saw that the bottle was sealed, so that it would be a bottleful? Yes.
3094. *By Mr. Dalgleish*: You say he was in the habit of sending out for brandy? Yes.
- 3095.

- Mr. N. Trengrouse. 3095. Who did he send? Fitzgerald, the messenger.
- 15 Dec., 1863. 3096. *By the Chairman*: You have seen Fitzgerald's evidence? I have.
3097. Is that true? No, it is as false as anything could be.
3098. Was this Fitzgerald in the habit of daily bringing in drink to officers in the department? Yes, I have seen him coming in with a basket with four or five bottles in it at one time.
3099. For different officers? Yes.
3100. He says in his evidence he has only brought but two bottles, one for Mr. Micklethwait and the other for Mr. Hall? Yes.
3101. That must be untrue? Yes.
3102. Used he daily to bring in drink for Mr. Hall? I never knew Mr. Hall to be in the office without sending for drink of one kind or other.
3103. Have you seen drink brought in to Mr. Barton? I have.
3104. What quantity? A bottle sometimes, and sometimes a flask.
3105. What is the most you have seen brought in for him at one time? I have known him to have had brought in a bottleful and this flask; he has also had wine in, in a case; that I have not seen myself, but I know he has had it in.
3106. A dozen case? Yes.
3107. Do you know whether this has occurred often? No, I do not think it has occurred often.
3108. Have you ever seen Mr. Hall so stupefied with drink that he could not go on with his work? Yes.
3109. Have you ever seen spirits brought in, in the morning, by any of the officers? Yes, I have.
3110. By whom? Before 10 o'clock, by Fitzgerald.
3111. Have you seen it brought in by the officers themselves? Yes, I have seen spirits brought in a flask, and sometimes in a lemonade bottle.
3112. Who have you seen bring it in in the morning? I have seen Mr. Micklethwait bring it in that way; Mr. Hall has brought it in a medicine bottle that would hold something like half a pint.
3113. I ask by whom did you see these spirits brought in in the morning? By Mr. Hall, Mr. Micklethwait, and Mr. Fearnside.
3114. Three of them? Yes.
3115. Then after he consumed the bottle that he brought in his pocket, I suppose he would send for more? Yes, I have known that to be done.
3116. Was a bottle of brandy his usual daily allowance? I have known him to take it three days in succession.
3117. A bottle each day? Yes.
3118. Have you ever known him ill from taking too much drink? He was away some eight or ten weeks, and it was rumoured in the office that it was on account of his taking so much drink.
3119. How many weeks? I think it was eight or ten.
3120. Has he frequently absented himself from his duties? Yes, for a day or two together.
3121. That is of frequent occurrence? It may occur perhaps once in a month, or once in two months.
3122. Have you seen any of the contractors coming to the office give money to Mr. Hall to send out for drink? Yes.
3123. Will you mention their names? I have seen Mr. Croshaw do so.
3124. *By Mr. Dalgleish*: Did he give him the money, or throw it down on the table? It was a half-crown thrown down on the table.
3125. Then it might have been denied as having been given to any particular person? Yes, that might have been said; but it was done in that way—perhaps Mr. Croshaw was on one side the table and Mr. Hall on the other.
3126. *By the Chairman*: Was there any other contractor who gave money in that way? Not that I am aware of. I know Mr. Croshaw denied having sent for the drink, and he did not send for it, he threw the money on the table, and Mr. Hall sent out and got two bottles of ale or porter with it; Mr. Croshaw left the room for a short time, and when he returned both bottles had been emptied by Mr. Micklethwait and Mr. Hall—by his manner he expressed disappointment at not having had some of it.
3127. No other officers of the department partook of any of it? No. There were several contractors in the room at the time. I believe it was the time the plans for the Penrith bridge were lying for inspection. There were eight or ten contractors in the office altogether—some I had not seen in the office before at all.
3128. Did this take place in the office, and during office hours? Yes, in the morning.
3129. Was Mr. Hall in the habit of collecting, from the officers in the department, money to send for drink? Yes, he was; he has come to me, and I have given him a shilling towards 4s. 6d. for a bottle of brandy; in fact he has so pestered me, coming three or four times in the morning, that I gave him the shilling more to get rid of him than anything else.
3130. Used he to send the money when he sent for the drink? He did not; he used to put the money in his pocket, and write an order for the bottle of brandy. He used to term that "raising the wind." I stated that to Mr. Whitton in my evidence.
3131. What part of the month was this in? It was mostly towards the end of the month, when he became short of funds I suppose.
3132. *By Mr. Dalgleish*: When he was in "Short's Gardens"? Yes.

3133. *By Mr. Stewart*: Where was the drink obtained? I think it was in George-street at a spirit merchant's. Mr. N. Trengrouse.
3134. *By the Chairman*: Do you mean to say he sent an order to a spirit merchant for a bottle of brandy? Yes. 15 Dec., 1863.
3135. *By Mr. Stewart*: As a sample? Well, that is the way it is delivered, until, I suppose, the dozen has been had, and then it is charged.
3136. *By Mr. Dalgleish*: What spirit merchant was it? I could not reply to that question.
3137. Do you know? I do not know. Mr. Gorkill I think it is—I will not be certain.
3138. You are not sure where it was from? No.
3139. *By Mr. Stewart*: It would occupy the messenger some time if he had to go that distance? Twenty or twenty-five minutes.
3140. *By the Chairman*: Mr. Hall had two reasons for soliciting subscriptions—one was to get money and the other to get grog? Yes.
3141. It appears he was not at all particular how he obtained money? No; when a person would resort to such means as that to get a few shillings, he would not hesitate to receive money from contractors.
3142. I have heard he received money from contractors for giving them the quantities? I do not know whether it is true, but in the case where it was suspected he had done so, the time the party has been in the office to take off the quantities would not have been sufficient had he not been supplied with the quantities.
3143. *By Mr. Dalgleish*: Can you name any particular contractor? Mr. Jamieson.
3144. *By the Chairman*: Has this Mr. Jamieson any work on the lines now? Yes, he has the Morpeth station.
3145. Have you heard of Mr. Hall having been promised or having received money for certifying without measuring up the work? I have not heard that he has received money, but he made about the first attempt to get it, or to feel a contractor's pulse whether he was inclined to do anything of the sort. Mr. Micklethwait told me this.
3146. What did he do? He was measuring up work with Mr. Gibbons, I think it was, and he said to him, "Mind, I have admitted that work to be two or three hundred feet more than it is."
3147. Mr. Micklethwait told you this? Yes, Mr. Whitton told Mr. Micklethwait. It appears that Mr. Gibbons told Mr. Whitton of it, I believe, the next day, and Mr. Whitton told Mr. Micklethwait. Scarcely anything takes place but what the one tells the other, Mr. Whitton and Mr. Micklethwait.
3148. Then I understand you to say that Mr. Gibbons told Mr. Whitton next day? Yes, that Mr. Hall put it to him in that way.
3149. And Mr. Whitton told Mr. Micklethwait, and Mr. Micklethwait told you? Yes; he said Mr. Whitton had a good mind to dismiss him there and then for attempting a thing of the sort.
3150. *By Mr. Dalgleish*: Then you know he had Mr. Hall up before him for something? I did not say he had him up, but Mr. Micklethwait told me he had a good mind to get rid of him there and then, or something to that effect.
3151. *By the Chairman*: Was there not something that occurred between him and Mr. Graham, a contractor? Yes, with reference to the Burwood station.
3152. In reference to lock furnishing? Yes.
3153. Have you heard of any other contractors having been what they call sounded as to their liberality? No, no one but those I have just mentioned.

WEDNESDAY, 23 DECEMBER, 1863.

Present:—

MR. DALGLEISH, | MR. TIGHE.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Nicholas Trengrouse called in and further examined:—

3154. *By the Chairman*: Is it true that Mr. Hall idled a great portion of his time during office hours? Frequently he did not work more than half the day. Mr. N. Trengrouse.
3155. What do you mean by frequently? Almost daily. 23 Dec., 1863.
3156. And you mean to say that, during the time he was in the office, he did not work above half his time? He did not.
3157. Have you ever seen any of his performances in the long room? I have.
3158. What have you seen? I have seen "The storming the Malakoff," as he termed it—"The Redan"—"The Scissors-grinder"; I have not seen "Shakespeare" performed.
3159. Have you seen any other performance? I have seen both ale and spirits planted under rolls of papers, and on going to them he used to term it "Storming the Garrison," and "Storming the Redan."
3160. Have you seen him perform the "Tap-room Toper"? Frequently—to perfection.
3161. "Suffolk Punch"? I have not seen that.
3162. You were not in the long room for the last five or six months you were in the office? Not for a longer period than that; I must have been up-stairs six or nine months. This took place when the long room was at the old building.
3163. I suppose when Mr. Hall was engaged in these performances, it prevented the other draughtsmen in the office performing their work? Yes, that was the great evil of it; of course it drew their attention, and therefore not only his own time was wasted but that of others.
- 3164.

Mr. N.  
Trengrouse.  
23 Dec., 1863.

3164. Do you know whether any of these exhibitions took place while any of the contractors were in the room, taking out quantities? I do not know that any of these particular performances took place on that occasion, but he was frequently singing and whistling nearly all day. I have seen contractors look up with astonishment at the noise he made—they could not go on with their calculations; in fact, there were two who left the office in consequence of the noise he made.

3165. Could you name them? I could not—there were so many in the room at that time; they were strangers to me—I do not think I had seen them before.

3166. Of course, when contractors go in to take out quantities, they want to have everything quiet, so that their calculations may not be interrupted? Yes, of course; even from their own talking one with another, it is almost as much as they can do to take out quantities correctly.

3167. Have you ever heard Mr. Hall speak disrespectfully of Mr. Whitton and his staff? I have heard him say that he never saw a more ignorant set of fools in his life, and could not think how they came to be sent out from England to perform such duties here.

3168. That was the nature of his remarks? Yes, those were about the words he used.

3169. I have been told you were present at the railway station when Mr. Hall, in a drunken state, made some threat against Mr. Holt—were you? No, I was not present; I heard of it; it did not occur at the station. Mr. Holt was on his way to the station; Mr. Hall, who was in a drunken state, called out after him, saying that he would give any one £20 who would shoot that fellow, pointing at and after Mr. Thos. Holt.

3170. Did you hear whether Mr. Holt heard him? No, I believe he did not.

3171. Whom did you get your information from? Mr. Gardiner; he was present at the time.

3172. Did Mr. Gardiner tell you he had heard the expression? Yes.

3173. When did Mr. Gardiner tell you this—was it before you were suspended? Yes, some considerable time.

3174. Before Mr. Gardiner was dismissed from the office? Yes, several months.

3175. I have also been told that Mr. Hall used to lose a good deal of his time in waiting for Mr. Whitton to approve of his work? He has done so. The longest time I have known him to wait in that way has been a week.

3176. Do you mean to say he did nothing during that week? He did no work at all, but walk about the office and pretend to be at work at his drawing.

3177. Where was Mr. Whitton at this time? In Sydney, and in the office.

3178. Do you mean to say that Mr. Hall waited a week for Mr. Whitton to approve his work, without applying to Mr. Whitton for other work? He did so. I spoke to him about it, and asked him why he did not go and see Mr. Whitton, as was his duty to do. His reply was that he should not run after Mr. Whitton; it was his duty to come and see what was going on in the office, and give the officers an opportunity of putting any questions they wished.

3179. How often did Mr. Whitton visit the long room? Whilst Mr. Gardiner was there I have known Mr. Whitton to come perhaps every day in the week, but after he left I have not known him to come down there for months together.

3180. Do you know why he attended so regularly while Mr. Gardiner was engaged there? I can hardly say why that occurred, without it was to see how Mr. Gardiner was getting on. This was the time he was getting out the cost of the different lines, before the money was voted by the Assembly.

3181. Mr. Gardiner was engaged in the duty of calculating the cost, or estimating the cost of the different lines? Yes, he got out all the bridges—designed them in fact.

3182. Is it not a most highly qualified engineer that is generally selected to perform those duties? Yes, he must be, otherwise he could not do it.

3183. At the time Mr. Gardiner was making these estimates, do you know what salary he was receiving? £400, I think.

3184. Was not Mr. Mason considered the Chief Assistant Engineer? He was.

3185. Was it not Mr. Mason's duty to perform these duties that were cast upon Mr. Gardiner, instead of Mr. Gardiner? Yes, I certainly think it should have been performed by him, because at that time there was not much work going on, therefore he was not required on the works.

3186. Do you think it was considered in the office generally, that Mr. Martin Gardiner was the most competent person in the office to perform these duties? From the fact of their being given to him, I suppose he was.

3187. Do you suppose that if Mr. Whitton had considered Mr. Mason reliable and fit to perform those duties, he would have selected Mr. Martin Gardiner to do it? I cannot tell what object he had in doing it certainly.

3188. As a professional man, do you not think so? Perhaps he thought Mr. Gardiner would get them out more speedily, and at the same time more correctly.

3189. Do you think Mr. Mason is competent to perform the work that Mr. Martin Gardiner was selected to perform—from your knowledge of Mr. Mason? I do not know; I could not answer that question.\*

3190. Nevertheless, although Mr. Mason is considered Chief Assistant Engineer and receives a considerably higher salary, he was engaged in inferior duties to those Mr. Martin Gardiner was performing? Decidedly he was at that time.

3191. Did you ever see Mr. Arnold in the long room? I saw Mr. Arnold there but once during the whole time he was Minister, and I do not believe he was there more than that time.

3192. Did ever you hear of Mr. Hall's reasons for leaving England? No.

3193.

\* ADDED (on revision):—But my opinion of Mr. Mason is, that of the staff who were sent from England, Mr. Mason is decidedly the most efficient officer in every respect.

3193. Had Mr. Whitton taken down your evidence as you gave it, there would have been no reason for suspending you, I presume? Decidedly not.
3194. There was never any complaint made against you? I never heard of any.
3195. You always performed the duties given you? I never returned anything that was given me, on account of inefficiency.
3196. Did you hear the reason why they suspended you? The only reason I see now is from the printed evidence and Mr. Whitton's report, wherein it is stated that, having a knowledge of the disorganized state of the department, I had not made it known to him; for this only I believe I was suspended.
3197. It was not your duty to make it known to him while there was a superior officer in the room? It was not my duty, but I should have done so, and had in fact previously, when I was treated as I have before stated for so naming it. I consider every one holding a Government appointment should see that the duties are performed with as little waste of time as possible.
3198. Did you keep a journal of your time? Yes, we were all instructed to keep a journal.
3199. Do you know whether Mr. Barton kept a journal of his time? I do not know; he certainly should do; if he does not, the object for which they are kept cannot be arrived at.
3200. What is the object of these journals? I imagine the object is to ascertain the cost of the different lines, or even the different contracts; the whole of the time is debited to the different works, so that each one shall shew the labour connected with it. Of course if Mr. Barton does not give his time in, that object is done away with altogether.
3201. Of course if the journals are not kept by all, they are perfectly useless as regards the cost of the lines? Yes.
3202. Is it not understood that officers allowed £280 a year as travelling expenses should keep three horses? It is so mentioned in the Estimates.
3203. Mr. Mann is getting this allowance? Yes.
3204. Do you know whether he keeps any horses? I have never heard that he does, but on the contrary.
3205. Does Mr. Barton keep any horses? He has one I know—whether he has any others I am not aware.
3206. *By Mr. Dalgleish*: Mr. Barton keeps a pleasure-boat, does he not? Yes, he does.
3207. *By the Chairman*: Perhaps that is considered equal to keeping a horse? I do not know.
3208. It is very near as expensive? Well, it costs as much as six very good horses would.\*
3209. Being only half his time in the office, he requires a pleasure-boat perhaps as much as he does horses? Yes.†
3210. I do not know whether I asked you before whether Mr. Mann usually attends the office at the ordinary hours? He comes more frequently late than at the proper time.
3211. Is it not the fact that his usual hour of attendance is between 10 and 11? He is seldom there before 10 o'clock.
3212. Does he not frequently absent himself for a week at a time? He has done so.
3213. Mr. Whitton and Mr. Barton must have known of these irregularities? Yes, Mr. Whitton knows when every one is absent. To prove what I have said with reference to his knowledge of these matters, I will state a circumstance that occurred. I left one afternoon at ten minutes to 4 o'clock—I wanted to see a party in Pitt-street who leaves his office at 4. The next morning I had not been in the office half an hour before I was told of it by Mr. Whitton.
3214. So that he must know the movements of —? That is a proof he knows every minute we are away.
3215. Have you ever heard of Mr. Mann being snubbed for his irregularities? Never.
3216. Mr. Mann occasionally makes use of disgusting language in the office? He does.
3217. Do you know whether Mr. Mann knew anything of his profession before he entered the office? I think he could not have known much. There is another matter I should like to mention with reference to being absent from the office. I was in the habit of going to the bank once a month, I told Mr. Whitton of this, and although I went only once a month, he objected, and said I ought to get an agent to perform my duties. I think this should be noted, to shew the feeling he had towards me. At the same time he must have forgotten he has all in the office and three messengers to wait upon him, and yet my going out once a month, for half an hour, was objected to by him.
3218. This mode of carrying on the duties—some officers kept strictly to their time, and others as irregular as they think proper—must create great dissatisfaction? It does naturally so.
3219. According to your statement, all that a man has to be is a favourite with Mr. Whitton, and he can do as he likes in the office? It is very near this.
3220. Do you not think an office kept as you describe his office to be kept, a disgrace to the Colony? Decidedly so, and a great waste of time and money as well.
3221. Can you tell me what length of time Mr. Martin Gardiner has been in the office altogether? I think it must be about two years.
3222. Was it during his first engagement that he was estimating the cost of the railways? Yes, his first engagement.
3223. What other duties had he to perform on that occasion? I think that was all he did.
3224. *By Mr. Dalgleish*: Did you not state that he designed some iron bridges? Yes, he could not arrive at the quantities without first designing them.
- 3225.

\* ADDED (on revision):—To purchase, as he paid over £200 for this boat.

† ADDED (on revision):—Very likely, but being in a boat he is not so likely to be known as riding about on a horse.

- Mr. N. Trengrouse.  
23 Dec., 1863.
3225. *By the Chairman*: Is not that considered the duty of a very highly qualified civil engineer? It is.
3226. If Mr. Whitton was not well satisfied as to the qualifications of Mr. Martin Gardiner, he would not have set him, I presume, to such work as this? Decidedly not—of course he would not think of doing it.
3227. Then, in fact, Mr. Martin Gardiner was selected to perform the most important duties of the whole of the Railway Department? He was. I consider the duties he performed were much before that of securing the best route for railways in the Colony.
3228. Did Mr. Martin Gardiner get up the calculations as to the cost of the different lines, or was he confined to one only? I think it was the whole of them.
3229. Was any other gentleman in the office selected to do this work besides Mr. Martin Gardiner? I believe not.
3230. Had he any assistance? No, I think he did it all himself.
3231. There is an immense amount of work in these calculations? Yes, a great deal.
3232. Did you not give us a statement that Mr. Hall was some three weeks engaged in taking out the quantities of one of those small stations on the line? No, I think not; he could not have been that length of time in taking out the quantities of a station.
3233. How long do you think he was—you were present, I believe, when he was taking out the quantities of one station, so I am informed? It may have taken him four or five days—perhaps a week.
3234. If it had taken Mr. Gardiner the same length of time in proportion, I suppose he would have been seventeen years calculating the cost and taking out the quantities of our three main lines? I do not think he is equal to it.
3235. Who? Mr. Hall.
3236. I say if Mr. Martin Gardiner was so slow in his calculations in proportion to the work he was employed on, how long do you think it would have taken him to take out the quantities of our three main lines? I think it would have taken him years, but I cannot say how many.
3237. Do you think he could do it in ten years? It is a mere matter of guess.
3238. What do you think? It would take him several years, at all events.
3239. *By Mr. Dalgleish*: I suppose your answer simply amounts to this, that you cannot answer the question? Well, I cannot. It certainly would take years.
3240. *By the Chairman*: You must know it would not require above a day to take out the quantities of one of these stations? It ought not to.
3241. Could you not do it in half a day? Some of them. In revising my evidence I find I omitted to mention the following, and now claim permission to name it:—I was asked if I had been in business on my own account; I then stated I had been, as a draughtsman; but I have done mechanical work in Sydney—I put up the revolving shutters for Farmer, Williams, & Giles, Pitt-street. This, I think, should be mentioned, because it will shew that beyond my being a mere tracer, as represented, or even a draughtsman, I know something of mechanical operations.
3242. I believe you have the plans you speak of—will you shew them to the Committee? (*Plan produced.*) This is the sketch I got up roughly for the occasion, just to give an idea of their appearance.
3243. This is a design? Yes, for patent curvilinear shutters. I have put many of them up in England. I believe I am the only one in Sydney who understands these shutters.
3244. You are speaking of the time they were put up? Yes; there have been no others put up in Sydney, except a short length in King-street, near the theatre, which I did also.
3245. *By Mr. Dalgleish*: Are not these Bunnett & Cope's patent, with the difference that these are wound round a vertical shaft, while Bunnett & Cope's revolve round a horizontal shaft? Yes, with the exception of mine being of cedar and Bunnett & Cope's iron.
3246. Upon a chain? Flat hinges; there are five tiers of hinges upon these.
3247. Are these your designs—I do not mean the drawing; I see these are termed "Trengrouse's Improved Curvilinear Shutters"—were you the designer of them in England? No, I improved upon them.
3248. You did not design them in the first place? No, I made improvements on the apparatus for working the shutters.
3249. Do you produce this as a specimen of your drawing, as well as —? No, I do not produce it as a specimen of drawing. That was only roughly done, to give an idea before I secured the order for the work. Here (*producing a plan*) is one of my last drawings for a proposed gallery in the church I attend.
3250. This is a proposed gallery for the Newtown Congregational Church? Yes. It has not been completed yet.
3251. Was this designed by you? Yes, and was done gratuitously.
3252. It is your own design? Yes.
3253. The column appears to be something similar to the column in the Hall of the Legislative Assembly, under the Speaker's Gallery? I am not aware that it is so; I have put up similar columns in England.
3254. Do you produce this as a specimen of your drawing? I put it in as such now.\* It has been done about eighteen months.
3255. *By the Chairman*: When you say Mr. Martin Gardiner got out the estimates, do you mean that he made the drawings or sketches of bridges and viaducts? Yes, he made the whole of them.

3256.

\* INSERTED (*on revision*):—But never considered I should have to do so after ten years' service, or I would have exhibited something very different.

3256. And calculated their various strengths, strains, and proportions? Yes.
3257. And then got out the cost? He did.
3258. Are any of these drawings in the office? I believe they are; they should be.
3259. *By Mr. Dalgleish*: Have you seen them at any time? Yes.
3260. *By the Chairman*: What do you think of them as drawings—or were they mere sketches, merely to shew the idea? There was very little time bestowed upon them—only sufficient to enable him to arrive at the cost.
3261. *By Mr. Dalgleish*: Simply hand sketches, figured instead of being made to scale? They were made to scale.
3262. *By the Chairman*: Was Mr. Gardiner considered quick at his work? I consider him very quick.
3263. Do you know how long it took him to work up the cost of these lines? I cannot be certain as to the time; I believe it was five or six months—it was a very short space of time.
3264. *By Mr. Dalgleish*: Did he complete them in that time? Yes, because they were wanted in a hurry.
3265. *By the Chairman*: Do you know whether it was his estimates that were laid before the Assembly? I am not aware whether he got out the last estimates.
3266. I am speaking of the first estimates for the first class lines? Yes.
3267. It was Mr. Gardiner's estimates that were laid before the Assembly, and of course received the approval of Mr. Whitton? Yes, it was.
3268. Since which an inferior kind of railway is being carried out at much less cost? As regards costing much less I cannot answer that question; I very much doubt their reduced cost.
3269. It was stated in the House that it would cost less? Yes.\*
3270. Do you know how long it took him to work up the cost of these three lines? I think about five or six months. It was done in a short time.
3271. Do you think there is another officer in the Country capable of getting up the cost as Mr. Gardiner did in the same time? I do not think so, neither do I think they would get it up in double the time.
3272. And so accurate? And so accurate.
3273. During the time you were in the long room, did you ever see Mr. Gardiner drink any spirits or beer? The whole of the time I was in the long room I never saw him drink anything but water.
3274. Was he considered of a quarrelsome disposition? Not at all—rather the opposite.
3275. Was it not considered in the office that Mr. Gardiner possessed high engineering attainments? That was my opinion of him; whether the others entertained the same I do not know.
3276. Did you ever hear any of the other officers venture an opinion? No, I have not, but I have heard that he once offended Mr. Whitton, by suggesting some improvements in reference to the line he was taking out, which I believe operated against him.
3277. Have you ever known him to fail in performing any of the duties given him in connection with the railway? I have not.
3278. Is he a first class draughtsman? I should consider him to be so. I have seen but one or two of his drawings; they were done as well as any one need wish a drawing to be.
3279. I presume there are drawings of his in the office? There are some there.
3280. Then all that Mr. Arnold said about Mr. Gardiner's inefficiency was false, and most unjust to Mr. Gardiner? Quite so.†
3281. And I presume the great objection, according to your evidence, is that Mr. Gardiner is too well up in his profession for some persons who stand very high in the office? I think that is the only objection. It has been said in the office that as soon as it is ascertained that an officer knows a great deal, or "too much" as it is termed, steps are taken to get rid of him.
3282. He becomes unpalatable to the head of the department, simply because he is not well up in his professional duties himself? Just so.
3283. Do you think this feeling does exist in the head of the department? I think there is nothing more likely.
3284. Of course you are referring to Mr. Whitton? Yes, most decidedly.
3285. Do you think Mr. Barton and Mr. Mason also have the same feeling? No, I do not think they would entertain the same feeling as Mr. Whitton does in that respect.
3286. Have you heard this remark made in the office by any officers of the department? Yes, I have.
3287. By whom have you heard it repeated? Mr. Micklethwait. I should say it was from Mr. Hall I heard it, but it emanated from Mr. Micklethwait.‡
3288. Do you know what was said respecting this? I do not know more than I have previously stated—that when an officer is supposed to "know too much," they consider his services ought not to be retained.
3289. Do you think that any of this jealousy had reference to Mr. Gardiner's superior engineering abilities? I certainly do.
3290. Do you know whether Mr. Gardiner has committed himself in any way to deserve Mr. Whitton's feeling towards him? I do not, more than I have stated about his suggesting improvements in connection with the work on which he was engaged.

3291.

\* ADDED (on revision) :—That may be, still it is not all truth that is stated in the Assembly; there is one Member I know would not hesitate at anything, however false.

† ADDED (on revision) :—And a gross libel, both as regards Mr. Gardiner and myself.

‡ ADDED (on revision) :—Mr. Drewett has also told me, that Mr. Whitton had (as he said) a "great down" upon Mr. Gardiner.

Mr. N.  
Trenrouse.

23 Dec., 1863.

- Mr. N. 3291. Then it is rather dangerous for any officer in the Railway Department to suggest any  
 Trengrouse. improvements in the lines? I consider it very so.
- 23 Dec., 1863. 3292. No matter how beneficial it may be to the public, or how it may decrease the expense  
 of constructing the line, if he makes a suggestion it is the first step to his removal from the  
 office? I believe from the time any improvement is suggested, the party so doing it is out  
 of favour altogether with the Chief.
3293. I presume after an officer has been once treated in this way, he is not likely to make  
 any suggestion as to the improvement or alteration of the railway, but will let matters go  
 on just as the Chief or his favourites may wish? I think it very unlikely they would. I  
 know I should be the last to do so under the same head, after the treatment I have received  
 at his hands.
3294. Do you not think this is the most effectual way of preventing any improvement in  
 our railway construction? I do not think a better course could be suggested than that.\*
3295. Do you not think it was one of the reasons for the dismissal of Mr. Gardiner, that  
 he lectured in the Philosophical Society respecting the absurd curves and gradients in our  
 railways? I think that was the principal cause of his being removed.
3296. Had not this lecture reference to many successive sharp S curves? Yes.
3297. There are several objections to this class of curve? Yes, they are most objectionable;  
 because you cannot travel over them with any speed without danger of going over altogether.
3298. One I believe is, that when a train gets about two-thirds round the curve, being the  
 point where the outer rail shall be most elevated, the equilibrium of the train requires to be  
 immediately reversed — ? Yes, that is the operation it would require.
3299. To travel upon the opposite curve? Just coming about, as you have said, two-thirds  
 round the curve, of course you get the greatest impetus; then you want to reverse the  
 equilibrium of the train †
3300. Which, if you put it above the pace of a bullock dray, will throw the whole train off  
 the line? Yes, it must throw it off.
3301. *By Mr. Dalgleish*: When the train is passing over two opposite curves, the inclination  
 of the carriages must be reversed—when it is traversing the right hand curve the carriages  
 are inclined to the left, and when traversing the left hand curve then they incline to the  
 right,—if it is an S curve, with the two outside curves reversed? The carriages lean the  
 same way as the curves are going; when on the right hand curve they would lean to the  
 right, and when they come to the left would lean to the left; they must lean with the curve,  
 right or left.
3302. *By the Chairman*: Because the outer rail is the highest by several inches? Yes.
3303. The sudden rock from one side to the other would throw the train off the railway,  
 unless it was going at a very slow pace indeed? Yes.
3304. *By Mr. Dalgleish*: I think you misunderstood what I said—I was not alluding to  
 the elevation of the rail—I simply stated that when a train was traversing two opposite  
 curves the inclination of the carriages must be reversed? Yes, so far as the coning of the  
 wheels would admit.
3305. I think that was the question I put before? Yes, it may have been, but I did not  
 understand it so.
3306. Then you misunderstood what I said? Yes, I must have done.
3307. *By the Chairman*: Another objection to these sharp curves, I believe, is the immense  
 pressure of the wheel flanges always acting against the rails, causing the engine to be of  
 much greater power than required? Yes, that is another objection; because the tension  
 from the first carriage must draw those following it heavily against the side of the rail.
3308. And, of course, it must require an engine of greater power than if the curves were  
 properly constructed? Yes.
3309. *By Mr. Dalgleish*: As a matter of fact, should the flanges touch the sides of the rails  
 or edges of the rails at all? Not at all.
3310. Should not the elevation of the outer rail, and the coning of the wheels, act in such  
 a way as to prevent any friction from the locomotive or carriages, excepting a little on the  
 leading wheels? Yes. ‡
3311. The only thing an engineer has to do, is to properly attend to the disposition of his  
 rails, and to have his wheels of proper cone to take the curves? Yes.
3312. *By the Chairman*: Of course it wants nice calculation to understand how much the  
 outer rail should be elevated in these curves? It does.
3313. Is not the greatest evil to be dreaded that the train will get off these lines altogether,  
 and of course kill or injure a great number of passengers? These reverse curves are the  
 point to be dreaded, unless they go at a very slow pace, provided they have not a piece of  
 straight line between each of the reverse curves, to allow the engine and carriages to right  
 themselves again.
3314. Do you know the radius of the sharpest curve on our lines? I think eight chains is  
 the sharpest curve on our lines.
3315. You say this danger could be obviated by a piece of straight line, even if it was not  
 more than two chains between the two curves? That would prevent it.

3316.

\* ADDED (on revision):—And it is impossible to ascertain the loss to the Colony that must  
 accrue from such ignorance.

† ADDED (on revision):—At once, having entered upon the opposite or reverse curve. This cannot  
 be done at anything like proper speed.

‡ ADDED (on revision):—Were the outer rails in all curves properly elevated, according to their  
 radii, it would have the effect mentioned by you; no doubt the wheels are properly coned, being made  
 under the supervision of Mr. John Fowler.



3316. It would give the engine time to steady itself before it went on the reverse curve? Just so, and to regain its perpendicular. Mr. N. Trengrouse.
3317. Do you know whether they are trying to alter the original plan of our lines so as to meet this objection? I cannot speak positively to that effect; I have heard that it is being done. 23 Dec., 1863.
3318. Is not this the difficulty that Mr. Gardiner at once saw, and wished to bring before the public, before it was too late to rectify? That was the sole cause of his lecturing at the Philosophic,—to point out these errors and take it up in time, as it cannot be well altered afterwards. It could be altered, of course, but it would entail heavy cost, as the line would have to be widened in places.
3319. What Mr. Gardiner wished to prove to the Colony, even at the cost of his situation, was that the speed of travelling on our railways would be only half what it would be if they were properly constructed? That was the object he had in view, I know, because he spoke to me about it.
3320. *By Mr. Dalgleish*: And also that it would be dangerous to life and property? Yes.
3321. *By the Chairman*: If they attempted above half-speed some frightful accident and perhaps great loss of life would be the result? That must occur in consequence of the present way of constructing the lines.
3322. In consequence of these absurd curves? Yes.
3323. Is it not usual for the Railway Department, in laying down these curves, instead of finding the proper elevation for the outer rail by calculation, to run trains over them until they find they answer? I do not know whether they adopt that system here, but of course it should be done by calculations.
3324. Do they not do so instead of making calculations—did they not adopt that plan on the Pitt-street Tramway? I was going to observe that I should hardly think they did so, because the outer rail in the curve near the terminus was elevated four different times before they found it sufficient to prevent the car going off. It went off three times, and at the fourth alteration it was found to remain on; from this fact I suppose they considered they had arrived at the proper height it should be.
3325. If they had adopted the proper plan, by engaging a scientific man to make the calculations, it should have been done at the first laying? Yes, it should have been done at the first laying, of course, if cost is now any consideration.
3326. Was there no officer in the department at the time, qualified to make the calculation to find the necessary height for the outer rail to be elevated over the inner? I should imagine there would not be, as that method was not adopted.
3327. Was Mr. Gardiner in the department then? Yes, I think he was.
3328. What was he engaged at, at that time? I do not think he could have been in the office at that time. I think that was before he was engaged—I cannot answer that question.
3329. Do you think there was an engineer in the department qualified or capable of making the calculation? There may have been, certainly, but if there was it was great neglect of duty on his part that it was not done properly in the first place.
3330. *By Mr. Dalgleish*: You simply do not know whether there was or not? I do not.
3331. *By the Chairman*: I presume if there was, the proper mode of laying down the rail would have been adopted? I should think so.
3332. *By Mr. Dalgleish*: Had Mr. Whitton charge of laying down that tramway? Yes, he had everything to do with it. Mr. Drewett occasionally superintended its construction.
3333. Were the plans drawn in his department? Yes.
3334. What officer drew them? I did something towards them, Mr. Drewett did also.
3335. What officer took the levels? I think it was the sappers' levels that were acted upon.
3336. Who laid down the curves? That was also done by them I think, or by Mr. Micklethwait.
3337. Were they laid down in the office on paper, or simply laid in the middle of the street? They were laid on paper.
3338. Then the proper elevation should have been given on the plans? Yes, on the working transverse section.
3339. At the centre of each curve? Yes.
3340. Was that done? I do not know—I do not think it likely.
3341. *By the Chairman*: You do not know whether this is the usual system adopted in the Railway Department, in reference to all the curves on the three lines? As regards running carriages over the curves to find the proper elevation of the outer rail?
3342. Yes? I do not know whether that is the system adopted.\*
3343. I believe that was not the only mistake that took place in that simple job—the tramway? It is not, because at the first commencement there was a mistake made in laying down the rails—the present inner edge of the rails should be on the outside.
3344. *By Mr. Dalgleish*: Was that a mistake, or was it done intentionally? I never heard it was done intentionally.
3345. Did you not hear it was done for the purpose of allowing the common railway carriages to run on the rails? Yes, I have since heard it was done for that purpose; but it does not answer the purpose, for I see they continue to bring the bar-iron on carriages.†
3346. What carriages? Timber carriages and drays through the streets.
3347. Not on the rail? No.

3348.

\* ADDED (on revision):—Should it be, this must be the only part of the world such science is brought into use.

† NOTE (on revision):—The current report was, that this excuse was raised to cover the first mistake of laying the rails inside out.

- Mr. N. Trengrouse.  
23 Dec., 1863.
3348. *By the Chairman*: Was not the circumstance of the outer rail not being properly elevated the cause of the accident by which Mr. Want lost his life? I have heard that was the cause.
3349. Have you ever seen Mr. Doherty drinking spirits or beer during office hours? No, I have not.
3350. Did he conduct himself with propriety in the office? Yes, decidedly so.
3351. Was he in the habit of wasting his time at all? No, I consider him very attentive to his duties, and he did a large amount of work.
3352. What was his principal work in the office? I have never seen him doing anything but tracing.
3353. Is he not a surveyor and engineer? Yes.
3354. Is he not in receipt of a very low salary? Yes, I think it is only 10s. a day.
3355. Do you think his services are of equal value to the Government with Mr. Mann's? Yes, very much more so.
3356. Nevertheless Mr. Mann gets double the salary? About double.
3357. Besides £280 a year for travelling expenses? Yes.
3358. *By Mr. Dalgleish*: Were you much in the long room while Mr. Doherty was there? Not many months.
3359. Were you frequently in the room, so as to have opportunities of forming a judgment on your own knowledge of the circumstances of which you are speaking? With respect to what I am now speaking to, I was in the room the whole of the time; he was working next to Mr. Hall for some months.
3360. *By the Chairman*: As you have been in the habit of travelling on the Southern line from the time it was first opened, you must have seen Mr. Nealds, the late Traffic Manager, very frequently? Yes, I have seen him repeatedly—that is, twice a day, morning and afternoon.
3361. During this long period, have you ever seen him the worse for drink? I have not.
3362. Do you know anything of his business habits? Well, my opinion of Mr. Nealds is that he is a man of great business habits, and one in every respect suited to be Manager of the traffic on the railways.
3363. Will you explain anything you have seen which led you to that conclusion? I have been with Mr. Nealds, and sometimes walked with him from the office in the afternoon up to the railway, or rather I have attempted to do so, as I have been obliged on several occasions to leave him or be too late for the train, as he was in the habit of stopping all the laden drays on the road, that he met in his walk from the office to the station, arguing why they did not bring their goods down by the railway.
3364. He was anxious to draw the custom to the railway? Yes, he exhibited a great amount of zeal for the interest of the Government, more than I have seen in any officer.
3365. He received a salary of £500 a year, did he not, with one per cent. on the receipts until his salary attained £700 a year? Yes.
3366. Then it was Mr. Nealds' interest, of course, to draw as much traffic to the railway as possible? Yes, and at the same time it was equally beneficial to the Government. I have known him stop three or four on the road.\*
3367. I believe you have already stated that Mr. Fearnside can take a full quantity of drink at short intervals throughout the day? Yes, I have seen him frequently drinking through the day.
3368. *By Mr. Dalgleish*: I think I understood you to say that he took more than a full quantity? He took considerably more than I should have liked to take.†
3369. *By the Chairman*: You say his duties consisted principally of lettering plans? Yes.
3370. I am told he takes three times as long to do this simple duty as he should do? From the style in which they are done I consider it is a waste of time; there is no occasion to take such pains.
3371. Mr. Fearnside, it is said, occupies a good deal of time in reading the newspapers and discussing politics? Yes.
3372. Is it true he occupies the largest portion of his time in reading the newspapers and discussing politics, instead of lettering the plans? No, I should not say he devoted the greater portion of the day to that amusement; perhaps it may be twenty-five per cent. of his time.
3373. I should imagine it does not require a great degree of professional ability to letter plans? Not at all.
3374. Do you not think they could find boys just leaving school, to do this work for £50 or £60 a year, for which Mr. Fearnside gets £1 a day? Yes, a boy could do it, because they are first put in pencil by the surveyor, and then in ink by Mr. Fearnside.
3375. What other duties does Mr. Fearnside perform? I have seen him mostly engaged on the sections—figuring—scarcely anything beyond that.
3376. Do you think Mr. Fearnside, as an officer of the Government, is equal to Mr. Robertson? Decidedly not.
3377. Do you think he is to be compared in any way to Mr. Robertson? Well, he is not as a draughtsman.
3378. In any capacity? As to his surveying abilities I do not know.
3379. He is not surveying in the office? No.

3380.

\* ADDED (on revision):—In one afternoon. This per centage is now abolished, and with it the zeal once carried out. This, if anything would, must exhibit great lack of proper management.

† ADDED (on revision):—And much more than enabled him to perform his duties properly.

3380. Do you not think justice would require that their salaries should be reversed—Mr. Robertson to get £1 a day, and Mr. Fearnside £100 a year? Yes, as regards the duty they perform. Mr. N. Trengrouse.
3381. I have heard also that Mr. Mackay is also ready to discuss any topic that is started? 23 Dec., 1863.  
Yes, he loses a large amount of time in discussing different topics.
3382. Does Mr. Mackay lose as much time in talking and reading the newspapers as Mr. Fearnside? He does in talking—more than Mr. Fearnside even.
3383. He does not read the papers? Not so very much.
3384. He cannot talk and work at the same time? He cannot.
3385. He is a bit of a newscarrrier and tattler in the office? Well, it is not safe to say much to him—in fact, he has acknowledged that he cannot avoid making things known that come under his knowledge.
3386. The result of all that has been done in this matter is, that of the three persons who have been the sole cause of all the disorganization in the office, two have been acquitted altogether, and the third, though suspended, has been reinstated—I am speaking of the persons complained of by Mr. Gardiner? It is a decision far beyond my comprehension that the parties who were the sole cause of the disorder\* and waste of time† should be exonerated, and those who have given truthful evidence, beneficial to both the service and Colony, should suffer for it.
3387. *By Mr. Dalgleish*: Mr. Hall was discharged, was he not? No.
3388. He was suspended? Yes, but his dismissal was not recommended as ours.
3389. Was your dismissal recommended? Yes, at the same time as my suspension.
3390. *By Mr. Tighe*: Your dismissal was recommended, for not complaining of Mr. Hall's conduct? That was the excuse Mr. Whitton used.‡
3391. You were recommended to be dismissed for not complaining of Mr. Hall's conduct, but Mr. Hall was retained in office, although his conduct was so bad that you were to be dismissed for not complaining of it? Yes, that was Mr. Whitton's version.
3392. *By the Chairman*: You did complain? Yes, two or three years ago.
3393. Can you mention the month? It was in February, 1861.
3394. *By Mr. Dalgleish*: Do you keep a diary? Yes, I do.
3395. Did you note that matter? I did in my own private diary. Being so treated on that occasion by Mr. Whitton, although uncalled for, I was determined I would make a note of it, in case it should be at any time again introduced.
3396. What is the entry in your diary? I have it down here: "I spoke to Mr. Whitton"—
3397. *By the Chairman*: Is this a copy from your diary? Yes, very nearly a copy. "I spoke to Mr. Whitton about the drinking and disorganization"—in February, 1861, this was, when he threatened to stop a week's pay from my son.
3398. *By Mr. Dalgleish*: It is not entered there what Mr. Whitton's answer was to you? No; the reply made by Mr. Whitton I should never forget.
3399. *By the Chairman*: His answer was what? That he would suggest it would be better for me to mind my own business and attend to my own duties.
3400. *By Mr. Dalgleish*: Did you seek Mr. Whitton for the express purpose of complaining to him at the time of the conduct of the officers in the long room, or was it for the purpose of complaining of the stoppage of a week's salary from your son—which object did you seek him for? It was about the drinking and insubordination I went to see him.
3401. And the stoppage of your son's salary? That arose from it; I knew nothing of this previously.
3402. What was the cause of your son's absence at that time? He wanted to be away for the day, and spoke to Mr. Mason about it; Mr. Mason, I think, referred him to Mr. Whitton, who was engaged at the time with Mr. Wilcox; my son, having spoken to Mr. Mason, he left. Mr. Whitton told me he intended making an example of my son, and had given instructions to Quodling to stop a week's pay from him.
3403. *By the Chairman*: How long was your son absent? I think it was a day.
3404. *By Mr. Dalgleish*: Did he stop a week's pay for it? Yes; a minute was written respecting it. My son would not receive his salary on account of this week being stopped; he said he had no objection to the day being stopped that he was away. Mr. Whitton, finding he would not receive the reduced amount, then suggested to Mr. Arnold that he should receive his full pay and be at once dismissed. After this my son saw Mr. Arnold, and he recommended him to take the reduced amount and retain his appointment, which he did.
3405. Were there minutes to that effect? Yes.
3406. The documents will be in existence in the office now? Yes, if not lost. Mr. Whitton wrote a minute to say he found he had no authority to stop his pay; that being the case, he would recommend that his full pay should be given him, and his dismissal take place at once. The minute will shew this.
3407. *By the Chairman*: Did you ever know Mr. Whitton to make such an example of other officers? No. I argued with Mr. Whitton that he ought rather to make an example of an adult, as my son might be said to be only a boy at that time. Things had taken place much more than he had ever done.§ Mr. Micklethwait afterwards remarked in the office that Mr. Whitton should say Mr. Mason ought to have allowed him to go, and not referred to him.

3408.

\* ADDED (on revision): Drunkenness.

† ADDED (on revision): In the office.

‡ ADDED (on revision): But the evidence of others will prove that I had named it to Mr. Whitton. Mr. Hall himself made this fact known to Mr. Gardiner, abusing me for having done so.

§ Revised:—This, in my opinion, did not even call for censure—his having spoken to Mr. Mason; but what have others done that have been only laughed at in the office!

- Mr. N. 3408. Have ever you been absent from your office through sickness for any length of time?  
Trengrouse. Yes.
3409. Was your pay stopped? When I was away two days it was stopped.
- 23 Dec., 1863. 3410. Were you ill at that time? Yes.
3411. Did you send in a medical certificate? No.
3412. Is there any order in the office with reference to medical certificates? I believe the rule is, that after being absent two days you are required to send in a medical certificate, but I do not think it is required otherwise. Many persons are ill for a day or two, who, by lying by and taking medicine, can get themselves round again without a medical man.\*
3413. Did you ever know any person's pay to be stopped with the exception of yours and your son's? I have never known it.
3414. You were the only two that were selected to make an example of? The only two.†
3415. What is the longest time you have been absent from the office? Three weeks on one occasion. In that time I sent in two medical certificates.
3416. How often have you been absent from your office when you have been in good health? Not at all without permission.
3417. How often have you received leave of absence? Only on one occasion for any length of time. I should never think of stopping away without speaking about it; and I should be very sorry to stay at home on pretence of illness when the fact was otherwise.
3418. How long is it since your pay was stopped for being absent for two days? I think in June last.‡
3419. Are officers in the department often ill? I think there is mostly some one away.
3420. Do you know whether they on all occasions send in medical certificates? I think it very unlikely. This rule applies only to a certain few.
3421. I presume they should be in the office—the medical certificates? Yes, of course they would retain them—that is, all they get.
3422. You do not know of any rule about sending in medical certificates? No; the only thing I can ever understand is, that after being away two days, a medical certificate is expected if the illness still continues.
3423. Do you know if any portion of Mr. Telmon's evidence was omitted by Mr. Whitton, or if anything was said that did not appear in his evidence? Yes, I am aware of a portion being omitted, and I think it is important it should be taken down. Mr. Telmon, after having been up-stairs and examined, came into my office. He was very much annoyed about the reception he met from Mr. Whitton. He told me the first question Mr. Whitton put to him was, "So, Mr. Telmon, you have been in Mr. Trengrouse's office this morning, I understand?" Mr. Telmon's reply was that he had. "And I suppose you have been through your rehearsal?" He said he did not know what he meant. "As to what you were to say—the evidence you were to give—when you came up before me?" Mr. Telmon told him he had not heard a word about it, more than that I had told him the evidence was going to be taken on that morning. This portion to my knowledge was omitted; I know not how much more.
3424. Mr. Telmon told you this? Mr. Telmon told me this immediately he came down, and expressed himself much hurt at the suspicion of Mr. Whitton.
3425. On Mr. Telmon's returning to the long room, after his examination by Mr. Whitton, did not Mr. Hall keep talking very loudly, so loud that Mr. Telmon should hear, saying that Mr. Telmon's evidence was cooked, and would not be believed? Yes, I heard him saying so, and it annoyed Mr. Telmon very much, so much that he did very little work that day. This was done by Mr. Hall to annoy him §
3426. Mr. Telmon, I suppose, was aware of the insubordination in the office? Yes, he must have seen most of it.
3427. Was Mr. Robertson on the permanent staff, or merely employed temporarily? He is one of the permanent staff, and entered down at a separate salary with the others.
3428. And takes a portion of all the drawings in the office? Yes.
3429. And does them as carefully as any officer in the department? Quite so.
3430. Can you tell me what is meant by "easing" the curves and gradients on our railways? I cannot make that out. Of course the meaning of easing a curve is to make the radius very much larger. That cannot be done without taking more land for the line.||
3431. By Mr. Dalgleish: According to the present system of carrying on our railways, even that could be done? They must take more land to do it effectually.
3432. To ease the curves, you naturally suppose, would be to make the curve extend over a greater space? Yes.

3433.

\* ADDED (on revision):—If it be the rule to send in these certificates on the first or second day, reference to the journals of some of the higher paid officers will prove that there must be a large number of these certificates in the office.

† ADDED (on revision):—Perhaps from having been the longest in the service.

‡ NOTE (on revision):—I very much regret having submitted to it.

§ NOTE (on revision):—The fact of Mr. Hall's thus annoying Mr. Telmon is a further proof of Hall's character and guilt in this inquiry, as he suspected Mr. Telmon had spoken the truth before Mr. Whitton, and stated what he had actually seen and knew of Hall, which would have condemned him, but instead of the truth, he said he saw nothing wrong in the office, which is decidedly false.

|| NOTE (on revision):—Not long since, I saw an article in the *Herald*, wherein it was stated that £5,000 or £6,000 per mile had been expended in easing the "curves and gradients in our railways." What I believe to have been done is, to make the curves sharper, for the purpose of introducing a piece of straight line between each reverse S curve; therefore, saying the curves have been eased is simply absurd, as they have been made worse. By doing this they could have said the line had been eased, but surely not the curves or gradients, or even at any additional cost; but this ought to have been seen in the first place.

3433. And to ease the gradient, to make the cuttings deeper or the embankments higher? Yes, which I believe has not been done.

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3434. That is what you consider the Committee would be justified in understanding by "easing" curves and gradients? Yes, I do not see how it can convey any other idea.

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3435. *By the Chairman*: Can you tell whether it is customary, or a wise plan, to alter the gradients after the sections have been made and the contract let? No, but that is done in some instances. Of course it alters the designs of all the bridges if you make the embankments higher—it makes all the piles longer; and from that fact they ought to be larger.

3436. And of course there is a considerable increase in the cost of constructing the railway? Yes. Besides, an alteration of that kind would annul the contract if it were taken for a lump sum.

3437. *By the Chairman*: Do you know what our railways were to cost per mile, according to Mr. Whitton's calculation, before they were commenced? £8,000 or £9,000 I think.

3438. Do you know what they have cost? £12,000 or £14,000, according to the statement of the *Herald*.

3439. Do you know what they actually do cost? Well, no, that is another matter altogether; I do not know how that can be ascertained, that is, out of doors.

3440. It can be ascertained if proper discipline is carried on in the office, and every man keeps a proper journal; and there is also an account of the money paid for the different lines? Yes, if you can get that information correctly.

3441. Do you know that the railway which was to cost this small sum has cost above £19,000 per mile? That must be the Picton line you refer to, as I see in the *Herald* the sum of £90,000 for the Menangle Bridge was not distributed over the line, which is thirteen or fourteen miles in length. That of course ought to have been distributed on the last, as on the first cost given in.

3442. All bridges and viaducts should be taken into the calculation? Yes, of course.

3443. If you give in an estimate, and take out some of the most extensive works, you may make the cost per mile appear to be a very small sum indeed? Yes, naturally so.

3444. *By Mr. Dalgleish*: In fact it would not be an estimate at all? No, but it may be considered by some to be near enough.

3445. Are you aware, of your own knowledge, that such information cannot be afforded by the office? They have the means of giving the information in the office; I cannot say they would not do it, of course.

3446. *By the Chairman*: Have you ever heard what Mr. Whitton's estimate for the Menangle Bridge was? Not to be certain;\*

3447. Have you heard that the foundation alone has cost more than Mr. Whitton estimated for the bridge complete? I have heard the foundations, together with the day work, has cost as much as the bridge should have cost complete.

3448. Was not a gradient of 1 in 30 the lowest Mr. Whitton said could be worked with profit? I think that was the gradient stated; but according to what it is stated they have now done, eased the curves and gradients, I suppose they have made it very much easier now.

3449. *By Mr. Dalgleish*: How made it much easier? Made the gradients much more easy, at an additional cost.

3450. *By the Chairman*: Are you aware whether there are any defects in the first portion of our railway made in the Colony? No, I do not see that it is more defective than the portion of the line that has been made under the present management. I see they are taking up some of the sleepers, but I think even the present railways that have been so recently made, after the sleepers have been down some twelve years, will get rather rotten.†

3451. A great portion of them were imported wood—were they not? Not for the first contract.‡

3452. *By Mr. Dalgleish*: Has not a large portion of the line been taken up—the Barlow rails? No; the Barlow rails extend, I think, the whole distance from Sydney to Liverpool, except at short intervals.

3453. *By the Chairman*: Are you aware that spotted gum is being used in the Singleton Bridge, instead of ironbark, as specified? Yes.

3454. Have you heard what that will save the contractor? I have heard it will save about one-seventh of the amount.

3455. *By Mr. Dalgleish*: Is spotted gum considered equal to ironbark? No, decidedly not.

3456. *By the Chairman*: Is it not considered a very inferior wood indeed, as far as strength and durability are concerned? Yes, in both respects.

3457. Would the previous contractor who had that bridge be allowed to use this inferior wood instead of ironbark? I think it is hardly likely.

3458. *By Mr. Dalgleish*: Who was the previous contractor? Mr. Heritage.

3459. What description of bridge is it? A laminated arch.

3460. *By the Chairman*: Is it true you were the first to complain if your beer and luncheon were not ready, as stated by Fitzgerald in his evidence? That portion may be true in his evidence, because sometimes he did not come in with the luncheon till, perhaps, half-past 1, and then any one coming in after that time—Mr. Whitton, or Quodling, for instance—seeing us at luncheon, would not know but what we had commenced at 1, instead of half-past, so that we should be set down as having devoted too much time to our luncheon.

3461.

\* ADDED (*on revision*):—but not one half it is now said to cost.

† NOTE (*on revision*): The first stations put up have also been disrated; but it should be borne in mind, that when our railways were being carried on by shareholders, £100 had to be more considered than £5,000 has at the present time.

‡ NOTE (*on revision*): Lines. All importations are of a much more recent date; such as now take place would not then have been entertained.

- Mr. N. Trengrouse.  
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3461. You had something to do with Mr. Martin Gardiner, with reference to offering him a situation, or asking whether he would be inclined to accept a situation in the Roads Branch of the Works Department, I believe? I forget the circumstance now, even if I did.
3462. Did you not ask Mr. Gardiner whether he would accept an office in the Roads Branch, and leave the Railway Department? I do not remember that.
3463. You do not remember making any suggestion at all to Mr. Gardiner about accepting an office in the Roads Branch? No.
3464. *By Mr. Dalgleish*: Had you ever the power to make such an offer? No.
3465. *By the Chairman*: Did anybody speak to you, and ask you to make an offer of that description? No.
3466. Did Mr. Micklethwait ever suggest to you to say to Mr. Gardiner, that he had better accept an office then vacant in the Roads Branch? I could not speak with any certainty to that question.
3467. Will you consider the question—this evidence will be sent to you to revise, and will you tax your memory with reference to it, and let us know what occurred, or if it did occur, and by whose suggestion you made the offer or suggestion to Mr. Martin Gardiner, and also Mr. Martin Gardiner's reply thereto? Yes, I will.\*
3468. *By Mr. Dalgleish*: Have you given the Committee the number of officers employed in the Railway Office before it was handed over to the Government? I have—the draughtsmen. I do not know the number of officers altogether.
3469. What number were there? Two.
3470. What length of line did they make the drawings for? From Liverpool to Campbelltown.
3471. What length of time was that line in construction? I forget now. The line was carried out by the present staff after the Government had taken it.
3472. Were there no more than two draughtsmen at any time prior to the Government taking the line? Not to my knowledge. There was no one there when I was engaged; Mr. Brady used to do the drawings then, and I did them afterwards.
3473. The two draughtsmen there at that time did all the drawings required for the line? Yes, all required.
3474. The work was never stopped or kept back in consequence of the shortness of the staff of draughtsmen? Not that I am aware of. The contracts were not called for that portion of the line until the present staff came out. The drawings were completed just before they arrived.
3475. How many draughtsmen were employed on the line between Sydney and Parramatta? I do not know—that was before my time.
3476. There was no work in actual progress when you were in the office? Yes, the Sydney and Parramatta and also the Newcastle line was being carried on, but the drawings were all made before these lines were commenced.
3477. Then, in point of fact, the drawings you made for the extension were never used? Only the plan and section, but the section was deviated from. The plan having been proclaimed could not be deviated from. The line however could not be improved upon.
3478. You have already given evidence as to the alterations which took place on that section? Yes.
3479. Have you already stated that Mr. Gardiner was not considered to be quarrelsome? Yes.
3480. But rather the contrary? Yes, quite the reverse.
3481. Do you remember a fight taking place between Mr. Deering and Mr. Hall? Yes, I was present.
3482. At what time? I think at noon.

3483.

\*ADDENDUM (on revision):—Having considered these questions, I do now remember that such an offer was made to Mr. Gardiner by myself. This was done at the request of Mr. Micklethwait, and of course for Mr. Whitton. This conversation took place about the 9th of January, 1862. About four months after I removed into the office up-stairs, Mr. Micklethwait, on coming into my room, asked me if I knew what Gardiner had been up to, then telling me that Gardiner had written to Mr. Whitton, complaining about his (Micklethwait) and Mr. Hall's conduct in the office; and that having done so, Mr. Whitton was determined that Mr. Gardiner should be got rid of. Mr. Micklethwait told me there was a vacancy, or would be shortly, in the Roads Branch of the Department; did I think Mr. Gardiner would accept it if offered to him. I told him it was difficult to give an opinion, considering he was to be so treated for making these facts known—acts that were so disgraceful and damaging to the department. Beside considering Mr. Gardiner had left Melbourne expressly to fill the appointment he then held, which vacancy was advertised, I thought it very unlikely he would give way and consent to the removal, as by so doing it would be an acknowledgment of having done some wrong. Mr. Micklethwait then said it was a very unpleasant business, and asked me if I had any objection putting the question to him, Mr. Gardiner at the same time remarking, "You must be aware the complaint will not affect us." I told him I would, and did so a day or two after. Mr. Gardiner was very indignant at this, and said, did I or Mr. Whitton think he was such a low serf to accept these or any terms for only having performed his duty; after being brought from Melbourne, to hold an appointment in the Railway, was he to submit to such treatment and insult from such a set of drunken and immoral fellows as those two were, who did nothing but obstruct the duties of the office; no, as long as he held any appointment he was not going to shrink from his duties; and would let Mr. Whitton know what gentlemanly treatment was, and how an office ought to be conducted, if he, Mr. Whitton, was ignorant in these matters, as well as in many others already exhibited before him. Mr. Gardiner concluded by saying, if Mr. Whitton were to offer him any appointment at double his salary, apart from the Railway, he would not accept it, and should expect some redress through the Minister, he only having performed his duty in making this disgraceful conduct known to the head of his department. \*I mentioned the substance of this to Mr. Micklethwait, who replied, "I am sorry for him, and can only say he is a great fool for his pains."

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3483. If Mr. Deering has published a letter in the papers stating that such a fight did not take place, has he departed from the truth? Quite so.
3484. Do you know a Mr. Charles Brown? Yes, I do.
3485. Was he in the Works Department at one time? Yes.
3486. Was he considered to be a competent officer? Well, I believe he was.
3487. Have you heard that he has complained of Mr. Micklethwait's conduct, or do you know that he has complained of Mr. Micklethwait's conduct to Mr. Whitton? Yes, he has done so.
3488. Do you know what was the cause of his complaint? I have heard it was on account of money he had lent him at different intervals whilst out in the field.
3489. Do you know for what purpose he lent him this money? I have heard it was to purchase a horse, and also to pay men's wages.
3490. Do you know what the amount was? Something like £80.
3491. Before he could get this money returned had he to complain to Mr. Whitton and ask his interference in the matter? He did do so.
3492. Mr. Micklethwait was his superior officer at this time? Yes, he had charge of the surveys in the north.
3493. Do you know whether Mr. Micklethwait has been in a state of intoxication when on duty in the field? No, I do not, of my own knowledge; I have heard so.
3494. Do you know that he has been absent from his duties in consequence of excess in drink at any time? I have heard so.
3495. I ask if you know it? Well, I have never been over to his house when he has been ill. It has been stated in the office that drink was the cause.
3496. You know he has been the worse of liquor when he ought to have been employed on his duties in the office? Yes.
3497. You know he has been unfit to perform his duties in consequence of excess in drink? Yes.
3498. Do you know that Mr. Telmon has told Mr. Micklethwait and Mr. Hall that they have smelt like brandy-casks when they have been in the office? Not of my own knowledge; I have heard it stated; that must have taken place after I left the long-room.
3499. While you were in the long-room were they in the habit of using chloride of lime, to disguise the smell of liquor? I have seen it used on two occasions.
3500. The small room that has been alluded to as the room to which Mr. Hall and Mr. Fearnside retired when under the influence of liquor, was the room you formerly occupied as an office? Yes.
3501. Did that room look out on the back premises of any gentleman? Yes, Dr. Macfarlane's, I think.
3502. Was the window at a convenient height—easily seen over? The sill of the window was about level with the top of the wall they had to look over.
3503. What was the distance from this window to the yard you speak of? About five or six feet.
3504. Have you heard Mr. Hall use indecent expressions to females in the yard you allude to? No, I was removed up-stairs at that time.
3505. Have you seen him make indecent motions? I have seen this.
3506. Have you seen him make indecent gestures in the office amongst his fellow draughtsmen? Yes, I have seen most abominable imitations made by him.
3507. Some of the draughtsmen in the office were very young men? Yes, my son and Mr. Mann.
3508. And you have seen indecent gestures used by Mr. Hall before these young men? Yes.
3509. And heard him use indecent language? Yes, most disgusting.
3510. Language that you do not feel yourself justified in repeating? Yes, I should not like to repeat it.
3511. You say you have not seen him enacting "Suffolk Punch"? No, I have not seen this. I have since heard what it is.
3512. *By the Chairman*: Of course, if any person in the office, Mr. Drewett should be considered the superior officer, from his receiving the highest pay? Yes, as regards salary alone.
3513. You do not consider yourself senior to Mr. Drewett? No, he is my senior as regards salary, but decidedly not in any other sense of the word.

Mr. N.  
Trenrouse.

23 Dec., 1863.

TUESDAY, 29 DECEMBER, 1863.

Present:—

MR. DALGLEISH, | MR. MORRIS.

JOHN LUCAS, ESQ., IN THE CHAIR.

John Whitton, Esq., called in and examined:—

3514. *By the Chairman*: You are Engineer-in-Chief for Railways? I am.
3515. Do you hold any other appointment? No, no other appointment.
3516. Did you hold a similar appointment in England? I was Engineer to the Oxford, Worcester, and Wolverhampton Railway Company. Before giving evidence in this matter, I should wish to ask the Committee if they would oblige me by allowing me to see the whole of

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 29 Dec., 1863. of the evidence that has been taken, or that may be taken by them, in order that I may give a general reply to the statements that have been or may be made; for it must be evident to the Committee that I cannot reply to the statements until I have the evidence before me, and I do not think I am asking too much in making this request. All the evidence having been taken on one side, I should wish to have witnesses examined before the matter is closed.

*In answer to a question from the Chairman, the witness stated that he wished Messrs. Mason, Barton, Drewett, Quodling, Mackay, Telmon, Fearnside, Hall, and Micklethwait to be examined.*

*The witness withdrew.*

*The Committee deliberated.*

*The witness was again called in.*

*The Chairman stated that the Committee had come to the conclusion of leaving the main examination of the witness until the latter part of the inquiry, although they would not bind themselves not to call other witnesses subsequently, but that Mr. Dalgleish wished now to put a few questions with reference to the ordering of locomotives, and some other matters apart from the main subject.*

3517. *By Mr. Dalgleish:* Do you know Mr. John Fowler, of England? I do.
3518. Is he one of the moneyed partners of Messrs. Manning, Wardell, & Co.? I am not aware that he is, and I do not believe he has any connection with them.
3519. Do you know Mr. John Leather, contractor? Yes.
3520. Do you know if he is one of the moneyed partners in the firm of Manning, Wardell, & Co.? Not that I am aware of; and so far as my knowledge extends, I have no idea that he has any connection with them in any shape. I may observe that I am not on intimate terms with Mr. Leather; I have not met him perhaps more than half-a-dozen times; I have simply met him accidentally.
3521. Was the order for the last bogie engines sent to Messrs. Manning, Wardell, & Co.? Yes.
3522. What was the price of those engines? I do not know. I can ascertain from the office. £2,500 each.
3523. Was the workmanship on them good? I believe it is; I have had no serious complaint; I have heard that some of the buckles for the springs were defective, and some other slight defects, which is often the case in new engines.
3524. Are Manning, Wardell, & Co. considered to be first-rate makers? They are.
3525. How many engines have been imported direct from them to this Colony for the public service? That I cannot tell without reference, but I think about ten.
3526. Have these engines been completed for your orders sent direct to that firm? Yes, orders sent direct to that firm.
3527. Is Mr. John Fowler the gentleman who examines the locomotive engines for this Colony? Yes.
3528. If he is a moneyed partner in that firm do you think it proper he should be so? If I had had the least suspicion of such a thing, I should not have ordered them from those works, but I do not believe he has anything to do with that Company, and from the fact that I know he is one of the proprietors of large iron works near to Chesterfield. I believe the whole of his time is taken up by them and in the practice of his profession.
3529. I am given to understand that Mr. John Fowler is one of the moneyed partners of Manning, Wardell, & Co.? I do not believe anything of the sort.
3530. Have you any reason to disbelieve it? Well, I have no reason to disbelieve it any more than I may have to disbelieve any other statement that may be made to me with reference to the private transactions of any other person.
3531. Do you know of any reason whatever why he should not be? I know of no reason why he should not be—
3532. It is not a dishonorable thing? I see no dishonor in being connected with a large firm, but I do not believe anything of the sort. I believe the statement to be utterly untrue. It is the first time I ever heard of it, or had the least idea of anything of the kind.
3533. *By Mr. Morris:* If Mr. Fowler had been a partner, do you think it likely you would have heard of it? I think so, for I know of most of Mr. Fowler's transactions, and I never heard anything of the kind. I do not think Mr. John Fowler has anything to do with these works, but I can ascertain, and I will do so.
3534. *By Mr. Dalgleish:* From what firm was the Menangle Bridge ordered? Messrs. Peto, Brassey, & Co.
3535. Was it tendered for by large firms in England? No.
3536. Were tenders called for it? No, an arrangement was made with their agent here for building the masonry for the Menangle Bridge, and I wished to arrange with him the price for the iron-work; but he said he was not aware what the cost would be, and preferred leaving it to his firm in England, to be decided by them. He asked that some one should be appointed on behalf of Government to arrange the price.
3537. Who was so appointed? Mr. John Fowler. Mr. Fowler was not appointed direct from the Colony, but by Captain Galton, R.E., to assist him in making these arrangements in England. He was not appointed by the Government, or with my knowledge.
3538. Were the designs for the bridge made here? Yes.
3539. Who made them? They were made under my superintendance.
3540. Who made them? Mr. Drewett.
3541. Have you the original sketches? The original drawings are in the office.
3542. Were not rough drawings made, in the first instance, for your approbation? No; the drawings of the bridge generally were sent them, with instructions that the bridge should be —



3543. I think you misunderstand me—were there no rough designs or drawings made of this bridge, in the first instance, before you approved of one ultimately? I have no doubt there were. J. Whitton,  
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3544. Are they in existence? That I do not know. 29 Dec., 1863.
3545. Should they be in existence? I do not think it is at all necessary. In making drawings of bridges, many designs are frequently made before the exact drawing is decided upon; but I do not think many sketches were made in this instance.
3546. Of this bridge you say you have the original drawings, and that they were made by Mr. Drewett? The original drawing for the bridge—are you speaking of the iron-work or the masonry?
3547. The iron-work? The detail drawings for the iron-work were made in London.
3548. Will you explain what the detail drawings are? I consider the detail drawings of the iron-work to be the strength, size, and arrangement of all the plates in the bridge, and the manner in which they are to be put together.
3549. Do you allow matters of that importance to be done out of your department, and without your concurrence? The arrangement with Mr. Fowler is this, that he is to provide the whole of the detail drawings and specifications, and they are to be done to his satisfaction; it was therefore unnecessary for me to prepare working drawings here.
3550. Is that included in his commission? Yes.
3551. What commission does he receive? Two and a half per cent. on iron girder bridges and on rolling stock, and one per cent. permanent way materials.
3552. The Menangle Bridge would be included in the iron girder bridges? Yes.
3553. In what iron-works is Mr. Fowler largely interested? He is interested in the iron-works at Whittington, near to Chesterfield.
3554. What manufactures are carried on there? Armour plates for ships.
3555. Bridges? Not that I am aware of.
3556. Is the Menangle Bridge unusually heavy for a structure of that kind? I do not think it is; it is a strong bridge; but I think there are bridges on other lines quite as heavy as the Menangle Bridge.
3557. The same weight per foot? Yes, as nearly as possible, with less spans.
3558. Would that be any criterion of the justness of the proportions of this bridge? No, but it would shew that other bridges are made of the same strength.
3559. Do not bridges require to be made heavy in proportion to the badness of the quality of the iron? On the assumption that bad iron is ever used in bridges, it is so.
3560. If there is good, better, and best in iron, there must be some iron used in bridges better than others? Yes, and I should assume that the iron used in the Menangle Bridge is the best.
3561. Have you any reason to assume that it is so? I have nothing to give me the impression that it is not.
3562. Have you any reason to assume that it is the best? I assume that it is the best, from having passed the inspection of Mr. Fowler in London, and I have seen nothing since the bridge came out to lead me to a contrary belief.
3563. In what way did you try this bridge? I tested it with locomotive engines.
3564. In what way? The arrangement was simply this: that two loads were taken over the bridge; there were two lines of way; on one line of way there were two locomotives and a train of wagons, on the other line three other locomotives, which were stationary. The locomotives with the train of ballast wagons ran at a speed of twenty miles an hour over the bridge, and the deflection taken with a spirit level, and also by means of a wire stretched across the bridge.
3565. What length of the span did this occupy? The whole span. I tried the three different spans, and the locomotives extended nearly over the whole span at each opening.
3566. How many tons weight was there upon each opening? About 236 tons.
3567. Will you also state how many tons that would be upon every foot in the length of the span? I think the rolling load is about three tons.\*
3568. I want both the stationary and rolling loads? The stationary load 0·70 tons per foot run; the rolling load about 0·80 tons per foot run.
3569. Can you tell me what is the maximum proof for the plates and angle-irons of every square inch section of the openings of the bridge? About twenty-five tons per square inch before fracture.
3570. Will you also tell me what is the weight of the bridge and permanent way over each span? About 362 tons.
3571. What strain of tons per square inch section of the iron does the weight of the bridge, including the permanent way, cause in the bottom plates of the centre span, between the piers? A little more than two and a quarter tons.
3572. What was the greatest strain on the three middle bottom plates, owing to the testing load you put upon the bridge? 354 tons, exclusive of the weight of the bridge and permanent way.
3573. Can you tell the maximum of strain in tons per square inch section of iron on the bottom plates, in the middle of the central span of the Menangle Bridge, during the time it was tested by you? I think about three tons; I cannot speak from memory.†
3574. What do you argue from the deflection;—you say the deflection was very little—is that any sure test of the strength of the bridge? I think so.
3575. Do the best engineers of the present day agree with you in that opinion? I believe they do.

3576.

\* Revised.—The effective rolling load was rather more than a ton and a half per foot.

† Revised.—A little more than three tons and three-quarters.

- J. Whitton, Esq.  
29 Dec., 1863.
3576. Is there not great difference between the strength and stiffness of a bridge? Strength means stiffness as well. If a bridge be stiff it will be strong.
3577. In all instances? Yes, I think in all.
3578. Is not the deflection that is shewn by a load passing over a bridge an indication of stiffness only? Yes.
3579. Is it an indication of anything else? Yes, it is an indication of strength also.
3580. Am I to understand that you consider, then, that it is impossible for one wrought-iron bridge to be weaker than another, and at the same time not to deflect so much as this? It would depend upon the weight of the iron, and the way the bridge was put together. It is quite clear that with large deflection there must be considerable motion every time a train passes over the bridge, and that this has a tendency to destroy the \* bridge.
3581. Is the rivetting of the Menangle Bridge a weak part of that bridge? I do not think it is.
3582. Have you given any thought to that matter? Yes.
3583. You consider the rivetting of the Menangle Bridge equally strong with the other portions? Yes. I think it is an exceedingly strong bridge altogether.
3584. Is the rivetting strong in proportion to the bridge? I think it is.
3585. What is the amount of rivet bearing in the section through the bottom plates, where they are connected with each other? That I do not remember.
3586. Did you ever go into it? Yes, I have gone into the whole strength of the bridge repeatedly.
3587. Will you be kind enough to state what it is? The sectional area of the rivets in the bottom cells is about forty-five inches.
3588. Can you tell the proper proportion between rivet bearing and available plate bearing, so as to ensure equal strength in the plates and jointings? The proportion used in bridges is about one to four.
3589. There are common rules for all these things—are there not? † Yes; but it is impossible for me to carry the details of all the works I am engaged upon, in my head, and to answer questions at a moment's notice.
3590. Does not the same rule that applies to the strength of the Menangle Bridge apply to all others? To all iron bridges of the same proportion and design.
3591. It is iron bridges we are considering—can you tell us what amount of tensile strain in tons per square inch section of iron will extend throughout iron plates, to the limits of their elasticity? About fifteen tons, ‡ without injuring the iron; §
3592. Is it the practice of engineers to design wrought-iron girder bridges, so that the weight of the bridge with the permanent way and an additional load of a ton and a half per foot run distributed over the whole length of the bridge, would cause at most only a quarter of an ultimate bearing strain upon any square inch section of the iron? There is no invariable rule with engineers. I never found two engineers adopt the same system.
3593. Has not Fairbairn ——? Fairbairn is now out of date; he wrote in 1850 or 1851. It has been found necessary since that time greatly to increase the areas of Fairbairn.
3594. Is Macquorne Rankine considered a first-rate authority? As a professor of mathematics.
3595. Are not his rules followed in practice? I do not think they are.
3596. Have not Fairbairn's bridges been found to be too heavy? I do not know that they have.
3597. Have they not often been found fault with for being too heavy—has he not been considered a massive bridge builder? || Sometimes he may have been found fault with, and the reason may have been because he made his own bridges, and he might have been suspected of making them heavier than necessary in order to increase the amount of the contract. It is now found necessary to increase very considerably the areas of Fairbairn's formula.
3598. What are the respective areas of the bottom and top booms and angle-irons taken at the centre of the span? About 119 inches each.
3599. Have you ever known Fairbairn to advocate such scantling of iron as is placed in the Menangle Bridge? I say it has been found necessary to increase considerably the area beyond the formula of Fairbairn.
3600. Can you point to any such areas? I can only point to information derived from Home.
3601. Can you place the Committee in possession of such information, as I have always understood that his work was too massive and too heavy? The only information I have is private, which I cannot place before the Committee.
3602. I am afraid the Committee will not be able to take that as an authority; you cannot give the Committee any information derived from well known authorities? I have seen no authorities on the subject.
3603. Does Fairbairn advocate such dimensions as those in the Menangle Bridge? I do not think he does. I think Fairbairn's areas are less than the areas of the Menangle Bridge.
3604. You are aware that Fairbairn has been charged with making his bridges far heavier than was necessary for the work they had to perform? I am not; I say he may have been, because he was the maker of his own bridges.
3605. He is reputed to have been the maker of these heavy bridges? It may have been so.

3606.

\* INSERTED (on revision):—elasticity of the material in the  
 † Revised:—Yes, but it is usual to leave them to the manufacturer, who is well acquainted with all such details.

‡ Revised:—From about eight to fifteen tons.

§ ADDED (on revision):—dependent, of course, upon its quality.

|| Revised:—I am not aware that he has.

3606. Can you point to any scientific work or formula for bridges where the weight is greater than in those of Fairbairn's? I do not know that I can; I have not referred to any for the purpose. J. Whitton, Esq.
3607. Will you refer? I will see if I can find anything of the kind, but it has not occurred to me to look for it. 29 Dec., 1863.
3608. If Fairbairn gives the heaviest formula and makes the heaviest bridges, and this bridge is heavier than his, what is the inference? I am not aware that Fairbairn makes the heaviest or strongest bridges. I believe many makers in England make heavier bridges.
3609. Can you point to any who have made bridges heavier in proportion to the span than the Menangle Bridge? I think I can find weights equal to the Menangle Bridge.
3610. You say Macquorne Rankine is only a theorist? I believe he is; he never built a bridge that I heard of. The only bridge that I know of that was built by a professor was over the Severn, at Worcester, and that had to be\* re-constructed and made heavier.
3611. Was that a railway bridge made by Macquorne Rankine? No, built by Professor Gordon.
3612. Is not Macquorne Rankine considered an authority in railway works? He is an able mathematician.
3613. Is he not considered an authority in proportion and strength of materials? He is considered an able mathematician.
3614. That is not the question—I ask you whether he is not considered an authority as to the proportion and strength of materials, and quoted largely by every engineer in Europe? I do not know that he is; I know that he is considered a very able man, but whether his formulæ are ever acted upon I do not know.
3615. You see his works quoted by every engineer of eminence in the present time with reference to the construction of their works—do you not? I have not seen that; I never saw his name quoted by an engineer.
3616. Is his name quoted on the Transactions of Civil Engineers, on many occasions? Not that I am aware of. As an authority upon the strength of plates I have not seen it.
3617. Do Macquorne Rankine's proportions in any way approach the proportions of the iron-work placed in the Menangle Bridge? I do not know; I never saw his proportions.
3618. Are you acquainted with him as an author? No, excepting so far as I have seen reports in different journals and notices of his books.
3619. What is the entire weight of iron in the 486 feet of the Menangle Bridge? The total weight is about 960 tons.
3620. Do you acknowledge Herbert Latham as an authority upon weight or proportion for bridges? No, I do not.
3621. Do you acknowledge Hodgkinson as an authority? Yes.
3622. Do you acknowledge Tait as an authority? Yes, he is† an authority ‡
3623. Are you aware whether any one of these engineers, in calculating the strength of bridges, or in making designs for bridges, have designed plate girder bridges for spans of 150 feet which are less than half the weight upon every foot run? § There never was a bridge built with the same span of half the weight ||or anything approaching to it. With reference to the authorities you quote—Tait and others—they are possibly great mathematicians, but they never built bridges; they are authorities merely as writers.
3624. Is Hodgkinson only a writer? He is only a mathematician; he never built a bridge in his life.
3625. Did he not assist Stephenson in every bridge he built? Yes,¶
3626. Did he not assist Fairbairn? Yes; he worked out the whole of the calculations, but he never built a bridge.
3627. In what way can you say a man who assisted in building the Menai Bridge—one of the greatest works of our times—is not an authority upon weight and proportion in bridge building? There is a vast difference between making experiments and making formulæ to calculate the strength of bridges, and being practically engaged in the construction of bridges. He simply makes out certain formulæ from experiments.
3628. Having had this experience—having had an opportunity of testing iron in this way, and in this way making himself an authority among engineers—having had an experience such as engineers can never obtain—can you point to any engineer having the unquestionable knowledge on this subject that Hodgkinson possessed? Engineers would have the advantage of the experience they would gain from the failure of bridges.
3629. How many instances of that kind can you point out—of wrought-iron bridges that have been built and proved failures? One over the Severn, at Worcester.
3630. That was found necessary to be strengthened, and was built by a professor of whom I never heard before? Professor Gordon.
3631. Have I quoted his name? No.
3632. Is he acknowledged as an authority equal to any of the names I have quoted? I believe he is as good a mathematician as most of them.
3633. Has he had as good opportunities of obtaining practical information as Hodgkinson? No man in the world I believe has.

3634.

\* Revised :—Strengthened before being opened for traffic.

† INSERTED (on revision) :—considered

‡ ADDED (on revision) :—on mathematical formulæ.

§ Revised :—I never knew, &c.

|| INSERTED (on revision) :—for a double line of railway,

¶ ADDED (on revision) :—in making experiments only.

- J. Whitton, Esq.  
29 Dec., 1863.
3634. Hodgkinson, at the Menai Bridge, had opportunities which no other man in the world could have obtained for testing the strength of iron? With the exception of Clarke.
3635. I am perfectly willing to take Clarke as an authority—will you give the sections that these engineers give as necessary to bridge over spans of 150 feet, the weight of the bridge per foot run calculated from their formulæ, and the weight of the Menangle Bridge per foot run, side by side? I will do so if I can; at the same time I must say, before my evidence had been taken on this matter I think I should have seen the other evidence that has been taken, in order that I might reply to it.\*
3636. I am asking these questions not in consequence of any evidence given here, but in consequence of statements I have made in the House with regard to the strength of the Menangle Bridge; and I think it necessary, now the matter is before the Committee, to justify the course I have taken: if you object to the examination I will not pursue it? I have no objection.
3637. Are you aware that Macquorne Rankine, H. Latham, Tait, Hodgkinson, Clarke, and most of the great calculating and practical engineers in Europe, have designed plate-girder bridges for spans of 150 feet, which are something less in weight than one ton for every foot in length of the bridge? I never heard of such a thing.
3638. It is possible? I do not think it is, to make a safe bridge.
3639. Will you look at these authorities, and see whether they have not given this formula? I will, if I have them; I have not got them all, I know.
3640. Are you aware that iron bridges for spans of 150 feet, when designed according to strict scientific principles, will bear a weight of 230 tons, and weigh only 160 tons? I am not.
3641. And not have a particle of the material strained or crushed beyond the elasticity of the iron? I am not aware of it.
3642. Is it not the fact, that when inferior iron is used in girder bridges, it becomes necessary to have the thickness greater than would be necessary were the iron of superior quality? No doubt—to obtain the same strength of bridge.
3643. Are you aware that the testing weight put upon the Menangle Bridge is entirely inadequate to determine whether the iron was the worst or best quality? It would not be desirable to make such a test.
3644. Is it not usual? No; I never knew a bridge with the same spans tested with the same weight as that put upon the Menangle Bridge.
3645. Was not the weight with which the Menai tube was tested greater, in proportion to the span, than that with which the Menangle Bridge was tested? I am not aware what the loads were; but a far heavier strain was put upon this bridge than is ever likely to be put upon it in practice.†
3646. The best iron will bear a strain of twenty-two tons per square inch section, and the inferior will break under a strain of sixteen tons? It depends entirely upon the quality; it may be very bad or inferior quality, and very bad iron would not stand such a strain.
3647. Very bad is not used in bridges? No.
3648. I am supposing the case of such iron as is usually employed in bridge building—the best and inferior quality so used: would you be willing to load the Menangle Bridge to cause a strain of sixteen tons? I should be very sorry.‡ You could not test the bridge without destroying the fibre of the iron.
3649. Not if it is the best iron? No; I never knew a bridge to be tested to that strain. The plates may be tested at that strain before they are put into the bridge.
3650. Did you test the plates before they were put into the bridge? No, they were tested by Mr. Fowler, in England.
3651. Did it never occur to you to test these plates, when the bridge was of such a remarkably heavy character? I did not look upon the bridge as of enormous strength or enormous weight.§
3652. My opinion is, that it is a bridge of enormous weight, and I should like you to furnish the Committee with the names or positions of any bridges of similar weight? I think I can find you one in Victoria about the same.||
3653. I would rather you went somewhere else than to Victoria—I believe that is one of the worst places you can go to. You say Mr. Drewett designed this? Yes, under my superintendence he made the drawings of it.
3654. Who was it designed the bridge? I designed it.
3655. I understood you to say that Mr. Drewett designed it? He made the drawings under my superintendence; nothing is done except under my superintendence in my office.
- 3656.

\* NOTE (on revision):—According to Clarke, the top and bottom areas would be 216 inches, and depth of girder 9 feet 6 inches. According to Fairbairn, the top and bottom areas would be 158½ inches, and depth of girder 11 feet 6 inches. Specification sent to England by me for this bridge states that the breaking weight of the bridge was to be 1,800 tons, and the total depth 11 feet 6 inches, which would give a sectional area of top and bottom of 158½ inches. The top and bottom areas of the Menangle Bridge are 233 inches, and depth 12 feet 6 inches.

† NOTE (on revision):—I find that the test employed at the Britannia Bridge, by Captain Simmons, Government Inspector, consisted of a train of coal wagons, weighing 248 tons, being a little more than half a ton per foot of span. The test employed at the Menangle Bridge was one and a half ton per foot of span.

‡ Revised:—You could not test the bridge with a weight equal to sixteen tons per square inch, without running a great risk of destroying the elasticity of the iron.

§ Revised:—I did not look upon the bridge as of such enormous strength or enormous weight as to require any further test than that applied to it.

|| NOTE (on revision):—Turndale Viaduct, Victoria, weighs 1 ton 19 cwt. per lineal foot, with a span of 120 feet. Bridge over Salt Water River, at Melbourne, weighs 2¼ tons per lineal foot, with a span of 200 feet.

3656. I am not speaking of superintendence? I order the drawings to be made of a bridge of certain strength and certain proportions. J. Whitton, Esq.
3657. You did not furnish a design to Mr. Drewett to work to, but told him to make a bridge of certain strength and certain proportions? Yes. 29 Dec., 1863.
3658. Then do I understand you to say that you did not design the bridge? I gave the strength and proportion.
3659. *By Mr. Morris*: You did not sketch it? I put it upon a piece of paper.
3660. *By Mr. Dalgleish*: Is not a sketch of this nature a matter of some importance? I do not know that it is a matter of much importance; it is simply put upon a piece of paper, and sent up-stairs.
3661. I presume it would be done on paper. If Mr. Drewett makes a bridge at variance with the design you have given him, is it not important that the sketch with the sizes and weights marked upon it should be kept, in order that Mr. Drewett might be shewed where he had erred? The drawings never go out without my supervision. I did not make the detail drawings of this bridge, that is, of the iron-work, for, as I have already stated, they were not made in this Colony.
3662. Did you not give him the size and strength, the cross-section and length, and a rough outline of the design? Yes.
3663. Is not that original sketch or drawing among the papers of the office? No, certainly not.
3664. Ought it not to be there? I think not. I make\* thirty or forty sketches a day of things to be done.
3665. Till you have decided what is to be done: but after you have decided, and a certain design has been drawn out, is that allowed to be thrown into the waste paper basket? The sketches are not kept; they never are.
3666. Do you think they ought not to be kept? I never saw them kept in my life. The drawings themselves are in the office, and can be referred to; the sketches are simply for the information of the draughtsman at the time.
3667. *By the Chairman*: After the drawing is made, the sketches may be destroyed? They always are.
3668. They are kept till the drawing is made? Yes.
3669. *By Mr. Dalgleish*: Was the drawing and original sketch returned to you when Mr. Drewett had finished with them? The drawing was brought to me.
3670. Not the original sketch? I do not remember.
3671. You did not compare the drawing with the original sketch, to see if Mr. Drewett had carried out your instructions? I do not remember. With regard to the iron-work, we did not make detail drawings in the Colony, simply because Mr. Fowler was paid to do so, and no man has had more experience of wrought-iron girder bridges than he has; it would therefore have been useless to make detail drawings in the Colony.
3672. Did it never occur to you that you ought to have had the interest of the Colony in consideration as much as or more than Mr. Fowler? No man has shown more interest in the Colony than myself.
3673. Mr. Fowler has a direct interest in making the bridge heavy? I do not think he has.
3674. Does he not get a commission, and the more tons weight the more the commission? Yes.
3675. There could be no such unconscious influence to operate upon you, in making out the details of the bridge as might bear upon Mr. Fowler; you must admit that a person having a pecuniary interest in a matter of the sort may, unconsciously to himself, be prejudiced? I do not think so. I should be sorry to impute anything of the kind to Mr. Fowler, or to any upright man.
3676. I am not imputing anything to Mr. Fowler; but it is possible for a person interested in this way to look more favourably upon a bridge that would bring him a larger amount of commission than another? I do not think an honest man would do so.
3677. Such an influence could not have had weight with you? † Nor do I think anything of the kind entered into Mr. Fowler's head.
3678. Does it not occur to you that the contractors, Messrs. Peto & Company, have a direct interest in making the bridge as heavy as possible? They have an interest in making it heavy; ‡
3679. Did you not think that you, being placed between the public and the contractor, ought to have furnished the detail of this bridge, to secure the public interest? No, I did not think so. Mr. Fowler having been appointed to act for the Colony, it was no part of my duty; and, as I said before, it would not be possible to have a person better qualified to judge of such a bridge than Mr. Fowler.
3680. Will you furnish the Committee with a copy of the instructions Mr. Fowler has received from the Colony? I am not certain that Mr. Fowler has received any instructions from the Colony.
3681. Will you furnish the Committee with a copy of the letter that was sent to Mr. Fowler, when the drawings for the bridge or the order for the bridge was sent them? Yes.§
3682. Have not the contractors a direct interest in making the bridge heavy? Upon the assumption that they were paid so much a ton no doubt they would have, but they were paid a lump sum for the bridge, which was £29,000, and not at per ton.

3683.

\* Revised:—numerous

† Revised:—Nor do I think anything of the kind had with Mr. Fowler.

‡ ADDED (on revision):—but they had nothing to do with designing it.

§ NOTE (on revision):—Specification and copy of letter to Mr. Fowler appended. (*Vide Appendix.*)

J. Whitton,  
Esq.

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3683. Were there no calculations made for the bridge of so much per ton? I do not know what calculations they made; I say their contract was for a lump sum.
3684. The designs would be furnished to these people? Yes.
3685. And they would know the weight? Yes.
3686. The weight could be calculated to a pound? Yes, but whether the thickness of the plates they put in would increase the price I cannot say. It might\* suit their convenience to put in heavier iron than was necessary, because they might have the iron on the ground from a previous contract; it does not follow that they increased the price.
3687. Then my impression that the bridge was built for the purpose of clearing an iron yard might be correct? Yes, possibly it might; and on the opposite side, your impression that they increased the strength of the bridge to increase the price might be incorrect.
3688. If they increased the weight on account of the quality of the iron, did they not decrease the strength? I think not.
3689. Cannot you make a bridge so heavy as to weaken it? Yes, and you may make it so light that it will tumble down.
3690. If it tumble down before it is built it is not a bridge? But it might tumble down after.
3691. You say you think the rivets are strong enough in proportion to the plates? I think they are.
3692. Did I ask you if you would be willing to load the bridge at sixteen tons to the square inch? Yes.
3693. Do you think if the plates would withstand that weight the rivets would? It is a test no one would think of putting upon any bridge. You could not put such a test upon the best kind of iron without† destroying the iron.
3694. I think I can shew you that tests of that kind have been applied? ‡I never heard of such a thing in my life. No one would test beyond four to five tons per square inch.
3695. Who calculated the weight of iron-works for bridges during Capt. Martindale's time? I am not certain that I did not take them out myself; I think I did.
3696. Mr. Gardiner did not do it? I do not think he did.
3697. Did he take out any of them? Mr. Gardiner simply made drawings from sketches given to him; he had nothing whatever to do with designing any of the bridges. Mr. Gardiner, I think, made a drawing of a wrought-iron girder bridge, but it was never used nor was the drawing ever completed.
3698. Did Mr. Gardiner make drawings of such bridges as enabled him to get at the weight of the iron-works of intended bridges? I do not think he did. I know there are very few wrought-iron girder bridges in the whole of these lengths. I may explain Mr. Gardiner may have made a sketch of one or more wrought-iron bridge, but I am not clear that he did.
3699. What was Mr. Gardiner employed upon in the office in the first instance? In making drawings, and very rough ones they are, of the viaducts for the different extensions; but the whole of the strengths were given to Mr. Gardiner, and the general form of the viaduct to be adopted.
3700. Have you the drawings or the sketches you gave Mr. Gardiner to make the other drawings from? They never are kept in any engineer's office in the world. Original sketches are never|| given out of the office.
3701. They are the original designs which are given to the draughtsman to make the complete drawing of? The sketch for the original design is never kept.
3702. I have always known them to be kept? My experience is the reverse.
3703. So there is nothing now to shew whether Gardiner was employed upon such calculations or not? There are these drawings.
3704. They will not shew whether you supplied him with the information, or whether he was employed to make the sketches and calculations himself? If my statement cannot be taken I can call sufficient witnesses to shew it.
3705. I am not questioning your statement; I ask you if there is any record in existence? No, but I can bring sufficient witnesses.
3706. You say you always gave him instructions concerning the dimensions and details of the iron-work? I am not speaking of iron bridges.
3707. It was iron bridges I was talking about? I said in reply to that, that I was not aware that there were more than two bridges, if there were two, on the whole length of the extension; and I have no recollection that Mr. Gardiner made the detail drawings of them, nor do I believe he did.
3708. If Mr. Gardiner did make the detail drawings of them, did you furnish him with the information and details to make them from? Not of the iron-work, but I do not think any were made.
3709. They were not made, but were intended to be made for a first-class line? I believe such drawings were never made.
3710. Did Mr. Gardiner ever ask you for instructions about these bridges? I do not think he did, simply because the instructions were given by Mr. Barton—not for the iron-work—do not misunderstand me—I believe the only drawings made for a wrought-iron bridge were made by Mr. Barton.
3711. Then you have not any of the calculations that were made by Mr. Gardiner for iron bridges, in the office? If we have they are here.

3712.

\* INSERTED (on revision):—(in consequence of the loss of two spans of this bridge at sea), in order to save time,

† Revised:—in some degree injuring it.

‡ Revised:—I never heard of such a thing. I should think no practical man would test beyond four to five tons per square inch of section.

|| Revised:—never kept in the office.

3712. The calculations? Not the calculations. I have no calculations of Mr. Gardiner's; I have no recollection of them, nor do I believe he made them for these bridges. J. Whitton, Esq.
3713. You have no papers to shew that Mr. Gardiner was employed in any such way in your office? There is only one sketch for a wrought-iron bridge of 120 feet span. It was never completed, nor do I believe that any quantities were got out for it\* 29 Dec., 1863.
3714. You are not aware that the quantities were got out? I can only see from the drawings; if they are not upon the drawings they were not got out.
3715. You do not remember any conversation you had with Mr. Gardiner about the weight of these bridges? No, certainly not.
3716. Have you any recollection of suggesting to him that 50 per cent. should be added to the weight? Never. Why should 50 per cent. be added to the weight?
3717. I presume you thought it was too light? Never in my life. Mr. Gardiner would not have been the person I should have consulted if I had wished for information upon that subject.
3718. Was Mr. Gardiner employed in the long-room on his first engagement? I think he was.
3719. Did you visit that office often? Yes.
3720. Two or three times a week? Sometimes two or three times a day.
3721. Have you visited the long drawing-room frequently lately? No.
3722. Two or three times a year? When I have found it necessary.
3723. I say have you visited it two or three times a year? It might be more; I may have visited it two or three times a month, or I might not. When I found it necessary.
3724. You do not remember anything particular about Mr. Gardiner at that time—any conversation you might have had with him, with regard to American surveying or American engineering? I never had any conversation with him of that kind in my life. He spoke to me about the experience he had had in America; that was the only conversation I had with him with reference to anything of the kind, and that was at the time I engaged him.
3725. Did he not speak to you of some superior mode of surveying to that employed in the Colony? He never spoke to me about anything of the kind. From my experience of the work done by him I should think he was the last person who would do so.
3726. Did he say anything about railway curves at that time? No.
3727. You never had any conversation with him about railway curves? Never.
3728. You never told him you would not be dictated to by him? Never. I should think it a piece of great impertinence in him if he were to attempt to do so.
3729. You never had any conversation with regard to the establishing of an Institute for Civil Engineers in the Colony? Never; he told me he wanted to get a lectureship in some institution if he could.
3730. Did you examine Mr. Gardiner, prior to his being admitted into your department, in the first instance? No, I do not think I made any particular examination of Mr. Gardiner. I asked him a few questions about staking out curves.
3731. You had some conversation with him about laying out curves? Staking them out simply—in reference to his knowledge whether he could stake out a curve.
3732. Do you remember the questions you ask candidates for admission into your office? No.
3733. Did Mr. Gardiner answer your questions satisfactorily? Yes, he gave the formula for setting out a curve.
3734. Did he give a formula you were acquainted with? I suppose he did, or I should have asked him the question again.
3735. Did he shew you a short method of calculating tangents to curves? Not that I am aware of.
3736. Did he not shew you a new method he had of calculating? No, I remember no new method at all; I saw he could make the calculations for it.
3737. Did he not offer to calculate lines by two methods during the time you were calculating one by the old? Nothing of the sort.
3738. Was it part of your examination of Mr. Gardiner at that time to ask him if he had ever known an honest contractor? Never; I never said such a thing to Mr. Gardiner.
3739. If Mr. Gardiner has stated so he was wrong? Decidedly; why should I talk to Mr. Gardiner of dishonest contractors?
3740. You are aware you advertised for engineers who could stand an examination, and that if they stood an examination satisfactorily to you, they would get permanent situations? I am not aware of that. The advertisement was put in because at that time it was understood that we should go on with the extensions. When it was afterwards determined the works were not to be gone on with, I made no further examination.
3741. Did you recommend Mr. Gardiner for a situation in the Lands Department? I think there was an application for a surveyor. I am not positive whether Mr. Gardiner applied to me, but I think I wrote a minute to the effect that I had no doubt Mr. Gardiner would do his work satisfactorily.
3742. Did you give Mr. Gardiner an excellent character prior to his leaving? No, not very. I said his work had been done satisfactorily, but it was very simple work.
3743. Did you consider his work to be satisfactory? Yes; they were rough drawings to enable the quantities to be taken out, and his calculations were correct.
3744. That was all that was required? Yes; but when I came to examine them afterwards I was astonished to see in what a round-about way the quantities were taken out.
3745. Was not Mr. Gardiner quick at that work? I am not aware.

3746.

\* ADDED (on revision) :—by Mr. Gardiner.

- J. Whitton, Esq.  
29 Dec., 1863.
3746. What do you mean by a round-about way of taking out the quantities? Going through a great amount of algebraic formula without any necessity.
3747. Perhaps you will point out what you mean by a round-about way of taking out these quantities? They are written on the sections.
3748. Will you refer to any particular drawing, and point out where it is so? (*The witness referred to several drawings.*) There are a number of dimensions here that will shew it.
3749. Will you specify the drawing? It is marked No. 13; it is the drawing of a viaduct.
3750. Will you point out the round-about mode in which the calculations are made? I say there are far more figures than are necessary—by taking out the average width of the piers the quantity might be arrived at.
3751. Is it more than necessary to shew the quantity of work in the entire viaduct? \*Yes, I could have taken out the quantities with one-tenth of the figures.
3752. *By the Chairman*: Could you have taken them out in one-tenth of the time? I do not know the time that was occupied in taking them out.
3753. *By Mr. Dalgleish*: Could you have taken them out in a shorter time than Mr. Gardiner was engaged in calculating them? I do not know how long he was.
3754. Is it more fully carried out here than it would be by any first-class engineer? I do not know what a first-class engineer might do; I should not use so many figures.
3755. Are these pencil figures by Mr. Gardiner? I suppose they are.
3756. They are not your figures checking his calculations? No.
3757. Nor any officer of your department? I do not think so.
3758. Then the only fault you have to find with this is, that Mr. Gardiner has gone more fully into the matter than he need to have done? I found no fault with Mr. Gardiner. You were speaking of a mode by which he could take out the quantities quickly, and I said that more figures were used here than were necessary.
3759. Could you have given Mr. Gardiner a better character than the one you gave him? I gave him a good character; I had no fault to find with Mr. Gardiner then. When he was in the department the work he was engaged upon was simply making these drawings, the dimensions of which were all given to him. I do not think I had a word with Mr. Gardiner during the time he was in the department.
3760. You say Mr. Gardiner was very correct? I say I believe he was generally correct. I have checked his calculations, and I think there are some errors marked in some of these drawings; but any man is apt to make some mistakes in taking out from drawings of this kind.
3761. *By the Chairman*: They are mere errors in calculation? That is all, or it might be an error in the dimensions.
3762. *By Mr. Dalgleish*: Were the drawings of the Nepean Bridge made here? Yes.
3763. Were the quantities taken here? The quantities of masonry were taken out here.
3764. The detail drawings? Not the details of every plate.
3765. It was not the details of every plate you alluded to when you spoke of the Menangle Bridge? I had no details at all of the Menangle Bridge.
3766. Did you ever know a drawing made out with the detail of every plate upon it? Those drawings I furnished the other day had the detail of every plate. Engineers, as a rule, very seldom give more than the general plans and areas.
3767. And rivet bearings? No, I think not; that is generally left with the manufacturers.
3768. Is not that mentioned in the specification—the rivet bearing? I think not.
3769. Is not that an important matter? Yes, no doubt; but it is concluded that the men whose special business it is to manufacture these bridges are fully acquainted with these details.
3770. Is it not the object of a specification to leave nothing to possibility or chance? † It is, for a person has been appointed in England whose duty it is to inspect the work before it is sent out, and therefore nothing is left to chance.
3771. Who has the contract for the last locomotives that were sent for from here? Stephenson has got the contract for nine, and Byers, Peacock, & Company for the other nine.
3772. At what prices? I think the prices are £2,450 each at the works.
3773. Is not engine-work dearer at the present moment in Great Britain than it has been for the previous six years? No; the manufacturers have very little to do. Mr. Stephenson had scarcely got an order for locomotives when he got this contract.
3774. Are not the prices of machinery higher? I have not found it so particularly.
3775. Is there any reason why Mr. Charles Fowler could not have imported these engines to this Colony at a profit? Yes, I think a very strong reason.
3776. Without any private reason, could he not have imported these engines at a profit? I think not.
3777. What is the freight? About £500 each.
3778. Would not that be a profit? No, there would be the insurance, freight, delivering in Liverpool, and delivering in Sydney.
3779. Is Mr. Fowler's commission added in the price you have given? No.
3780. It has to be added? It would have been added in any case.
3781. Is it not possible that Mr. Fowler could have made better terms with the contractor? Not at all; I believe there is not a manufacturer in England would have taken a contract from Mr. Charles Fowler.
3782. Would they not take the contract if he were backed by a merchant, and would he not have made a profit on the engine? No merchant would back him.
3783. Would these engines cost as much as these merchants were assured by persons in your department they would? The cost was never mentioned to merchants by me.

3784.

\* Revised:—No, but

† Revised:—Yes, but in this instance



3784. *By the Chairman*: You say the cost was never mentioned to merchants—to whom do you refer? I presume Mr. Dalgleish alluded to Messrs. Willis, Merry, & Company. Mr. Willis came to me and asked me if I thought he could get them out at the price mentioned in the tender. I said he had no business to ask that question, that I would give no opinion about the engines, nor did I give any. J. Whitton,  
Esq.  
29 Dec., 1863.
3785. Do you know whether Mr. Rae had any conversation with Messrs. Willis, Merry, & Company? Mr. Rae was present when I was speaking to Mr. Willis. Mr. Willis called upon Mr. Rae, and Mr. Rae sent for me. I expressed no opinion as to the worth of the engines or as to Mr. Fowler's ability to get them out.
3786. Have you heard whether Mr. Rae had any other interview with Messrs. Willis, Merry, & Company? Not that I am aware of.
3787. *By Mr. Dalgleish*: Have you any reason to suppose that Mr. Gardiner is a person of quarrelsome disposition? I have every reason to suppose it.
3788. From your own knowledge? Of my own knowledge I have seen little of it.
3789. At one time you saw him three or four times a week? \* Of course, from the fact of Mr. Gardiner quarrelling with almost every person in the department, and of his having been dismissed from the service in Melbourne, I have sufficient reason —
3790. Are you aware that it is true that he was dismissed from Melbourne on account of his quarrelsome disposition? I can produce the whole of the documents from Melbourne.
3791. Were they sent to you? I obtained them.
3792. Will you tell how you obtained them? It is hardly necessary I should do so.
3793. Did Mr. Deering obtain them from Melbourne—did Mr. Deering go to Melbourne to obtain information in this matter? Certainly not.
3794. Are you aware of persons in your department writing letters to different people in the country, asking them to give information respecting Mr. Gardiner's moral character? I am not aware of their having made inquiry as to his moral character. The only instance I am acquainted with is, where a letter was written to Mr. Dalgleish and shewn to Mr. Holroyd.
3795. Do you state it as a matter of fact that Mr. Gardiner was discharged from Melbourne on account of being of a quarrelsome disposition? For insubordination.
3796. Insubordination does not always imply a quarrelsome disposition? It was under similar circumstances. The Committee will form their own opinion as to whether he is quarrelsome or not.
3797. You are aware that these persons who have already spoken of Mr. Gardiner, have spoken of him as a person of anything but quarrelsome disposition? Which persons are those?
3798. All those who have given evidence before the Committee? All those boys out of my office.
3799. Some boys, and one old man—is it not probable that you may get the truth from boys as well as from old men? They have told untruths in other respects, and when a person tells an untruth in one thing we may expect him to do so in another.
3800. *By the Chairman*: Whom are you alluding to? Robertson and Trengrouse.
3801. *By Mr. Morris*: Is the contract for the Nepean Bridge taken? Yes, for the bridge at Penrith.
3802. That is an iron bridge also? Yes.
3803. What is the weight of that bridge in comparison with the weight of the Menangle Bridge? I do not remember the weight of the Nepean Bridge at Penrith; I think it is about 1,200 tons.
3804. Is the relative strength of the two bridges the same? † They are proportionally strong.
3805. *By Mr. Dalgleish*: Is not one almost a *fac simile* of the other? Yes, as to design.
3806. One bridge is taken from the other? Not exactly.
3807. *By Mr. Morris*: The Penrith Bridge has been ordered in England? It has.
3808. Has the contract been taken for it? It has.
3809. At what rate? About £37 10s. per ton, including everything, and fixing complete.‡
3810. Is not that considerably lower than the tenders offered in the Colony? By nearly £10,000 than the lowest tender.
3811. With regard to commission agents—when an agent purchases for another, is he not paid the same per centage whether he purchases at a high or a low price? I do not know what is done in commission cases, but I apprehend you can depend only on the character of your commission agent to make purchases in the best way.
3812. *By Mr. Dalgleish*: If Mr. John Fowler is the owner of these large iron-works which I understand to be a manufactory for rolling plate iron, may he not have a direct interest other than that which he has in the supervision of these bridges? § Not unless he orders the iron from his own works, which I am sure he cannot.
3813. What kind of iron is manufactured at these works? Armour plates for ships.
3814. How long have the works been established? Not more than five or six years.
3815. There were few armour plates rolled six years ago? No.
3816. I think they roll a great deal of iron used in ship building? Perhaps they do.

WEDNESDAY,

\* *Revised*:—I have formed my opinion from the fact of Mr. Gardiner quarrelling with many persons in the department, and of his having been dismissed from the Government service in Melbourne under similar circumstances. This I think is a sufficient reason for such a conclusion.

† *Revised*:—They were ordered by me proportionally strong.

‡ *ADDED (on revision)*:—The total contract amount is £41,750.

§ *Revised*:—No, I think not.

WEDNESDAY, 13 JANUARY, 1864.

Present:—

MR. DALGLEISH,  
MR. MORRIS,MR. STEWART,  
MR. TIGHE.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Charles Fowler, C.E., called in and examined:—

- Mr. C. Fowler, C.E.  
13 Jan., 1864.
3817. *By the Chairman:* You are a civil engineer? Yes.
3818. How long have you been in the Colony? Nearly five years.
3819. During your residence in the Colony you have had occasion to visit the Works Department very often, I believe? Yes.
3820. Have you been in that portion of the department known by the name of the long drawing-room—a wooden building? Yes, I have been in there and made tracings of plans, and also taken quantities for contractors, to enable them to make estimates.
3821. Have you been there often? Yes, a number of times.
3822. Have you seen any drinking going on in the department? Well, I have not seen much drinking going on, because, to a certain extent, of course, it was kept out of sight whilst I was there.
3823. Have you seen any of the officers the worse for drink? Yes.
3824. Can you name any? I have seen Mr. Hall several times palpably the worse for drink.
3825. Any other? I have seen Mr. Micklethwait palpably the worse for drink several times.
3826. Have you seen any other the worse for drink? I have not seen any other clerk in the office exhibit any symptoms that I could detect of having indulged in drink.
3827. Have you seen drink brought into the office? I have seen the messengers take it in.
3828. How often—more than once? Yes, many times. I should say, however, that that was chiefly at lunch-time, about 1 o'clock.
3829. Do you know what they were taking in? Well, they generally had it in a carpet bag; I certainly have seen bottles of brandy going in.
3830. Have you seen Mr. Hall and Mr. Micklethwait the worse for drink more than once? Yes, I have seen Mr. Hall several times—I should say at all events three or four times, perhaps oftener—when he was palpably the worse for drink. I have seen Mr. Micklethwait so bad in the morning, at 10 or 11 o'clock, that he was palpably the worse for drink. One afternoon in particular, I recollect seeing him the worse for drink, inasmuch as he went up to Gardiner, insulted him grossly, and challenged him to fight.
3831. Were you present? I was; I was tracing plans; he was fighting drunk, you may call it.
3832. Have you seen any performances, such as “Suffolk Punch,” or the “Scissors Grinder”? I have never seen any.
3833. Do you know an officer in the department of the name of Moody? Yes.
3834. Do you know anything of him? Mr. Moody is a man whom they employ in the capacity of a detective.
3835. Have you seen Mr. Moody watching and listening at the door, to hear what was going on inside? Yes; I will mention a particular instance:—One day I went in to see Mr. Rae on business, and coming out of his door on a sudden, I caught Mr. Moody behind the door which came out of Mr. Moody's office into Mr. Rae's office, with his pencil and paper, taking notes of the conversation which had been going on between Mr. Rae and myself. I had seen the man several times employed in that capacity during Captain Martindale's time, listening behind the doors and taking notes of conversations.
3836. Conversations which were going on in Captain Martindale's room? Yes.
3837. With any contractor or gentleman who went there to transact any business? Yes. On this occasion I complained to Mr. Arnold, and declined to see Mr. Rae in future on business. I told Mr. Arnold the reason why I declined to see Mr. Rae again on business—that I had caught this man listening behind the door and taking notes of the conversation; I told him I did not consider it a respectable way of doing business. Mr. Arnold hung down his head in silence. Some time afterwards I asked Mr. Moody who was the successful tenderer for a work three or four days after tenders were sent in; he replied to me, “None of your people.” I asked him what he meant by the expression, as I did not know that it was his business to inquire who were my clients. I afterwards had a correspondence with Mr. Arnold on the subject of Mr. Moody being employed as a detective. I do not know whether the Committee have that correspondence; no doubt it can be produced; I have not a copy.
3838. You brought under Mr. Arnold's notice the conduct of Mr. Moody in listening as a spy? Yes, and making it his duty to inquire my business.
3839. Have you seen any quarrelling in the department? None beyond what I have mentioned.
3840. *By Mr. Tighe:* Who is this Mr. Moody? The chief clerk. I think he was once in the police force as a detective or something of the kind. I have heard Mr. Rae and Mr. Whitton abuse Captain Martindale in no measured terms for employing this man in this capacity, and then when he is gone they employ him in the same capacity themselves.
3841. As an eavesdropper, you mean? Yes, actually going behind the door to listen to conversations. In the old office the plan of the room will easily explain how the thing was done. (*Witness explained by sketch.*) Of course, a man who will consent to play the part of

- of eavesdropper will say anything that he is required to say. He was there for that purpose—not the slightest doubt about it. Mr. C. Fowler, C.E.
3842. What salary is Mr. Moody receiving? £450.
3843. *By the Chairman*: Do you think any man could command the respect of those in the department who would submit to that course of eavesdropping? I should say not. I have heard many persons speak of him as being employed in this capacity, and certainly not with anything like respect, but the contrary. 13 Jan., 1864.
3844. As a matter of fact, you saw him in the act of taking a position which could have no other object than taking notes? Yes, distinctly on that occasion; I mention it peculiarly, as being my own affair. I have seen him many times similarly employed when Captain Martindale was there.
3845. You saw him in a position where he could have no other object? I caught him in the fact.
3846. Then you could have no confidence in any communication you had with the office afterwards being confined to yourself and the officer with whom you held communication? No; I declined to see Mr. Rae on business after that, and I am not aware that I have seen him on business since.
3847. *By Mr. Dalgleish*: You say you know Mr. Micklethwait? Yes.
3848. You have seen him in a state of intoxication? Yes, in the office.
3849. Do you know a person of the name of Charles Brown, formerly in the Works Department? Yes.
3850. Do you remember on one occasion calling with Mr. Brown at my house? Yes.
3851. I was absent? You were absent.
3852. You met me in the street as I was returning home? We did.
3853. Do you remember introducing Mr. Brown to me at that time? Yes.
3854. What did Mr. Brown say—did you not introduce him to me in these words—"This is Mr. Brown, a gentleman that is acquainted with Mr. Micklethwait"? Yes.
3855. Did he not answer in these words—"Yes, I know all about him; I was with him on a survey; he was very frequently intoxicated; he owed me a large amount of money, and it cost me a great deal of trouble before I could get it returned"? Yes, words to that effect.
3856. "I had to complain to Mr. Whitton before I could get it returned"? Yes, he also made that statement.
3857. He stated that Mr. Micklethwait was frequently incapacitated from carrying on his work, owing to drink? Yes.
3858. You were present when he volunteered all these statements to me? Yes, I was present.
3859. I did not ask him to give me any such information? No; I made the remark that he was acquainted with Mr. Micklethwait, and he immediately volunteered the statement.
3860. Are you aware he afterwards denied making such a statement, and wrote a letter in the press, denying it? He wrote a letter, published in the press, tantamount to denying it—backing out of it, at all events.
3861. Have you seen Mr. Micklethwait the worse for drink in the office? Yes, on the occasion when he challenged Mr. Martin Gardiner to fight.
3862. Did you observe what passed prior to that—if any provocation had been given by Mr. Gardiner? I heard Mr. Micklethwait, in conversation, address some words to him; but I was occupied in my own business, and did not pay particular attention; and then I heard him challenge him to fight.
3863. Did you hear of Mr. Gardiner having written a minute to the head of the department—Mr. Whitton—on the subject? I have heard since that he did so.
3864. Was it the same occasion that you refer to? Yes, I believe it was the same occasion.
3865. Have you seen any of the other officers of the department, when on duty, the worse of liquor? None, except the two I have mentioned.
3866. Do you know Mr. Fearnside? Yes.
3867. Have you seen him the worse of drink? No.
3868. You have seen brandy coming in there by the bottle, yourself? Yes.
3869. Have you heard other parties, who have had access to the office where the draughtsmen were—contractors and others—complaining of the way in which the business was conducted there—the disorderly conduct of the draughtsmen in the room? I do not recollect hearing any conversation of that kind.
3870. Are you a brother of Mr. John Fowler? Yes.
3871. Do you know if Mr. John Fowler is an iron-master in England—the owner of large iron-works? Yes, near Chesterfield.
3872. What description of iron does he manufacture principally? I really have not heard much about it lately. There are smelting furnaces, and a rolling-mill; but whether they roll rails or what they roll I do not know.
3873. Do you know if Mr. John Fowler is a partner of the firm of Manning, Wardell, and Company—the money partner—the person who supplies the money to carry on the works? I do not know that he is the money partner; all that I know about it is that he and Mr. John Leather lent them some money to start the concern.
3874. Do you know yourself that he lent them money to start the concern? I merely know from common report.

[Witness recalled.]

3875. I asked you if you knew Mr. Micklethwait personally? Yes.
3876. Do you know him sufficiently well to know if the condition of his body—the tremor of his limbs—would enable him to perform his duties as a draughtsman, or as a surveyor in the

Mr. C. the field, efficiently? He has not been in a fit state to perform the duty of a draughtsman  
 Fowler, C.E. for two or three years back. I never saw a confirmed drunkard have shaky hands worse  
 than he has; and I have no hesitation in saying those shaky hands are produced entirely  
 13 Jan., 1864. from drink.

3877. Have you had ample opportunity of observing him? Certainly.

3878. Can Mr. Whitton be ignorant of these matters? No, Mr. Whitton is as perfectly well aware of it as I am.

3879. Has he not been staying with Mr. Whitton for a time? Yes, Mr. and Mrs. Micklethwait have been staying with Mr. Whitton lately.

3880. Were they not schoolfellows? I think they were; at all events they were together in Mr. Billington's office at Wakefield.

3881. Was Mr. Micklethwait sent for by Mr. Whitton? I do not know whether he was sent for, or came out afterwards; at all events when he came out he was immediately employed in the department.

3882. At what salary? £780 a year.

3883. Would the condition he is in unfit him for duty as a surveyor in the field? I should say, from what I have seen of him, that for the last three years he could not have done six months' work—certainly he could not as a draughtsman, and I should say very little in the field. A man in his emaciated state must be continually drunk or suffering a recovery.

3884. *By the Chairman:* Does it not require a very steady hand to regulate the instruments? Certainly. In fact, the man in the morning cannot do anything until he is three-parts drunk. I have seen him so bad that he could not get his pencil point to the paper.

3885. *By Mr. Dalgleish:* Then he positively could not put down proper notations of his survey? Certainly not.

3886. From your practical experience as a surveyor in the field, you think him incapable of performing those duties when he is in that condition? Unquestionably.

3887. *By Mr. Morris:* How do you know that Mr. Micklethwait is so much given to drinking? Because I have seen him and met with him frequently. Three or four years back I have seen and met him with Mr. Whitton. Mr. Whitton has seen him drunk many times, and frequently complained of his drinking, and said he would kill himself by drinking to excess. I have seen him frequently indulge in drink very largely myself, and have noticed his emaciated appearance. I have not seen so much of him lately.

3888. Is Mr. Micklethwait a man who could stand much drink at all? I should say, from what I have seen of him, he could stand a frightful amount of drink.

3889. Could you not see him under the table yourself? I have been with him of an evening, and he could take his drink as well or rather better than most men.

3890. Supposing you had had his duties to perform during the last three years, could you have performed them—have you yourself always been of such steady habits that you could have performed these duties? I never lost half a day in my life through drink.

3891. You are not yourself given to drink at all? ———

*(Mr. Dalgleish objected. Witness requested to withdraw. Witness recalled.)*

3892. *By the Chairman:* Have you any ill feeling against Mr. Micklethwait? No, not against him particularly or individually; I do not like the conduct of the department; I have been treated very badly by the department generally, as will be seen when the circumstances come out about my tender for locomotive engines. I am glad the Honorable Member (*Mr. Morris*) made the remark he did about my habits. I have no doubt he has heard reports about my drinking. In that department it is a common practice, when any person is supposed to be objectionable to them, to set the whole machinery agoing to lie and slander away his character. There is Mr. Rae, and Mr. Moody, and Mr. Whitton, and his todies and sycophants, and if they see a man going into a public-house to have a glass of beer with a contractor, for whom perhaps he has been doing some business, they go and slander him. \*They have reduced this almost to a science. I have no doubt the Honorable Member has heard reports of this kind; but if the Honorable Member will look at me he will see I have not much injured my constitution by drinking.† If I do go with a contractor and take a glass with him, I do not see that it is a serious matter.

3893. Have you an office of your own in Sydney? No.

3894. You are engaged by different contractors to take out quantities and make tracings? Yes.

3895. These people do not live in Sydney, and generally put up at different hotels, where you occasionally accompany them? Yes, and I very frequently dine with them, perhaps at a restaurant or hotel.

3896. You may remain there for hours making up your calculations? Certainly.

3897. Did any person ever see you the worse for liquor in the streets of Sydney? I should say he never did. Mr. Arnold mentioned something of the kind in the House, in his low vulgar way—he called me a public-house loafer. I am glad, therefore, the Honorable Member put the question. I know it has been talked about, and I am glad of the opportunity of denying it. Even if it were true, that is a very different thing from drinking in a public office.

3898. *By Mr. Dalgleish:* Have you ever known drinking allowed in any public office? No, I do not think it is allowed in the Lands Office—I do not think it is allowed to come in. I think it very objectionable, the sight of the brandy-bottle in a public office.

3899. Have you ever seen a bottle of brandy publicly exposed in the long drawing office? Not publicly exposed, certainly not.

3900.

\* *Revised:*—They have reduced this to a system, I might say almost to a science, if there be anything scientific about the department.

† *INSERTED (on revision):*—My hands are not shaky.

3900. *By the Chairman*: Can any person approach the long drawing office without being seen from any portion of it—I mean in the old office—Could any person approach from the main building to the long drawing-room without being seen? Any person in the long-room could see him just as well as you can see a person going through this yard out of this building. It would be quite possible for all that has been alleged to go on there, without Mr. Mason, Mr. Barton, Mr. Quodling, or others, seeing it. There were certain telegraphic communications made, so that it would be kept out of sight.

Mr. C.  
Fowler, C.E.

13 Jan., 1864.

3901. *By Mr. Morris*: You say Mr. Whitton was aware of Mr. Micklethwait's habit of drinking to excess? He was; and I say further that I have had conversations with Mr. Whitton in which he has spoken strongly against Mr. Micklethwait's excessive drinking, saying how foolish it was of him with the complaint he had on his chest—that he would kill himself. I say, three years ago I have seen his hand so shaky that it was impossible for him to do any work.

Mr. William Mackay called in and examined:—

3902. *By the Chairman*: You are a draughtsman in the Works Department? I am.
3903. How long have you been in the department? Since 21st June, 1860.
3904. What have you been engaged at there? At one time on station drawings; at another time line drawings; anything.
3905. Chiefly on station drawings? Yes, a considerable portion of my time.
3906. You have been assisting Mr. Hall? Yes.
3907. Have you ever seen any drinking in the department? I have seen beer taken; a little of one thing or another, but nothing of any consequence.
3908. At what time during the day? I know for certain at lunch-time, but I would not like to be certain I have seen it at any other time.
3909. Would you say drink has not been taken at any other time of the day, only at lunch-time? No, I would not say so.
3910. *By Mr. Dalgleish*: Were you principally employed on stations during the time you were in the office? Yes, the greater portion of my time I have been.
3911. What part of the work did you perform? Sometimes a portion of the pencillings, sometimes the inking, sometimes the colouring—nearly always the writing and finishing up the plans.
3912. *By the Chairman*: Have you seen any drinking going on at any other time than at lunch-time? Well, I have.
3913. What have you seen—what description of drink? I have seen brandy used and I have seen beer used.
3914. At other times? Yes, but the exact time I would not be certain of.
3915. Have you ever seen Mr. Hall the worse for drink in the office? No.
3916. Have you seen Mr. Micklethwait so? No.
3917. Have you seen bottles of brandy brought into the office at any time? Yes, two or three, one of which was to take home myself.
3918. Who brought the brandy in? The messenger.
3919. Which messenger? The only one that brings any—Fitzgerald.
3920. You have seen him bring brandy in? Yes.
3921. Mr. Hall occasionally goes out to measure work—does he not? He does.
3922. Have you heard of his having been the worse for drink during the time he has been measuring? No.
3923. Did you hear of a charge being brought against Mr. Hall at Penrith? I heard of it.
3924. Did you hear what was the nature of that charge? Yes.
3925. What was the nature of it? Some misconduct with some of the women up there.
3926. Do you know whether Mr. Hall remained in Sydney some time after that? No, I do not know. It all happened before I came to the office; I only heard of it afterwards.
3927. Has not the Penrith station been put up since you were in the office? Yes.
3928. Did not this occur during the time the Penrith station was being put up? No, if anything of the kind happened at that time I never was aware of it.
3929. You know Mr. Robertson? Yes.
3930. Was he engaged in your room? He was.
3931. Do you know what work he was engaged at? No, I could not tell.
3932. Have you seen him engaged at plans? Yes.
3933. Would you know Mr. Robertson's work if you saw it? I would not like to be sure about it.
3934. Did you ever see him engaged about the Menangle Bridge? I do not know, I am sure, because those bridges were not drawn in the room I was in.
3935. However, you have seen Mr. Robertson engaged otherwise than in tracing? I have.
3936. What sort of draughtsman is Mr. Robertson? I would not like to express an opinion, because I have seen so little of his work; I have not been beside him while he has been doing drawings.
3937. Did you write a letter to Mr. Moore? I did.
3938. Is that the document (*shewing a letter to witness*)? Yes, that is mine.
3939. This is to endeavour to get some information from Mr. Moore as to the conduct of Mr. Martin Gardiner? Yes.
3940. What was your reason for writing such a letter? My reason for it was this:—Mr. Gardiner accused me of misconduct in the office, and of being confined through the effects of drink at home. I heard from two of our surveyors that he himself had

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not been conducting himself properly; and I thought, as this person had given the information to them, he would not object to do it again. I did not do it to injure Mr. Gardiner, but for my own defence.

3941. If Mr. Gardiner happened to have misconducted himself, would that make your case any better? I looked at it in this way—that if he accused me of a thing and did it himself, his evidence was not worth much.

3942. If Mr. Gardiner had committed himself, that would be no reason why you should commit yourself also? I considered his word on that account would be of little value. If I accused a person of drinking, and had committed myself in the same way, I would consider my word of very little worth.

3943. *By Mr. Morris*: Your object was to throw discredit on the character of Mr. Gardiner as a witness? Yes, for the reason that he had been guilty, as I was informed, of the same thing of which he accused me.

3944. *By the Chairman*: Then according to that view, because a man is a drunkard he has no right to accuse another of drunkenness? No, I do not say that.

3945. *By Mr. Morris*: You mean that under such circumstances his testimony is not worth much? That is my meaning.

3946. *By the Chairman*: What did you mean by saying in this letter you were sure this person would not only oblige you but other officers in the department;—what other officers did you mean? He has accused others besides myself.

3947. Did you see Mr. Moore's letter to Mr. Dalgleish? I did.

3948. Then you see Mr. Moore in this letter denies he had ever known Mr. Kennedy? He does, I believe.

3949. And says that he never knew anything against Mr. Gardiner's character? Yes, I believe that is his answer.

3950. Could you shew any of Mr. Robertson's work there (*shewing a plan to witness*)? I do not know Mr. Robertson's work sufficiently to say.

3951. Do you think Mr. Robertson is capable of doing such drawings as this? I dare say he is capable of doing the drawings, but I have seen so little of his work I cannot say whether any of this is his. I do not mean any disrespect to Mr. Robertson, or to say that he cannot do it.

3952. *By Mr. Morris*: Have you not been in the same room with Mr. Robertson? No. At first he was in the same room, and for a short time some time ago; but I have not been continually in the same room with him.

3953. *By the Chairman*: Have you at any time seen Mr. Hall performing any of those things that have been spoken of—"Suffolk Punch," "The Scissors Grinder," and some characters of Shakespeare? I have seen Mr. Hall do what I would not be astonished to see any person do—I might do it myself. I have heard him say, "My name is Norval," repeating a little bit of Shakespeare, or a little of something else—I might say it myself. I would not consider, if Mr. Hall did so, that he either wasted his time or occupied much of the time of others.

3954. Have you seen Mr. Hall paying much attention to the females in the adjoining yard? No.

3955. Is there not a small room adjoining the drawing-room? Yes.

3956. Have you seen him frequently in that room? I have.

3957. Have you seen what he has been doing there? No, I cannot say I have particularly noticed.

3958. Cannot the gentlemen engaged in the long-room see or hear any person who may be approaching that room before they enter? Yes, they might hear, but not see, unless purposely watching.

3959. No person can come to the room without being seen or heard before they enter the room? Not always.

3960. What do you mean by saying "not always"? Sometimes they can come without being heard. I have seen the door opened on many occasions, and have not known the person was coming till the handle turned in the lock.

3961. If they are on the watch in the long-room they can see or hear any person before he enters the room, as he comes across from the main building? Yes, if a person walks firmly or heavily we can hear it, but a person walking quietly on some occasions we do not hear.

3962. Have you ever seen Mr. Hall collecting round the room for the purpose of sending for a bottle of grog? Yes, I have.

3963. Have you seen any contractor give or throw money on the table for the same purpose? No.

3964. *By Mr. Morris*: Did Mr. Hall send the money or send a note for the grog? I do not know.

3965. Do you wish to leave the Committee to understand that you have never seen any amount of improper drinking in the department? I have not.

3966. And you have never seen any person under the influence of drink there, so that he was not able to perform his work? Never.

3967. You have never seen Mr. Hall, or Mr. Drewett, Mr. Barton, or Mr. Micklethwait so? No.

3968. How came you to write a letter to Mr. Moore, in which you state you have received information from Mr. Kennedy with regard to Mr. Gardiner, when Mr. Moore distinctly denies he ever spoke to Mr. Kennedy in his life? Mr. Kennedy and Mr. Jamieson came to our office, and in speaking of this affair told me Mr. Moore had given them this information regarding Mr. Gardiner, and told me they got the information from him when they were purchasing a horse.

3969. Who is Mr. Kennedy? One of our surveyors.

3970.

3970. And who is Mr. Jamieson? Another.
3971. They both told you Mr. Moore had made these statements, with regard to Mr. Gardiner, which he so distinctly denies? Yes, I sent a copy of Mr. Kennedy's letter to the Minister for Public Works along with that; I kept the original.
3972. Did Mr. Kennedy write you? Yes, he wrote to say Mr. Gardiner did owe Mr. Moore upwards of £40, for moving his camp backwards and forwards and for rations; and he told me that Mr. Moore did not give him authority to use his name. Besides this, when they were in the office they told me that Mr. Gardiner himself indulged in drink, and that he did not bear a very sober name up there; whether it was Mr. Moore that told them this or not I do not know.
3973. Nevertheless we have Mr. Moore's denial? Is the letter I enclosed to the Minister along with that?
3974. *By the Chairman*: No? I did enclose a copy of Mr. Kennedy's letter to me. I should never have moved in the matter in such a way if I had not heard that. Mr. Moore was a person whose name I never heard.
3975. *By Mr. Morris*: Have you been in the habit of drinking wine or spirits in the office—how much in a day? I think everything I have drunk in the office would go into a quart bottle, since I have been in the office.
3976. I ask how much you ever drank in a day? I am not aware that I have drunk more than one glass of brandy in the office, because I am not a drinker.
3977. *By the Chairman*: You see Mr. Moore says in his letter: "As for Mr. Kennedy I know him not, never saw him, and never mentioned Mr. Gardiner's name to him or any other person, for or against his character"? When I saw that, I thought something must have gone wrong, because Mr. Kennedy's letter was there to prove that he had, and I believe Mr. Kennedy.
3978. *By Mr. Morris*: Is Mr. Kennedy in the employment of this Government? Yes; he is up in the north, I believe.
3979. During the time Mr. Gardiner was in the office, have you seen anything in his conduct to which objection might be taken? I have seen him in every respect indulge in the same merriment, and to the same extent as any one else.
3980. As far as I understand from you, the extent of the merriment was not very great, and therefore that would not be creditable to Mr. Gardiner? No, I do not say it was; but he has made it a charge, and I say that to the extent it was indulged in he himself was a sharer in it.
3981. Did you ever see him drinking brandy in the office? Before Mr. Gardiner left the office the first time, he drank with Mr. Hall every day—for a considerable time after the quarrel with Mr. Deering.
3982. Was not that only beer at luncheon? I could not state what it was.
3983. Have you not stated so, as a matter of fact, in your evidence before Mr. Whitton, that you saw them drinking beer at luncheon? I supposed it was beer; I would not like to be certain.
3984. "I have seen Mr. Hall and Mr. Gardiner taking beer together at lunch-time; indeed "it is usual for most of the officers to take beer for lunch; I have taken it as well as "others"? Yes.
3985. Whatever may be Mr. Gardiner's faults, it is not fair for you to try to insinuate he has faults? I do not mean to insinuate anything about Mr. Gardiner.
3986. Mr. Hall has been accused of drinking, and the Government is satisfied he has been drinking to excess—now the inference is, that if Mr. Gardiner was in the habit of drinking with Mr. Hall, he is quite as bad? That was some time ago—before Mr. Gardiner left the office the first time.
3987. Are you a judge of draughting work—making plans? I know a little of it.
3988. Do you consider Mr. Drewett a good draughtsman? Yes.
3989. Have you ever seen any of the work he has done? Yes, I have seen his work.
3990. *By the Chairman*: Do you know if that is his work (*shewing a drawing to witness*)? I do not know whether that is his work or not. It is not like it now, at all events. This has not been done since I have been in the office. I would not like to say who did it.
3991. *By Mr. Morris*: Do you call Mr. Hall a good draughtsman? He is a pretty fair draughtsman.
3992. As a matter of fact did you not do most of the work? I did my share; I do not think I did more than my share.
3993. *By the Chairman*: Do you know your own work when you see it? Yes.
3994. Who did the most of the work in that (*one of the plans of the Penrith Station*)? That is my work.
3995. Who did the next drawing? That is my lining and my writing, but not my colouring.
3996. Whose colouring is it? Mr. Hall's.
3997. Look at the next? That is mine.
3998. *By Mr. Morris*: The colouring is yours there? Yes, the whole of it.
3999. *By the Chairman*: Look at the next—whose is that? This is my inking and my writing.
4000. And Mr. Hall's colouring? Yes.
4001. Look at the next? That is mine. I do not do the pencillings; at least, I do a part of the pencillings sometimes.
4002. Whose is that; that is Mr. Hall's colouring? Yes, and my inking I think.
4003. And your writing? Yes.
4004. *By Mr. Morris*: Mr. Hall did not generally do any of the writing? No. This is Mr. Hall's (*referring to one of the drawings*).
4005. All Mr. Hall's? Yes.

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- Mr. William Mackay. 4006. Your duties seem to have been as assistant to Mr. Hall? Yes.  
 4007. Could you describe to the Committee a twelvemonth's work that you and Mr. Hall did in the shape of draughting? No, I could not.
- 13 Jan., 1864. 4008. How many plans of stations could you turn out in twelve months between you? I could not say.  
 4009. Could you turn out more than three? Oh yes.  
 4010. How long did it take you, now, between you, to turn out the plans for that station? I might give a guess, but I could not be certain.  
 4011. How much more than two months would it take you? I think two months would cover it all.  
 4012. You think the two of you could turn out that set of plans in two months? Yes.  
 4013. Not including the copies? No; the copies do not take long.  
 4014. How long would they take? That sheet (*referring to a sheet of drawings*) might almost take a week to finish.  
 4015. Then, to make copies of all these plans would take you three or four weeks at that rate? No, they are not all so elaborate as this. The difficulty in these two is the stoppage of the different parts between the timbers.  
 4016. *By the Chairman*: Can you tell me why such elaborate drawings are required at all? I cannot say; I am only told to do it.  
 4017. *By Mr. Morris*: Would it not appear, then, that to make a complete set of these plans—originals and copies—would take you and Mr. Hall about three months? That would cover copies and all very easily.  
 4018. Do you take out quantities? No.

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Mr. Hyacinthe Telmon called in and examined:—

- Mr. H. Telmon. 4019. *By the Chairman*: You are engaged as assistant draughtsman in the Works Department? Yes.  
 13 Jan., 1864. 4020. What room do you work in? In the draughtsmen's room.  
 4021. The long-room, where contractors go to take out quantities? Yes.  
 4022. How long have you been working there? About three years and a half.  
 4023. You know Mr. Hall? Yes.  
 4024. You know Mr. Micklethwait? Very slightly; only by sight.  
 4025. Has he not been in the office much while you have been there? I have seen him there, but he was so very occasionally there, and his visits were so short, that I cannot say I know him; I know Mr. Hall better, because I had occasion to see him every day.  
 4026. Have you seen Mr. Hall drink anything in the department? Mr. Hall used to drink ale during his lunch, and the ale was brought in some bottle—a rum bottle or a gin bottle; I have seen ale used during the lunch, and if it was not all consumed, the remainder was consumed during the afternoon.  
 4027. Have you ever seen Mr. Hall drink any spirits in the office? I could not swear as to spirits—I know the ale was used.  
 4028. Did you ever see Mr. Hall bring in anything in the morning? I have seen Mr. Hall sometimes using a physic bottle—such a bottle as could be carried in the waistcoat-pocket. It has been perhaps twice—very occasionally—that I have seen the physic bottle used.  
 4029. Have you ever seen Mr. Micklethwait drink anything in the office? Mr. Micklethwait during lunch would drink as any reasonable man would drink—no extra drinking of any kind—merely in moderation.  
 4030. Did you ever see any quarrelling in the office? Yes, I have seen quarrelling.  
 4031. Who with? I have seen Mr. Micklethwait quarrelling with Mr. Gardiner, and Mr. Gardiner quarrelling with Mr. Hall.  
 4032. Was Mr. Hall quarrelling with Mr. Gardiner? Well, for a certain time I could not call it quarrelling; it was not a quarrel, but rather an argument.  
 4033. Did you ever hear Mr. Hall challenge Mr. Gardiner to fight? I have heard threatening, that some reports had been circulated, and Mr. Micklethwait asking Mr. Gardiner from whence came the reports he had circulated about him.  
 4034. I am not speaking of Mr. Micklethwait, but of Mr. Hall—did you ever hear Mr. Hall challenge Mr. Gardiner to fight? I could not say; there may have been some threatening, I cannot say it was a fight.  
 4035. Did ever you say that Mr. Mackay wasted his time talking to contractors? No, never.  
 4036. Did you ever see Mr. Mackay reading the newspaper in the office? I have seen him read the paper perhaps during lunch.  
 4037. But during office hours? No, I could not bring such a charge.  
 4038. Did you ever see Mr. Hall collecting round the room money to send for drink? No, never.  
 4039. Were you always there when Mr. Mackay was there? Yes.  
 4040. I suppose if Mr. Mackay saw Mr. Hall collecting money to send for drink, you would see him also? I have never seen such a thing.  
 4041. You know the messenger Fitzgerald? Yes.  
 4042. Did you ever see him bring drink into the office? I have seen him bring in the drink for the lunch.  
 4043. At no other time? No. This drink was brought in in square bottles, perhaps about a pint for each, and sometimes in an old brandy bottle, and in different kinds of bottles, and used at lunch.  
 4044. Have you never seen any drinking going on only at lunch-time? Only at lunch-time.

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Mr.



Mr. William Henry Quodling called in and examined:—

4045. *By the Chairman:* You are a clerk in the Works Department? Yes.
4046. Mr. Whitton's clerk? Yes.
4047. What are your duties? I keep the accounts of the engineering branch—the contractors' accounts, the accounts for the working of the lines—both locomotive and permanent way, the salaries, and all accounts connected with the engineering branch.
4048. You said, in your evidence before Mr. Whitton, that you were continually backwards and forwards amongst the engineering draughtsmen? Yes.
4049. Do you mean in the long draughting room? Yes, at one time, but not so much lately.
4050. How far is this long-room from the room which you occupy? It is fifteen yards, I suppose; I have not measured it.
4051. It has no connection with your room? No, my room is at the back of the main building—I can see it.
4052. Can you see anything going on inside? No, not from my office.
4053. How often does your duty lead you into this drawing-room? Lately not much; formerly I used to be there continually.
4054. Why continually? Taking tracings and plans in there, and to obtain information for the Engineer-in-Chief.
4055. What do you mean by continually? Several times a day; that is some years ago.
4056. How often have you been in the long drawing-room in the last twelve months? Not more than twenty or thirty times, I dare say.
4057. Then you have not been there above once in two or three weeks? Sometimes twice in a week.
4058. I believe the only duty you had in the long-room was collecting the journals? I never collected the journals; they were brought to me.
4059. Who brought them? Sometimes one and sometimes another; sometimes one gentleman in the office would bring up the lot.
4060. Then in reality your duty did not take you to the long drawing-room above once in a fortnight or three weeks? Latterly it did not.
4061. I am speaking of about the time the charge was brought by Mr. Gardiner as to the disorganized state of the Works Department—You were much oftener in the room than Mr. Barton or Mr. Drewett? No.
4062. I presume it would have been your duty, if you had wanted anything with reference to the long-room; to go to Mr. Drewett? I generally went to the person who could give the information.
4063. Direct? Yes.
4064. Whom did you consider the head draughtsman? Mr. Drewett.
4065. Generally, when absent from your own room, you were in Mr. Barton's or Mr. Drewett's room? No, I cannot say I was.
4066. Were you in any office previous to entering the Works Department? Yes.
4067. What office were you in? I was in the Audit Office at Hobart Town; previously I was in the Comptroller General's Office, in the Convict Department there; and before I left England I was in the Audit Office of the York and North Midland Railway.
4068. What age were you when you entered the Works Department? Two or three and twenty.
4069. You said, in your evidence before Mr. Whitton, that you never saw any drinking going on in the office, unless at lunch-time, and then only beer;—now, may there not have been a good deal of drinking going on in the long-room without your knowing anything about it? There might have been.
4070. Not being there very often, of course you could not see what drinking was going on there—is not that the fact? Yes.
4071. Were you often in the long-room when they were taking their luncheon? Yes, I remember being in it a good many times—in and out.
4072. How did you know they were taking only beer at that time? I did not see anything else; there was no secret made of what they were taking.
4073. Cannot persons who are in the long-room either hear or see any person approaching it from the main building, before he came to the door? I do not think they could.
4074. Why not? Because the windows are high and the room stands above the level of the yard; you have to go up steps to the door.
4075. How far was the long-room from the main building? About fifteen yards. Do you mean the present offices?
4076. I am speaking of the old offices;—all the questions I am asking you have reference to the disorganized state of the department at the period when Mr. Gardiner brought the complaint against the department—I do not want to go further back than that? Then I did not thoroughly understand you; I have been answering you more with reference to the present offices. In the old offices I was backwards and forwards more frequently than in the present offices.
4077. I am speaking of the six months previously to January, 1863;—was not the long drawing-room situated, in respect to the main building, something similar to what it is with reference to the present one? Yes, much the same, but the door was at the end in the old building.
4078. Any person coming from the main building to the long drawing-room, at the old offices, could be seen approaching? I think not.
4079. Or heard? They could be heard perhaps.
4080. Were there not windows? I think the windows were too high to be seen out of, unless a person were purposely looking out.

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4081. How high were the windows from the floor? Four or five feet, I think. I think the windows are frosted—I am sure they are, the lower sash.
4082. The lower sash is frosted? Yes.
4083. However, that is the only thing you misunderstood me with reference to—the answer as to the building—there was no other part of my examination you misunderstood? All through I thought you referred to the present offices.
4084. How does that affect the examination? I was more frequently in the long-room at the other building.
4085. On an average did you enter the long-room once a week? I would sometimes be for a month and not go into it; at other times I might be in two or three days in succession.
4086. A memorandum has been handed to me to the effect that the lower panes were not frosted in the old office—are you sure they were? I cannot say for certain; I cannot call it to mind; I know the present windows are frosted.
4087. Of course you do not see the messengers every time they go in and out? No, of course not.
4088. Is there a time-book in the office? No, not at present.
4089. Of course you could not tell whether the messengers brought in drink or not? I know one messenger, Fitzgerald, used to bring in ale and things for luncheon.
4090. There was nothing to prevent gentlemen in the department from bringing in drink with them when they came in the morning? No.
4091. Of course they would not report it to you if they did? No, nor to anybody else.
4092. *By Mr. Morris:* Have you any personal acquaintances in the long-room from whom you could have heard these things? Such things are generally talked of if they occur.
4093. Who would have informed you, do you think? The general gossip of the office I think would have led to it. I was acquainted with all in the room.
4094. Were they intimate friends of yours? No.
4095. *By the Chairman:* Do you ever recollect Mr. Hall addressing you as “William,” and asking you to take a nobbler with him? He might have done so; he has often called me William.
4096. With reference to these performances in the office, have you heard anything of them? Never, till it was spoken of in the House.
4097. Was it not reported by Mr. Gardiner in his minute to Mr. Whitton on the 5th January? Not that I am aware of; I do not know what Mr. Gardiner’s minute of the 5th January is.
4098. I presume you never assisted Mr. Hall in any of his performances? No, I never knew he performed.
4099. Have you heard anything of Mr. Hall being tried in Penrith, or being brought up before the Court for any offence? I have heard something of the kind, but nothing definite; I cannot say I heard he was tried.
4100. Not tried; charged before the Magistrates? I have an indistinct recollection that I heard he got into some difficulty, at Penrith, about a woman.
4101. Is Mr. Hall often absent from illness? He was a good deal.
4102. Have you anything in the office to shew the times he was absent from illness? His journals.
4103. Nothing else? Nothing else.
4104. Then we must take his journals for it? Yes.
4105. Do you remember Mr. Hall being absent for some weeks on one occasion? Yes.
4106. Was his pay stopped during that period? No; it is not customary to stop pay from officers of the Government, absent from sickness.
4107. It has been done in your office? Yes, but not to persons absent through illness.
4108. Can you tell me any person whose pay has been stopped for absence? Yes, I can tell you two or three.
4109. Persons on the regular staff, paid by annual salary; I do not mean men paid by the day? I recollect Mr. Mann had his pay stopped for a week, for absenting himself without permission.
4110. Was he paid an annual salary then? Yes.
4111. How long was he absent? A day or two; it is some years ago; I do not remember exactly.
4112. Will you look up any such cases, and let us know the particulars? I will.\*
4113. Have you seen wine brought into the department? Yes.
4114. In what quantities? I have seen a dozen of wine come in.
4115. When persons are absent from the department from illness, are they required to send in medical certificates? Medical certificates have been sent in.
4116. Is it a rule in the office, that any gentleman who is absent and says it is through sickness is required to send in a medical certificate? I do not know that there is any particular rule; I know medical certificates have been sent in where officers have been absent some time.
4117. What becomes of these medical certificates? I do not know that any care has been taken of them.
4118. Have you known Mr. Micklethwait frequently absent from his duties? I know he has been absent occasionally; I cannot say how frequently.
4119. Have you ever seen Mr. Micklethwait the worse for drink? Never.

4120.

\*NOTE (on revision):—June, 1859, Mr. Mann, one week. December, 1859, Mr. Higham, one week. February, 1861, Mr. W. A. Trengrouse, one week. March, 1862, Mr. Richardson, five days. May, 1863, Mr. N. Trengrouse, two days. May, 1863, Mr. W. A. Trengrouse, three days. May, 1863, Mr. Hall, two days.

4120. Have you ever heard of his being the worse for drink? I cannot say I have heard of his being the worse for drink. Mr. W. H. Quodling.
4121. Have you ever heard of Mr. Hall being the worse for drink? No; excepting, of course, what has been stated here, and reported in the papers. 18 Jan., 1864.
4122. I am speaking of other sources than what you have heard through the papers or from the statements of Mr. Martin Gardiner? No, I have not.
4123. Of course you are absent occasionally from your office? Yes.
4124. Do you think it necessary, when you are absent, to get a certificate from a medical man? I was only absent once, for more than one day, from illness, and that was for a week.
4125. Did you send in a certificate? No.
4126. Then there is no rule as to medical certificates? I am not aware of any.
4127. Will you inquire? Yes.\*
4128. *By Mr. Morris*: Did you ever hear any complaints against Mr. Gardiner while he was in the department? No, I cannot say I did.
4129. Against his efficiency in performing his duties? No.
4130. Have you heard it talked of in the office that Mr. Gardiner was extremely good in taking out quantities? No, I never heard it said.
4131. You never heard him spoken of one way or the other? No.
4132. The fact is, I suppose, you do not hear much that goes on in the office at all? Not very much, only what I may glean or learn from others.
4133. Are you in a room by yourself? No, there is a clerk with me.
4134. The fact is, that the grossest irregularities might have been going on in this long-room, or any other room, without your knowing a bit about it? Without my personal knowledge they might.
4135. It would be almost unlikely you should hear of it at all? I think I should hear.
4136. If you did hear of any of these irregularities, would you communicate with Mr. Whitton? Yes, instantly.
4137. You would consider that to be your duty? Yes.
4138. *By the Chairman*: That is according to circumstances, I suppose—Supposing you were in a room where there were several other persons, who were superior to you in pay and position, would you then communicate with the head of the department if your superiors did not? I think I should if there were any great irregularities; I have not been in that position, but I have a feeling that I would do so if I thought there was anything wrong.
4139. *By Mr. Dalgleish*: You said just now you had seen wine taken into the office at times? Yes.
4140. In what quantities? I have seen a dozen, I think, at a time.
4141. Who was it for? Mr. Whitton sometimes gets it in, and Mr. Barton sometimes.
4142. Have you ever seen brandy taken into the office? I cannot say I have.
4143. Are you sure you have not? I do not remember any; I cannot call it to mind at present.
4144. You are not sure you have not seen brandy there? I have no recollection of it; I cannot call to mind any single case; I do not deny there might have been some brought in, but I do not remember it.
4145. Do your duties take you much in the office where the draughtsmen are employed? Formerly they did; not much lately.
4146. How long ago? Three or four years ago.
4147. You know Mr. Micklethwait? Yes.
4148. Have you known him absent from his duties when in Sydney—absent from the office when in town—for a lengthened time? I do not remember.
4149. Do his hands shake? I have seen them shake.
4150. Very much? I have not seen Mr. Micklethwait for a long time now.
4151. When you did see him—I am not talking about when you did not see him? I have seen his hands shake.
4152. Considerably? Yes.
4153. What were his duties when he was in the office? Well, I really do not know what his exact duties were.
4154. If his duties were to be employed as a draughtsman, would the shaking of his hands interfere with that duty? I presume it would.
4155. What was the cause of his hands shaking, do you know—did you ever hear—have you never been told it was in consequence of drinking? I have heard so.
4156. It was commonly reported? Yes.
4157. What is his general appearance—does that bear it out? He has a flushed appearance.
4158. Have you never seen him drink brandy? I cannot say I have; I do not call it to mind.
4159. Have you seen Mr. Hall's hands shake? I have not noticed Mr. Hall; I have not noticed that his hand does shake.
4160. But you have observed that Mr. Micklethwait's does? Yes.
4161. And you cannot remember if he was any lengthened time absent from his duties when he was in Sydney? No; his journals will shew. Each officer keeps his own journal.
4162. Is there any check on these journals? No.
4163. Would they shew if an officer were absent half a day or three-quarters of a day? Yes, they would say "On leave," or "A holiday," or whatever it might be, if absent.
4164. You never heard anything derogatory to the character of Mr. Martin Gardiner in the office? No.
4165. Did you find he was a quarrelsome man? I thought him disagreeable.

4166.

\* NOTE (on revision):—The Engineer-in-Chief is not aware of any rule on this subject.

- Mr. W. H. Quodling.  
13 Jan., 1864.
4166. What do you mean by disagreeable? In his manner. When he first went to the office I nodded to him—bowed to him—and he never took any notice.
4167. Anything else? No; I never had much to do with Mr. Gardiner.
4168. Did you ever know him to interfere with other people—to be quarrelsome in his disposition? No.
4169. When you were in and out of the office, did you find Mr. Gardiner attend to his duties? I was never there long enough to say.
4170. Were you never long enough in the office to see whether the parties there were generally attentive or not? No, not to form an opinion.
4171. *By the Chairman*: Has Mr. Moody been absent from the office lately? Yes.
4172. For what period? I cannot say the exact time.
4173. When did he return—do you know? I do not know when it was.
4174. Did you ever hear Mr. Moody boast of having any influence over Mr. Rae? No.
4175. You gave evidence before Mr. Whitton? Yes.
4176. What did you mean by saying you were necessarily backwards and forwards in the long-room—does your evidence then bear out what you have just been saying? Lately I have not been there so much.
4177. During the whole period of Mr. Gardiner being employed there? I have been in and out. I saw they had beer for lunch, but I never saw any drunkenness.
4178. Were you there sufficiently to know whether any person had been drinking brandy or not? I did not see it.
4179. You say you would either have seen or heard of it if it had been going forward? Yes.
4180. Did you volunteer to give evidence before Mr. Whitton? I was asked.
4181. Who asked you? We were all called in, one after another. I do not know that I was asked particularly.
4182. Every person in the department was called? I think every one in the department was examined.
4183. You know Mr. Deering? Yes.
4184. Have you heard that Mr. Deering has fought in the office? No, I heard there was a skirmish between him and Mr. Hall.
4185. Mr. Gardiner reported it? Yes, in his statement.
4186. You did not hear of it previously? No.
4187. Did you hear of any other persons fighting in the office? No.
4188. Mr. Goodchap? Yes, I heard of that.
4189. *By Mr. Dalgleish*: Mr. Goodchap and who? Mr. Forde.
4190. Was any notice taken of that? I believe Mr. Rae said something to them.
4191. *By the Chairman*: He made up the matter? I believe Mr. Rae spoke to them; I do not know what he did.
4192. *By Mr. Dalgleish*: It was not taken official notice of? I do not know that it was. It was not in the engineering branch.

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THURSDAY, 14 JANUARY, 1864.

Present:—

MR. DALGLEISH, | MR. STEWART,  
MR. TIGHE.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Edwin Barton called in and examined:—

- Mr. E. Barton.  
14 Jan., 1864.
4193. *By the Chairman*: You are an officer in the Department of Public Works? I am.
4194. What position do you hold in that department? I am Engineer in charge of Trial Surveys.
4195. Do your duties take you often from the office? Yes, very frequently.
4196. Taking the whole year through, what time are you absent? I could not say. The occupation of one year is so different from that of another. Perhaps I might be engaged in the office, making estimates, for a considerable portion of the year; and then I may be absent from Sydney for six months together, on trial surveys. I have just now been absent from Sydney for about five months.
4197. You gave evidence before Mr. Whitton, a short time back? I did.
4198. In reference to Mr. Gardiner's charges, relative to the disorganized state of the Works Department? Yes.
4199. Were you much in the office during the six months preceding the 29th July last? I will not say that I was much in the office, but I was there frequently.
4200. Were you not absent for months at a time? When—on that occasion?
4201. Yes, for the six months prior to the 29th July last? I do not remember.
4202. Were you not absent from the office during the greater part of the time during which the circumstances referred to by Mr. Gardiner took place—you know the matters I allude to? Yes, I have read Mr. Dalgleish's statement of the matter in the newspapers.
4203. Had these things occurred whilst you were in Sydney, they would have been reported to you? I do not know that they would have been reported to me.
4204. Might they have occurred without your knowledge? They might, but if they had occurred I should imagine that I should have been told something about them.

4205.

4205. Who by—by the three or four gentlemen who are implicated in this charge? No, by the person making the charge. I imagine he would make it to me or to the Engineer-in-Chief. Mr.  
E. Barton.
4206. The charge was made to the Engineer-in-Chief? I am aware of the fact. 14 Jan., 1864.
4207. And in your absence from Sydney? Yes, I believe so.
4208. During the time you were not absent on trial surveys, and when you were employed in the office, how often did you go into the drawing-room or long-room as it is called? There was no specified time for my visiting the room. I merely went there whenever it was necessary to look after work that I required, or whenever I wanted a plan or drawing connected with work on which I was engaged.
4209. Then it might happen that you would not enter that room for a month at a stretch? It might; but even if I do not go into the room, I can see from my window the persons who go in and out of that room. My room was then directly opposite the drawing-room; now, however, it is down-stairs.
4210. That change has been effected since these matters have been reported? Yes.
4211. Then, from your window you could see the persons who went in and out of the drawing-room? Yes, quite well.
4212. That being the case, you would be sure to notice if any of them had been drinking? Yes, I think so—if they had been drinking to excess. The ground is rather rough just there. I should have been sure to notice if any of them stumbled, or walked irregularly.
4213. Then you have seen no drunkenness? No.
4214. But these things that have been described may have gone on when you were away from Sydney? They may, of course.
4215. Or even when you were in Sydney, since you say that you did not go into the long-room for a month at a stretch sometimes? I will not say that, because there are so many people continually going in and out of the long-room, that it is certain that these things must have come to light, if they had been carried on. They would have been sure to be talked about amongst so many.
4216. And you see they have come to light? Yes, but they have been a long time about it.
4217. The evidence that you gave on this matter, to the Engineer-in-Chief, would lead any person reading it, to suppose that you were generally in the office, and that nothing of the kind stated by Mr. Gardiner could have gone on without your knowledge; but now you admit that, even when in Sydney, you are not often in the long-room, and that besides that, you are sometimes absent from Sydney for six months together? I cannot say what view might be taken of my evidence, but I would state that I spoke only of what I knew from my own knowledge, and of that alone.
4218. *By Mr. Dalgleish:* The office you refer to as that in which these scenes took place was known as the long-room? I am not aware that I have referred to any office.
4219. In your evidence before Mr. Whitton you refer to an office—what was the name by which it was generally known? That was the long-room that I referred to.
4220. You state, in that evidence, that you were constantly in the room, and that you must have known it if any such irregularities as these had occurred? Yes.
4221. Were you, as a matter of fact, so frequently in the room as that you must have known of the existence of these irregularities? I have been very frequently indeed into the room. The tracings of plans made for me are done there, and I am constantly in and out of the room, looking after them.
4222. Can you give us any idea of how often you went into the room? I was there a great number of times. I cannot say how often, but it was very frequently, and I never saw anything of the kind referred to.
4223. Nothing of the kind ever went on when you were there? Nothing.
4224. Do you think it probable that such scenes would be enacted in your presence? I do not.
4225. If they had even been in the habit of occurring, is it likely that the parties concerned would have allowed you to see them? It is not probable that they would have done so.
4226. You say that if they had occurred, you would have been sure to have heard of it—who would have reported them to you? Every person in the room.
4227. To whom do you allude? To all.
4228. To Mr. Fearnside? Yes, to him and to every person in the office.
4229. But Mr. Fearnside is implicated in this charge? He is.
4230. And so is Mr. Hall? Yes; but I allude to all in the office—to Mr. Trengrouse, sen., and Mr. Trengrouse, jun., and the others.
4231. Have you ever seen Mr. Hall the worse for drink? Never.
4232. Have you ever seen him drink? I have.
4233. Have you seen him drink brandy? Yes, occasionally. He used to have it for his lunch.
4234. Have you ever seen him drink brandy at other times than at lunch? I may have done so, perhaps just previously to his lunch.
4235. Have you seen him drink brandy at any other time than at lunch and just previously to it? I have.
4236. Frequently? No.
4237. How often? I cannot say.
4238. Twice? It is not possible for me to say how often, but certainly not what I understand by the word "frequently."
4239. Will you then be good enough to explain to the Committee what you understand by the word "frequently"? I take it to mean constantly—a dozen times.

- Mr. E. Barton.  
14 Jan., 1864.
4240. During the time of Mr. Gardiner's last appointment were you constantly in the drawing-room and not in the field? I think not.
4241. Is your evidence given before Mr. Whitton calculated to convey that impression to a person reading it? That I do not know.
4242. Will you read it over and say what impression you think it is likely to give? I cannot possibly say what impression it is likely to make upon the mind of another; I can only speak for myself.
4243. What is the impression that it makes upon your mind? Simply this, that if such things were occurring I did not see them.
4244. Is it not rather this: that you were constantly in the office, and that you never saw anything of the kind, and that, consequently, nothing of the sort could have taken place—is not that the way in which this evidence reads? I think not.
4245. Were you, as a matter of fact, constantly in the office? I was constantly going in and out of the office.
4246. When you say you were constantly in the office, to what office do you refer? To the long-room.
4247. And was the time referred to, that at which these drunken scenes are said to have occurred? That I cannot say, for I do not know what time is referred to.
4248. Was Mr. Gardiner then engaged in the long-room with Mr. Hall? Yes.
4249. Did any report reach your ears of a complaint having been made to Mr. Whitton of Hall's misconduct, during Mr. Gardiner's first engagement? No, not during his first engagement. I do not know of any report having been then made.
4250. During his second engagement did any report reach you? Yes, that is the one I allude to.
4251. Do you understand this evidence you have given, to refer to the first or the second engagement of Mr. Gardiner? To the second engagement.
4252. Then this evidence you have given, that you were constantly in the office at that time, is calculated to mislead any person reading it? I do not know; I can only say it was not so intended.
4253. As a matter of fact, were you constantly in the office and not in the field? Some years I am much more in the office than in the field.
4254. But the inquiry upon which you were examined had reference to matters that took place within a few months of the date of the inquiry? Yes.
4255. And the evidence you gave had reference to that particular time? Yes.
4256. Then does it, I again ask you, convey a correct impression of the real fact? Yes, I think so; but I have told you already, that during the second engagement of Mr. Gardiner I was frequently in the field.
4257. It is upon that very time that I am now questioning you; and I ask you again, whether, during the period of Mr. Gardiner's second engagement, when these scenes of drunkenness that he has reported, were said to have occurred, during the last part of 1862—you were constantly in the office? I was much in the field at that time, and was not constantly in the office.
4258. So that this passage in your evidence, that you were constantly in the office, is calculated to mislead the House and the public? No, I think not. I did not pay particular attention as to the time specially alluded to in the charges, but gave my evidence in regard to the whole period of Mr. Gardiner's engagement.
4259. Was the inquiry a general one, ranging over the whole of that period? There was no particular date to which I was referred.
4260. Did you not know what the charges were that you were called to give evidence upon? Yes; but in giving my evidence on the inquiry, I gave it as to the whole period of Mr. Gardiner's employment in the office. And in regard to my saying that I was constantly in the office, I may point out that it was not necessary for me to go into the long-room to see the persons engaged there, as I could constantly see them going in and out, from my window. My window was no distance from the long-room, and I was often in the habit of speaking to gentlemen engaged there, without going into the room at all. I might thus say that I saw them constantly, and never saw any drunkenness.
4261. In what way do you come to that conclusion? Because I was constantly meeting them in the road or passage leading from the office, or seeing them going out or in, or meeting them after work, when they were going home, and I never saw a person amongst them incapable of discharging his duty.
4262. Then I may infer from what you have said, that this evidence given before Mr. Whitton does not include that portion of time which is referred to by Mr. Gardiner in his complaint? No. During that time I was not so frequently in and out of the long-room.
4263. Why did you not state that to Mr. Whitton when you were giving your evidence? Because I was not asked the question.
4264. Did you not say anything but what you were asked on that occasion? I was called upon to state what I knew, and I made a general statement.
4265. But why not separate the time more clearly, so as to make a difference between the first and second engagements of Mr. Gardiner? I could not do so in a general statement, nor did I think it material that I should.
4266. If any person outside your office were to read this, would he not come to the conclusion that when you were not in the field you were constantly in the office, where these things are said to have occurred? I say that I was only in the room from time to time.
4267. But does not this statement of yours, made before Mr. Whitton, include all the time you were in the office? No, I think not.
4268. Would it not lead a person, unacquainted with the circumstances you now state, to believe

believe that when not in the field you were constantly in this room? I did not intend to include or to exclude any portion of time; I merely spoke generally.

4269. Have you yourself been in the habit of drinking in the office? Yes.

4270. May I ask what you drank? Yes; I drank sherry and sometimes colonial wine.

4271. I do not, by these questions, desire in any way to wound your feelings, nor do I ask from idle curiosity; but it has been given in evidence before this Committee that you were in the habit of having wines sent in to you to the office, in quantities, and that is why I put the question? Yes, I know that such evidence has been given; and also that I have been in the habit of drinking to such excess as to incapacitate me for the proper discharge of my duties. In regard to this I have only to tell the Committee that whoever said so has told a most deliberate falsehood, and that during the whole time I have been employed in the department I have never taken drink of any kind to excess.

4272. It has been stated in evidence that you had wine sent in to you by the dozen? Yes, I have—colonial wine. I have had that by the dozen at a time—twice.

4273. Do you know of any public office, either here or elsewhere, in which parties engaged in them are allowed to take wine or other liquors, either at luncheon or at any other time? Yes; when I was in Mr. John Fowler's office, in England, we used to do so. I was in the habit of taking wine for my luncheon when in that office. That is the only public office I have ever been in; but I have never heard of one in which the gentlemen employed are not allowed to take something for luncheon if they do not go out for it.

4274. But it has been said that drink has been taken at other than lunch hour, and more particularly in the case of Mr. Hall? It is not likely; except perhaps it may have been once or twice. He might have been a little ill, and have taken some sherry at other times than the lunch hour.

4275. Do you remember the report that was made by Mr. Gardiner of the discreditable conduct of Mr. Hall and Mr. Micklethwait towards himself? Yes, I know that a report was made.

4276. Was that report referred to you? No.

4277. Does your position in the department warrant that such a report should be referred to you? No, I think not. If the report was made to the Engineer-in-Chief he might perhaps refer to me as to its correctness; but this would not follow necessarily.

4278. You are aware that certain minutes passed between officers of the department on that occasion? No, I only know that a report was made.

4279. You knew that a complaint had been made that Mr. Hall was in the habit of drinking during office hours? Yes.

4280. Did you, after you were aware that this complaint had been made, stand at the window of your room with a glass of wine in your hand, hobnobbing to Mr. Hall at the opposite window? No; that is, I do not know what you understand by the term "hobnobbing"; but I did this:—I took a glass in my hand and went to the window facing the room in which Mr. Hall was, and bowed to him as I drank it, in the way that persons usually do when they take wine together at dinner.

4281. Then, with a glass of wine in your hand, you went to the window and bowed to Mr. Hall at the opposite window? Yes. There was no wine in the glass.

4282. Now, do you not think that that course of conduct was calculated to encourage Mr. Hall in his drinking habits? It was certainly not done with that intention, nor can I see how it could possibly have that effect.

4283. You are his superior officer? No, I have nothing to do with him. He is in the Architect's branch, and my work is confined to trial surveys.

4284. Surveys of extensions of existing lines? Yes.

4285. In looking after the consolidation of existing lines and the formation of branches? Yes.

4286. Let me ask you now, frankly, did you believe the report made by Mr. Gardiner to be true? I believe that there was some little truth in it, but not to the extent stated by Mr. Gardiner.

4287. Do you believe that, at the time the complaint was made, evidence could have been brought to prove it? I cannot say.

4288. Was there any attempt, at the time the complaint was made, either to prove or disprove the charges? I do not know what steps were taken by the Engineer-in-Chief, but I presume that there was an inquiry of some kind.

4289. I believe you made the trial surveys along the Valley of the Grose? They were made by the sappers and miners, but under my direction.

4290. Does Mr. Micklethwait drink? Yes.

4291. To excess? I never saw him drunk, but \* I believe he takes more than is good for his constitution.

4292. What liquor does he generally drink? I cannot say; but very likely it is brandy or beer.

4293. Does he take these at other than lunch-time? Yes.

4294. Does not his hand shake very much? Yes, but that is not from drinking; it is an hereditary complaint, and he told me that his father had it before him. I know that he has always been afflicted in the same way. When he came out to the Colony his hand shook precisely the same as it does now.

4295. Did he drink then—brandy? Yes, and I believe he has done so all his life.

4296. Do you think that a man having this complaint—as you say, an hereditary one—would be able to perform the delicate duties of a draughtsman; or that, if employed in the field,

Mr.  
E. Barton.

14 Jan., 1864.

\* Revised:—perhaps

Mr.  
E. Barton.  
14 Jan., 1864.

field, he would be able to set his instruments with that nicety that such things require? I do. His duties have mainly been levelling, surveying, and making plans. He is not a good draughtsman, and never was, but he is a very good surveyor.

4297. *By the Chairman*: Have you ever heard of him making any mistakes? No.

4298. *By Mr. Dalgleish*: Have you a pleasure yacht? Not a yacht, but I have an open boat of about seven tons burden.

4299. Have you been in the habit of passing in that boat the time which should have been employed in the office? No.

4300. Has Mr. Whitton ever been in the habit of going trips with you in that boat, and during office hours? He has been with me in the boat upon several occasions, but only once in office hours, and that was when he was ill.

4301. I again have to say to you that I put these questions with no view to insult you, but because evidence has been given before us on the subject;—You have not, then, been in the habit of going out yachting with Mr. Whitton during office hours? I have not; but as I told you before, I went once during office hours with Mr. Whitton. He was very ill indeed at the time, and Dr. Ward said that it would very likely do him good to have a sail in the harbour; he went out accordingly in my boat, and I took upon myself the responsibility of absenting myself from the office, in order to accompany him in the afternoon.

4302. Do you know Mr. Gardiner? Yes.

4303. Personally? Yes.

4304. Did you ever know him to be quarrelsome in the office? No, but I know him to be a very disagreeable man.

4305. Do you know this personally, or from what has been told you? I do not know it personally, except from his manner whenever I have come near him. I have met him occasionally, and have said, "Good morning," or bowed to him, and he has never taken the slightest notice, except perhaps in the most formal manner. He has always been particularly stiff and reserved towards everybody.

4306. Was that after the report he made respecting Mr. Hall's conduct? Before as well as after, but more particularly after.

4307. Has there not been some jealousy or ill feeling shewn towards Mr. Gardiner during the period of his last engagement? No, I think not; I have had none, nor do I think that I ever exhibited any.

4308. Perhaps neither jealousy nor ill feeling is the proper word to use;—but was there any feeling against him shewn in the office after his second engagement? No, I think not.

4309. You have yourself personally nothing to say against Mr. Gardiner, or against his character, during the time he has been in the office? No.

4310. Have you ever known him drink? Yes.

4311. During the time of the office? I never saw him drink during office hours; I have heard that he did.

4312. Is he a good mathematician? Yes, I should think so.

4313. He has been employed under you? Yes.

4314. And you always found him correct? Yes, but it was only very simple work that he had to do, such as multiplying out quantities.

4315. But was he correct in the work with which he was entrusted? Yes, but I have heard of errors that he has committed; but generally I believe him to have been correct.

4316. Was not great search made over all his work, in order to discover errors if possible? I do not know of any.

4317. Do you not know that his work was carefully gone over in order to discover errors? I do not; the errors were not in my branch, and I do not know of them personally, except only in the case of the Mudgee Road. I was going in that district, with the Engineer-in-Chief, and I had tracings made of his plans; wherever I found that errors existed I had them marked out, not with any reference to Mr. Gardiner, but solely to prevent their being followed in future.

4318. *By the Chairman*: Can you call to your recollection whether, when you were in the office, you had work to do that took you more frequently than usual into the long-room, from the 1st July to the 31st December, 1862? I think I had, but I cannot call the time to my recollection, or what I was employed on.

4319. Do you keep a journal? Yes, but it is only a private one.

4320. Could you refer to that, and tell us how you were employed during the last months of 1862, so that we may be able to judge whether you would be likely to be much in and out of the long-room? I do not think I could ascertain that from my journal, which is solely a private one.

4321. Can you say, with anything like certainty, that from the 1st July to the 31st December, 1862, you were three times in the long-room? I think I may venture to say that.

4322. Do you think you were more times than that? I could not say; I kept no count of the number of times, but I went in whenever I thought it necessary to look after the work upon which they were engaged.

4323. Taking into consideration the fact that your evidence was given in order to prove or disprove certain charges made by Mr. Gardiner against the officers of the department, and that those charges referred to a specific time, would not anybody reading that evidence be led to believe that it referred to the period when Mr. Gardiner charged the officers of the department with drunkenness? Well, perhaps he would.



Mr. John William Drewett called in and examined:—

4324. *By the Chairman:* What position do you hold in the Works Department? I am chief draughtsman. Mr. J. W. Drewett.
4325. What room do you work in? In the back room of the second floor—in the engineers' department. 14 Jan., 1864.
4326. How far is that from the drawing-room, or the long-room as it has been termed;—and here I would mention to you that the questions I put will have reference to the old office, and to the room occupied by you there in the latter part of 1862? From my room, including the stairs, would be about fifty or sixty feet.
4327. Then, taking the stairs into account, you would have to go that distance to reach the long-room from your office? Yes, down the stairs and across from the house to the office would be quite that distance.
4328. How long have you been in the Colony? About seven years.
4329. You were engaged in England to come out to this Colony? Yes.
4330. And your salary was paid from the day you were engaged? No, from the day we sailed.
4331. And your passage to the Colony was paid? Yes.
4332. With an allowance for wine on the passage? Yes, I think there was some allowance.
4333. What was the first work upon which you were engaged after arriving in the Colony? I scarcely recollect; I was doing very little for the first week or two. I was engaged in making arrangements.
4334. Did you draw this plan of the Honeysuckle Station (*plan produced*)? No, that is not my drawing.
4335. Do you know who drew it? I cannot say.
4336. Is this your drawing (*second plan of the Honeysuckle Station produced*)? No, it is not.
4337. You gave evidence before Mr. Whition, in relation to a charge brought by Mr. Gardiner of drunkenness and disorganization in the Works Department? I did.
4338. Do you know Mr. Micklethwait? I do.
4339. How long have you known him? Ever since he has been in the Colony; I do not know how long, but five or six years.
4340. Have you seen him the worse for drink? No.
4341. Does he drink? I believe he does.
4342. In pretty good quantities? I have never seen him drink any great quantity.
4343. Have you seen him drink in the office? Yes, at lunch-time.
4344. At any other time? No, I think not.
4345. How often were you in the long-room during the last six months of 1862? Not very frequently. I have very little to do with the officers engaged in that room.
4346. Were you in that room, on the average, once a month? Yes, I think I was.
4347. Were you oftener than that? Yes, perhaps I may have been there once or twice a week.
4348. You can say positively that you were in the long-room, on an average, once or twice a week? Yes.
4349. You know Mr. Hall? Yes.
4350. Did you ever see him drink? Yes, at lunch-time.
4351. Have you ever seen him drink at other times? I think not.
4352. At what times were you in the habit of visiting the long-room—was it always at lunch-time? At different times. There were no stated times; but in case I wanted a plan or anything that was in that room, I went and got it.
4353. When you went to the room, could not any person see you approaching it, and so remove any evidences of drinking before you reached it? No, I think not.
4354. Mind, I am speaking of the old room, and not of the present one? I am aware of it, and I do not think that any person could see me approach, as the windows were frosted so that they could not be seen through.
4355. That is in the present room? In the old room they were not; then they were so high from the ground that parties inside would not see me.
4356. What height were they? About four feet six inches; and then again the building itself was on piles about eighteen inches above the ground.
4357. That would prevent you from seeing inside, but any person inside, raised up on the floor, could look down and easily see any person approaching? Yes, but there is a difficulty in the way of his doing so. The building itself is eighteen inches higher than the ground outside, and the window is four feet six inches above the base of the building; and then the drawing table is placed close up against the window, so that the persons engaged must work on the opposite side of the table from the window, and being at a distance from it would not be able to look down upon a person outside.
4358. They would of course work with their faces towards the light? Yes, of course, from the opposite side of the table.
4359. Facing towards the window, they would naturally be in the best position for seeing out of it, and of observing any person that approached? I do not know that they would be, being so far from the window.
4360. But standing on the floor, which is above the base of the building, and being thus raised up above the persons outside, could they not easily see, from the window, any person coming towards the room? I am not sure that they would do so.
4361. Is it not, however, a fact that, standing on the floor and facing the window, they would be able to look out into the yard? Yes.
4362. And the window was not frosted? No.

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4363. Have you seen Mr. Hall under the influence of drink? No.
4364. Have you ever heard of his having been so? When Mr. Gardiner reported it I heard of it.
4365. Not before then? No.
4366. Did you ever take any drink in the office yourself? Very seldom indeed. The most I took was a glass of ale at my lunch, and this not more than once or twice a month.
4367. Have you ever taken more than that? Yes, I have had a little wine occasionally—a little sherry.
4368. Have you ever seen Mr. Micklethwait under the influence of drink, out of the office? No.
4369. You have never heard or witnessed any of the performances that are said to have taken place in the long-room? No.
4370. Have you had opportunities of seeing Mr. Gardiner's conduct when he was engaged in the department? No.
4371. Have you ever heard of or seen him drinking in the office? No, except that he would take his beer occasionally with the others.
4372. Have you ever seen him drunk? No.
4373. You being the head draughtsman, his work would of course always come under your observation? No, not always.
4374. Have you ever had to find fault with his work, or have you heard complaints made of it? Yes, I have heard complaints made of surveys of his.
4375. Where from? From the Roads Department.
4376. Of your own knowledge, do you know of anything in his conduct to give cause of complaint? No.
4377. Did you hear the explanation he gave in reference to these mistakes with which he was charged by the Roads Department? I did not.
4378. But in the Railway Department you have heard of no complaints? No.
4379. I believe he was considered to be a good mathematician? Yes.
4380. Was he not also considered to be a good engineer? I do not know; I have never heard him spoken of as a good engineer.
4381. Have you ever heard it said that he was not a good engineer? I have not.
4382. You know nothing of his qualifications as an engineer? Nothing whatever.
4383. Might not all this drinking you have described have gone on in the long-room without your knowledge? Certainly it might.
4384. Could not these gentlemen who have been charged with excessive drinking in the department have brought spirits or wine in with them in the morning, without your knowledge? Yes, anybody might do so.
4385. And even during the day might not the messengers have brought in drink to the long-room without your knowledge? Yes, any person might do so—the messengers or any other person; but I am not aware that they did so.
4386. Then you cannot, of your own knowledge, say that the charges brought by Mr. Gardiner are untrue? No, I cannot say so.
4387. Do you keep a journal? Yes.
4388. I believe it has been sent in to this Committee? I believe so.
4389. How do you make it up—daily? Not always.
4390. Do you not occasionally leave it to the end of the month? I have done so, sometimes.
4391. And then you have made it up from memory? Yes, and private notes. I knew what I had been engaged upon during the month, and I entered it up.
4392. Do you happen to know if that is the way in which officers of your department generally make up their journals? Yes, I believe so.
4393. Did you make any statement before Mr. Whitton that was not taken down in the evidence laid before Parliament? Not that I am aware of.
4394. At what time do you generally come to your office in the morning? Soon after 9.
4395. And at what time do you leave it? At all times—between 4 and 5 o'clock.
4396. There are very often several officers of the department left behind at the office when you leave? Yes.\*
4397. What are the hours during which you are supposed to be employed? From 9 o'clock till 4.
4398. Is there not a rule in the office that the gentlemen engaged in it shall not go out to lunch? I believe there is a regulation of the kind; but I do not know if there is any distinct rule about it. It is generally understood that parties should not go out to lunch; but I never saw any circular or rule to that effect.
4399. Do you go out to lunch? Very seldom indeed.
4400. You have gone out, however? Yes, but very seldom—perhaps two or three times in the course of a year.
4401. Did you know Mr. Whitton before he came to the Colony? I did not.
4402. Who engaged you in England? I do not recollect the name of the person.
4403. Was it Colonel Galton? I think not. It was a person with some such name as that.
4404. *By Mr. Dalgleish:* Where were you employed before you came out to this Colony? I was with Messrs. Brunel in the first instance.
4405. Has your pay ever been stopped for being absent from the office? I never was absent from it without leave or sending a note. 4406.

4406. Have you not been absent through illness? I have.
4407. And has not your pay been stopped on these occasions? No.
4408. Do you know any instances of persons having their pay stopped for being absent from the office? Not when they have been absent through illness.
4409. *By Mr. Tighe:* When you have been absent from illness, have you not been called upon to furnish a medical certificate, to shew that your absence was unavoidable? No, I have never been absent more than one or two days at a time.
4410. And in that case a medical certificate is not required? No. I might be a little unwell—too unwell to go to the office—and yet might not require the assistance of a medical man. In that case a certificate is not expected.
4411. *By Mr. Lucas:* Your assertion that you were ill has never been called in question? No, I do not imagine that it has been.
4412. And it is not necessary to furnish a medical certificate unless the person is ill for a week or two? No.
4413. When you are absent for a day or two no certificate is required? No.
4414. In that case the gentleman's word that he is ill is not questioned? No, it never has been in my case. It does not follow that because I am too unwell to attend the office, that therefore I employ a medical man; and I may also say, on the other hand, that I have been under medical treatment for weeks together, and yet have not been absent from the office.
4415. Might not any person who was engaged in drinking in the long-room, and being on the watch for any one who might require to enter the room, have time to hide a bottle and the other evidence of drinking, before the other person could get from the main building to the long-room? I think he might.
4416. So that drinking might be carried on to excess in the long-room without any other persons than those engaged in that room having any knowledge of it? Yes, it might.
4417. And you, not being so engaged in the long-room, cannot say of your own knowledge that drinking was not carried on there to excess? I am certainly not aware of it.
4418. And you say that you never heard of the performances that took place there? Not until I saw Mr. Gardiner's statements.
4419. *By Mr. Dalgleish:* You remember Mr. Gardiner making a report to the Engineer-in-Chief, of the conduct of Mr. Hall and Mr. Micklethwait towards him? I do.
4420. Was that report referred to you for information? No.
4421. Are you not accounted to be the chief draughtsman in the office? I am.
4422. Have you not charge over the other draughtsmen—the gentlemen engaged in the long-room? I had not at that time.
4423. Have you now? I have.
4424. When did you first obtain charge over them? Ever since Mr. Gardiner made his statement.
4425. Previously to that were you not considered to be in charge of them? No, I was not.
4426. Who had charge of them at that time? They were more particularly engaged by the engineers. Mr. Barton had charge of them for some considerable time.
4427. Mr. Barton was frequently absent? Yes.
4428. And who had charge of them in his absence? No one.
4429. Who gave them their work? Mr. Barton.
4430. Were you not in the habit of giving them their work? No.
4431. You had no control or charge over them? No.
4432. So that the report of Mr. Gardiner was not referred to you? It was not.
4433. When you first read that report, did you believe the statements contained in it to be true? I do not think that I formed any opinion upon the subject. My opinion was not asked for, and I did not feel myself called upon to form one.
4434. Have you, since then, formed any opinion upon the subject? I have not.
4435. Do you believe now, from circumstances that have come to your knowledge, that those statements are true? I do not know.
4436. Will you oblige the Committee by trying to know—by endeavouring to make up your mind and trying to say whether you think those charges are true or not? I believe this, that Mr. Gardiner and Mr. Hall and Mr. Micklethwait had a quarrel, and that in consequence of the quarrel this report was made.
4437. I do not ask you that, but I wish to know whether you consider this statement to be true? I do not know in what way you mean.
4438. Did you not see the minutes on the papers that passed in your office? I did not.
4439. Were they not hung up publicly in the office? No; at all events, I did not see them.
4440. Did you not see them published in the newspaper? I did not see them anywhere.
4441. However, you say you believe that Mr. Micklethwait and Mr. Hall offered to fight Mr. Gardiner? I do not think it went so far as that; I did not hear that they fought.
4442. Would it not have been easy, at the time the charges were made, to have brought forward evidence either to prove or disprove the allegations in the report? I believe it would.
4443. Were any steps taken to procure such evidence? Yes, I believe that Mr. Whitton did take some steps.
4444. What steps? The charges were referred to Mr. Micklethwait and Mr. Hall, for their report on them.
4445. Do you know what further action was taken in the matter? I cannot tell what further was done. The matter was entirely in the hands of the Engineer-in-Chief.
4446. If Mr. Whitton had believed the charges to have been disproved, would he have kept Mr. Gardiner in the public service for an hour afterwards? I cannot say; I cannot tell what Mr. Whitton would have done.

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4447. But I mean, from your knowledge of the public service, would Mr. Gardiner have been kept in the public service an hour after his charges had been proved to be false—would he not have been immediately suspended, for making false charges against his brother officers?  
Yes, I think he would.
4448. Was he so suspended? No, he was not.
4449. You know Mr. Barton? Yes.
4450. He occupied part of your room when he was in town? Yes.
4451. Do you remember upon one occasion Mr. Barton drinking to Mr. Hall—taking wine with him, as it has been called—across from your window? No, I do not know that he did so.
4452. I may inform you that Mr. Barton, in his evidence, has acknowledged that he did so, and therefore it is much better that you should answer frankly, not only this, but every other question that the Committee may feel it to be their duty to put to you. Did he drink to Mr. Hall from the window? He may have done so, but I do not remember it.
4453. As a matter of fact, could you not see into the long-room from your window? Yes, partly.
4454. Sufficiently to see each other from behind the table that was at the window? Yes.
4455. Does not this shew that you are incorrect in supposing that a person in the long-room could not see or be seen, in the position in which you have described them to be, in a former part of your answer? They might see me from the long-room if I was at the window, but not without.
4456. You know Mr. Micklethwait? Yes.
4457. Did you say you had never seen him drink? No, I say I have seen him drink.
4458. Have you seen him elevated by drink? I think not.
4459. Have you seen him the better for drink? I think I have.
4460. Have you seen him the worse for drink? I have not.
4461. Have you seen him drunk? No.
4462. Will you define to the Committee what you consider to be the worse for drink—What, in your opinion, entitles you to say that a man is drunk? I say that a man is drunk when he is incapable of performing his duties.
4463. How much brandy have you seen Mr. Micklethwait drink at one time? I cannot say; I never watched him.
4464. Have you seen him drink? I have.
4465. How much? I cannot say.
4466. Have you seen him drink a bottle? Yes, I dare say I have, but not at one time.
4467. Have you seen him drink half a bottle? Not at one time.
4468. Have you seen him drink a tumbler or a glassful? Yes, I have seen him drink a glassful—what you call here a nobbler.
4469. Have you seen him take a glassful more than once? Yes.
4470. Of brandy? Yes.
4471. Shortly—one after the other? No, at different times altogether.
4472. On the same day? No, on different days.
4473. You say that upon one occasion you saw a person pouring water on the back of Mr. Micklethwait's head? Yes.
4474. Have you any idea what this was for? I cannot say.
4475. Were you not told what it was for? I think I was.
4476. And what were you told—what did they say it was for? When I inquired what was the matter, I was told that he had had a rush of blood to the head.
4477. Who told you this? Mr. Micklethwait.
4478. You saw him then yourself upon that occasion? Yes.
4479. And that was what he told you—that he had had a rush of blood to the head? Yes.
4480. Did you take particular notice of him? No; I was flurried, and thought some accident had occurred.
4481. In your opinion, had he been drinking? I cannot say.
4482. You saw him and remarked him? Yes.
4483. And you tell this Committee that you cannot say whether he had been drinking? I cannot say.
4484. We must have a direct answer to the question, one way or the other. Had he been drinking you must have discerned it, under the circumstances, and I now ask you again—Had he, in your opinion, been drinking on that day? I think it possible he had.
4485. You might just as well have given that answer at first. How much brandy have you known him drink at one time in the office? I cannot tell; I have never seen him drink brandy upon more than one or two occasions. I have never seen him drink, in the usual sense in which that word is understood, but I believe he did drink.
4486. What did you mean by saying, in your evidence before Mr. Whitton, that when you saw the water being poured on Mr. Micklethwait's head, he was not under the influence of drink? I do not think that he was.
4487. You have seen him drink? Yes.
4488. And drink brandy? Yes.
4489. Then your evidence before Mr. Whitton is incorrect? No, I think not.
4490. But you say there that Mr. Micklethwait was not under the influence of drink? I do not think he was.
4491. You have, however, just told the Committee that you think he was? I could not have said so.
4492. In answer to my question, you said you thought he had been drinking at the time you saw the water poured over his head (*Evidence read over to witness*)? I must have misunderstood your question.

4493. Have you never drunk brandy in the office yourself? I may have done so upon one or two occasions, but I have never been in the habit of drinking brandy.
4494. Have you ever drunk brandy in your office with Mr. Barton? Not frequently, but we may have done so once or twice.
4495. At lunch-time, I suppose? Yes.
4496. And not at other times? No.
4497. Were you in the habit of keeping a private stock of wine in the office? No.
4498. Was Mr. Barton? He had a dozen, or it may have been two dozen, of colonial wine brought to the office for him upon one occasion.
4499. Have you had any conversation with your brother officers as to what was to be said here? No.
4500. Nor yet as to what was not to be said? No.
4501. At the time that Mr. Gardiner made his report, or shortly afterwards, did he come up to your office, and complain to you of the conduct of his brother officers, in placing upon his desk a plan marked all over with the word "error"? I think it must have been some time after that, that he made his report.
4502. Are you sure? No; now I remember, it was after he had made his report.
4503. Did you mark the word "error" on that plan? No.
4504. Did you place it on Mr. Gardiner's desk? No.
4505. Did you cause it to be placed there? No.
4506. Were you aware that it was to be placed there? No; I heard it spoken about, and I did all I could to dissuade them from putting it there. I tried to keep it away from him, as I did not wish to hurt his feelings.
4507. Mr. Gardiner complained to you that a plan he had drawn had been written all over with the word "error," and had then been placed on his desk? He did.
4508. Did he use any violent language to you? He used menacing language to me.
4509. What was it? He threatened to publish my work, with a series of remarks relating to it, in the public press.
4510. And he used all this threatening language to you? Yes.
4511. Were you alone at the time? I was.
4512. Where was Mr. Robertson? He was then in the next room.
4513. Could what Mr. Gardiner said have been heard in the next room by Mr. Robertson? I think not, if the door was closed.
4514. Was Mr. Gardiner much excited at what he considered to be this insult put upon him? He was.
4515. And spoke in a loud tone of voice? Yes, he did, very angrily.
4516. He threatened what he would do to you? Yes.
4517. And to publish you and your works in the newspaper? Yes.
4518. What did you say to this? I told him that I had nothing at all to do with it; that all I had done had been to carry out the instructions I had received, and that I was obliged to do so; that the plans had been placed in my hands by the Engineer's Department, and that these errors were marked on the copies when I received them.
4519. They were his plans that had thus been placed in your hands with the word "error" marked on them? Yes.
4520. And this occurred after his complaint had been made? Yes, some time after.
4521. Was there not a feeling against him prevalent in the office, after he had made this complaint to Mr. Whitton? I do not know that there was.
4522. Was there no ill feeling towards him on your part? Yes, I think there was.
4523. On account of this complaint? No; but because he treated us with contumely; when we passed him and wished him good day, he never looked up, or spoke, or did anything.
4524. Did his not looking up to you, or not speaking to you, interfere in any way with the performance of his duties? No.
4525. Is that any valid reason, then, why there should be any ill feeling towards him in the office? I think not.
4526. You never had occasion to find fault with his work? I never did.
4527. Have you ever known him drink? No.
4528. With regard to Mr. Micklethwait—does his hand shake? I have seen his hand shake.
4529. Does not his hand always shake? No, not always.
4530. You have seen him drink? Yes.
4531. Was he capable of conveying a full glass of liquor to his mouth, and drinking it without spilling? I have never seen him do it.
4532. You never saw him convey a glass of spirits to his mouth? Yes, I have seen him on a few occasions, but never a full glass in the way you describe.
4533. On these occasions did not his hand shake very much? No, not that I recollect.
4534. Then, when you say the water was poured over the back of his head, it is your opinion that he had been drinking? I am not quite clear that he had, but he might have been drinking.
4535. Had you seen him drinking on that day? No, I had not.
4536. But you believe him to have been so? Yes.
4537. Was it accidentally that you saw this water poured on to his head? No; I was informed of his being unwell, and went to see him.
4538. Seeing that you only went there because you had been informed, could the whole thing have been done without your knowledge? It might.
4539. Was not this done prior to an interview he was about to have with Mr. Whitton, and in order to make him fit to meet that gentleman? I cannot say.

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4540. Can you not tell by the date whether it was likely that, at that time, he would have an interview with Mr. Whitton? No, I have nothing to guide me as to the time.
4541. Could you not tell by a reference to your official journal or diary, whether it would be likely that about that time he would require to have an interview with Mr. Whitton? I think not, for I do not recollect about the time even that it occurred.
4542. But as you only saw this because your attention was called to it, such a thing may have occurred often for anything you know? It may.
4543. And without coming to your knowledge? Yes.
4544. With regard to that character that you produced just now, who is it from? It is not a character, but merely a statement I have drawn out to be laid before the Committee.
4545. *By the Chairman*: Mr. Robertson worked in your room? He did.
4546. Is he a good draughtsman? Yes, a tolerably good one.
4547. Are there many men in the department who are better draughtsmen than he is? They are all good draughtsmen.
4548. Are there any in the office who are better than he? Yes, Mr. Fearnside is a better draughtsman—considerably better.
4549. Are there any of Mr. Fearnside's plans in your office? There are; and there may, most likely, be some of his in this room.
4550. Then, you consider Mr. Fearnside to be a better draughtsman than Mr. Robertson? Yes, as a plan draughtsman.
4551. Were there any others better than he? I have said that he was a very good draughtsman, but he had not been long in the office; and he never had a drawing-pen in his hand until he joined us.
4552. Will you explain what difference there is between a plan draughtsman and such a one as Mr. Robertson is described to be, drawing designs for bridges and such like—will you define the difference? I hardly know how to do so.
4553. Is there any difference? Yes, there is a difference, but it is very little.
4554. If there is a difference, you can surely point it out? A plan draughtsman is able to plot out a surveyor's work, but a bridge draughtsman cannot.
4555. Can you plot out a surveyor's work? No.
4556. Can Mr. Robertson? He cannot.
4557. You are sure of this? Yes.
4558. Will you read this certificate (*paper marked A. placed in witness' hands*)? Yes.
4559. It is from Mr. Blackett, one of the most eminent of our Sydney architects? It is.
4560. Will you look at these drawings (*two of Mr. Robertson's drawings handed to witness*)? Yes, they are very nicely done indeed; I have seen them before.
4561. *By Mr. Dalgleish*: Looking at those drawings—what do you mean when you say that Mr. Robertson never had a pen in his hand until he came into your office? I only know that he told me so himself. He said that everything in Mr. Blackett's office was done with the pencil, and not with the pen.
4562. Might not a man who could not possibly line out a drawing be quite capable of inking it in after it had been lined out? Yes, I think he might.
4563. A draughtsman incapable of lining out a drawing would be able to ink it in after it was lined out? I think not.
4564. Provided you had a drawing to make—say of a bridge—would you give it to a junior hand to line out with pencil, or would you leave him to ink it in after it was drawn? I would leave him to ink it in.
4565. You would draw the plan, in the first instance, with the pencil yourself? Yes.
4566. And then give it to the junior hand to ink in? Yes.
4567. Then, does not this shew that it is to the inferior hand that the inking in is entrusted, and that the man who can ink in may not be able to line out the drawing in the first instance? Yes.
4568. Did you say that Mr. Robertson had never inked in a drawing until he came to your office? I certainly understood him to say so.
4569. *By the Chairman*: But these two plans that were shewn to you are inked in? I see that they are.
4570. And you regard them as very fair drawings? I do.
4571. Then you admit that Mr. Robertson is as good a draughtsman as you have in your office? No, I think not; he is not so good as some in our office.
4572. Who was better than he? Young Mr. Trengrouse was better.
4573. Who else? Mr. Trengrouse, senr.; they were both better than Mr. Robertson.
4574. Who else? Mr. Fearnside.
4575. Could he draw such things as these? I do not know; I never saw him engaged upon anything but plan drawing.
4576. Are there any others in the department better than Mr. Robertson? I do not think there are.
4577. Are you better? I was considered a very fair draughtsman some years ago.
4578. Was he not engaged upon the whole of the plans for the Menangle Bridge—I mean those that were done in the Colony? I think it very likely he was.
4579. Did he not do the principal portions of the drawings for the Penrith Bridge? No, he did not.
4580. Who did the principal work upon the drawings for this bridge? I did.
4581. How many of the plans was Mr. Robertson engaged in? He may have been engaged in the whole of them—more or less.
4582. Is he a good mathematician? I am not aware.
4583. Was he attentive to his duties? Yes, very.
4584. Had you any cause to complain of his conduct at any time? No.

4585. He worked in your room? He did.
4586. And you never had cause to complain either of his work as a draughtsman, or of his conduct as a gentleman? No, I never had cause of complaint against him; on the contrary, I always esteemed him very highly, and I have invariably said so.
4587. Did he do his fair proportion of the work of the department? Yes.
4588. Did Mr. Robertson do any portion of this plan (*plan of the Penrith Bridge produced, No. 1*)? Yes, I think he did; I think he put in the trusses to the two end piers.
4589. Do you know that he did the whole of this plan? I do not.
4590. Do you know that he did not? Yes, because there is a good deal of it that I know was my work.
4591. Did he do this portion of the plan? I think he did. At all events, I think he made the top caps of the eastern and western piers of the bridge.
4592. Is not the whole lining of this bridge his work? I do not think it is.
4593. Is there no record in your office to shew who does one part of the work? No.
4594. Is there nothing in your office from which it can be discovered what each man does? No.
4595. Do not the journals kept in your office shew this? No, they only shew the work upon which we are engaged, and do not specify that one man did this and another did that.
4596. Is it usual for one part of a plan to be done by one officer and another part by another? Yes, it is frequently the case.
4597. Did you do anything of this (*plan No. 2, Penrith Bridge, produced*)? I believe that the whole of this central portion of the work is mine, with the exception of the caps.
4598. Who did them? I believe they were put in by Mr. Robertson.
4599. Whose work is this (*plan No. 3, Penrith Bridge, produced*)? I think I made this, with the exception of the caps, which were done by Mr. Robertson.
4600. Is this Mr. Robertson's work (*plan No. 4, Penrith Bridge, produced*)? I believe I pencilled the greater portion of this, but the expansion rollers were Mr. Robertson's work.
4601. *By Mr. Dalgleish*: What kind of rollers are they? Cast-iron.
4602. Are they correctly shewn here? Yes.
4603. Do they lie along the length or across the breadth of the bridge? Along the length, with the sleepers on them.
4604. *By the Chairman*: Who did this (*plans of iron-work of Penrith Bridge, No. 1, produced*)? That is only a tracing of the other plan, No. 1, that we have just seen.
4605. Who made it? I do not know who did it; I cannot call to mind just at this moment.
4606. Did Mr. Dogherty do it? Yes, I think he did.
4607. It is very well done—is it not? Yes, but it is nothing particular.
4608. Is it not well done? Middling.
4609. I should have thought it very well done? I do not think that it is so very well done.
4610. Have you any better in your office? Yes, many.
4611. Whose drawing is this (*plan No. 2, iron-work of Penrith Bridge, produced*)? It is mine.
4612. Partly done by Mr. Robertson? No, that is all my work.
4613. In looking at these plans, can you tell, by inspecting them, which is your work and which Mr. Robertson's? No, I cannot.
4614. There is no difference between your work and his? Not sufficient to distinguish the one from the other. In line drawing it is hard to tell one hand from another.
4615. *By Mr. Dalgleish*: What, according to your view, is a line draughtsman, and what a plan draughtsman? A plan draughtsman would not be able to do such a thing as this.
4616. Would not an efficient plan draughtsman be able to get up such a drawing as this? No, I think not.
4617. *By the Chairman*: You have said that this plan was yours; but will you, upon reflection, say that you did the half of it? Yes, I say that I did the whole of it, or nearly so. The lines are principally mine throughout the work, but the writing is Mr. Robertson's.
4618. How can you define what is yours and what his—is it from memory? Yes, it is only from memory.
4619. And not from any difference between your work and his? No.
4620. Then his work is, to all intents and purposes, as good as yours? It is very good.

Mr. J. W.  
Drewett.  
14 Jan., 1864.

Mr. Louis Robertson called in and examined:—

4621. *By the Chairman*: How much of this plan did you do (*plan No. 2, iron-work, Penrith Bridge, shewn to witness*)? I did the greater part of it.
4622. Can you shew us the lines you executed? No, I could not tell the lines made by myself from those made by another.
4623. But you did, at least, half the lines of this drawing? Yes, fully the half of the lines, and all the lettering.
4624. Who made the figures? I did some of them, but the most of them were done by Mr. Drewett.
4625. Who did this (*plan No. 3, iron-work, Penrith Bridge, produced*)? It is my work. Mr. Drewett may have done some of it, but I did the greater part.
4626. Did you do the pencilling, or did you merely ink it in? I did the greater part of the pencilling.

Mr. L.  
Robertson.  
14 Jan., 1864.

- Mr. L. Robertson. 4627. And the lettering and figuring? They are all mine.  
 4628. What part of it did Mr. Drewett do? He did some of the lining. I cannot tell exactly, but I think that the cross-section of one of the girders of the bridge was his work.  
 14 Jan., 1864. 4629. Is this your work (*plan No. 4, iron-work, Penrith Bridge, produced*)? I did the most of this—the printing, figuring and all.  
 4630. Who did the lines? I did the most of them.  
 4631. Did Mr. Drewett do any of this? Yes, some of it.  
 4632. Can you say from memory, how much he did or what parts he did? No.  
 4633. Did you both work at the one board? No.  
 4634. How did you manage—did you each take a part of the plan alternately? There would perhaps be two or three plans working at the same time, and they would be on different boards, so that he would be doing one whilst I was at work at the other.  
 4635. The tracings produced were done by Mr. Gardiner? Yes.  
 4636. Do you consider them to be good tracings\*? Yes.

NOTE (*on revision*):—The first question asked and answered is omitted in the above report of the evidence. The question was—How much of this drawing did you do (*general drawing of Penrith Bridge*)? Answer—All of it.

Mr. J. W. Drewett called in and further examined:—

- Mr. J. W. Drewett. 4637. *By the Chairman*: You have heard what Mr. Robertson has said, that he did the half of this No. 2 plan, if not more—that as regards the figuring that was yours, whilst the printing was all his;—the difficulty, however, is that, like you, he cannot decide upon which is your work and which his? I saw with regard to this No. 2 plan, iron-work, Menangle Bridge, that I did the greater part of it—that I arranged the whole of the plating, and that it is very likely that as I arranged it, he inked it in.  
 4638. *By Mr. Dalgleish*: What does this part of the plan shew? It is a distorted section of the bridge, to shew the thickness of the plates.  
 4639. What particular arrangement of plating is shewn here that should make the plan so difficult? It is not the difficulty, but it takes a long time to do.  
 4640. Is it necessary to have all the row of plates shewn in this way—is it not a waste of work to have more than sections of the plates shewn? It must be done by some one.  
 4641. This is not a working drawing? Yes, it is; it is what we use as a working drawing.  
 4642. But it is not such a drawing as you would put into the hands of a man to work by? Yes, but it might have to be enlarged for that purpose.  
 4643. Then, not being a working drawing, it is a waste of labour, being a mere repetition of the same line of plates throughout? No, they vary in thickness and length as they approach the centre of the bridge.  
 4644. *By the Chairman*: If you had given half the bridge, from the end to the centre, would not that have been sufficient? Yes, I think it would have been.  
 4645. Then the time employed upon the other half is all lost time? No, I think not, for it makes the plan more complete.  
 4646. But for the sake of the work, is it necessary to give more than the half of this? I think not; but it is more convenient for the workman to have it as it is.  
 4647. *By Mr. Stewart*: What would be the time that this plan would occupy you to complete, if you were engaged upon it alone? I cannot say.  
 4648. Could you do it in a week? No, certainly not.  
 4649. Would it take you a month? I dare say it would.  
 4650. And how long would it require to make a tracing from it? It would take a week at any rate.  
 4651. *By the Chairman*: How many copies of this have to be made? Only one copy.  
 4652. *By Mr. Dalgleish*: Have you anything in your journal to shew how long you were occupied upon this particular plan? No.  
 4653. Now, could you do such a plan as this in less than two months? It is almost impossible to say how long it would take. There is no doubt an immense deal of work on it.  
 4654. Do you think you could do it in less than two months? I could not say.  
 4655. *By the Chairman*: And now with regard to this plan (*plan No. 3, iron-work, Menangle Bridge, produced*)? I say that I did the whole of it, except putting in the rivets and the writing. Mr. Robertson and I may have put in the rivets between us, but I did the whole of the lining, and I think it very likely that I put in the rivets, and that he coloured them.  
 4656. *By Mr. Dalgleish*: Would not this also have been equally well shewn, for all practical purposes, if only half the plan had been given? No, I think not.  
 4657. Are they not the same? No, every section varies, from the piers right over to the centre.  
 4658. *By the Chairman*: Whose work is this (*No. 4 plan, iron-work, Penrith Bridge, produced*)? I did this; and I believe nearly the whole of it.  
 4659. What did Mr. Robertson do? He did the writing and the riveting, and I believe that he rounded these rollers for me.  
 4660. Who else was in this room besides you and Mr. Robertson? We were there alone latterly.

4661.

\* NOTE (*on revision*):—This question was addressed to Mr. Drewett, and answered by him.



4661. But during the time these plans were being executed? There was no one but him and me at that time.

Mr. J. W.  
Drewett.

4662. Is he not quite competent to do any work of this kind of himself? Yes, to draw them under instructions.

14 Jan., 1864.

4663. Is he not capable of himself to do any of the work shewn on these plans? Yes, I think he is, of drawing it under instructions.

4664. I want no qualification, but a simple answer—is he qualified to do of himself any of the work shewn on these plans? Yes, if he is directed.

4665. What do you mean by saying if he is directed? I mean if instructions are given him, or sketches shewn him, as to how the work is to be done.

4666. Who made the sketches for this work, in the first instance? There were no sketches for the work of this bridge.

4667. Is it not a copy of the iron-work from the Menangle Bridge? Yes, to a great extent.

4668. Did you not copy it from the plans for that bridge? Yes.

4669. Then, if he had these plans before him as you had, what do you mean by saying that he could not have got out the work without directions? I mean that he could not have got out the work without he had further directions than on these plans, of the other bridge.

4670. But if he had the plans of the Menangle Bridge, as you had, could he not have got up these plans? I think not.

4671. Why? Because he has not had the same experience as I have had.

4672. But he would have the copy? Yes, but this is not an exact copy of the Menangle Bridge.

4673. In what does it differ? It differs both in height and length.

4674. Could he not carry out the proportions, in the same way that you did? Yes, if they were given to him; and that is why I say he would require directions.

4675. And who gave you the proportions? Mr. Whitton.

4676. Supposing you had not been in the office, and that Mr. Whitton had given him the same instructions that he gave you, would he not have been competent to prepare these plans as they now stand? I do not think he would.

4677. You have acknowledged that he is as good a draughtsman as any in your office? Yes, perhaps he is.

4678. And yet you think he is not capable of getting out such a plan as this, without instructions? That is my opinion.

4679. Do you want the same instructions that Mr. Robertson would require, in order to get out a plan of this kind? No, I think not.

4680. Could you have done it without instructions from Mr. Whitton? I might have done so.

4681. But Mr. Robertson could not? No.

4682. He is as good a mathematician as you? He may be so.

4683. And yet, in your opinion, not as capable as you to take out the necessary proportionate measurements? I think not.

4684. Why not? Because he is only a young man, and has not yet had the experience I have had.

4685. You have seen this certificate from Mr. Blackett as to his capabilities—you have been shewn plans that he has drawn, and you acknowledge that he is as good a draughtsman as yourself—can you now tell me any one thing in which you consider him to be inferior to yourself? I do not like to say, for it is not pleasant to have to draw comparisons with one's-self.

4686. You never had occasion to find fault with him? No, I never had.

4687. Is there any one in your office whom you would have preferred to assist you rather than Mr. Robertson? No, I think not; I always had the highest opinion of him.

4688. Do you know the amount of salary he was receiving when he left? Yes.

4689. What was it? One hundred a year.

4690. How long had he been receiving that salary? I cannot tell.

4691. Had he been receiving it for the twelve months prior to leaving the office? Yes, I think so.

4692. Do you not know that he was for some time upon a salary of £52 a year? Yes.

4693. Was that a fair remuneration for a young man with his qualifications? I do not think it was, and that was why I tried to get his salary increased. It was upon my recommendation that his salary was increased from £52 to £100 a year.

4694. Do you think that he could do, and did, as much work as any other officer in the department? I think he did a fair share of the work.

4695. Then the other officers in the department who received such high salaries were overpaid if he was fairly paid? He could not expect, upon just coming into the office, to get the same salary as those persons who had been many years in it, and were acquainted with all the business. He had only been three years in the profession, and I have been nearly thirty years in it.

4696. Is it not a known fact that there are many young men, with only two or three years experience of their profession, whose services are worth far more than those of men who have been a lifetime at it. The public pay for duties performed without troubling themselves whether they are performed by a young or an old man; and if he did as much work, and as well, as any other officer of the department, he was entitled, as far as the public was concerned, to receive the same salary as others? He would have had a rise of salary had he remained.

4697. And do you consider the miserable rise he would have had would have been at all equal to the work he performed in the department? As I said before, he could not expect to be at once put on the same footing as the older officers of the department.

- Mr. J. W. Drewett.
- 14 Jan., 1864.
4698. You receive £500 a year, I believe? Yes.
4699. Have you ever had a rise of salary? No.
4700. That was the amount at which you were engaged? Yes.
4701. And Mr. Robertson did the same work as you? No.
4702. He did the same amount of work as you and others? He did his fair share of work.
4703. You have been asked about Mr. Micklethwait—did you ever see him when his hand did not shake? I have.
4704. As a general thing does his hand shake? No, I think not.
4705. You recollect when he arrived in the Colony? Yes.
4706. Did his hand shake then? I think not.
4707. Then if Mr. Barton says that Mr. Micklethwait's hand is always shaking, he is mistaken? I do not know; I have never seen his hand always shaking.
4708. If he says it is an hereditary failing that Mr. Micklethwait has, he is also mistaken? I cannot say; I have not been much with him.
4709. You acknowledge, however, that one of the few officers who was superior to Mr. Robertson as a draughtsman was Mr. Trengrouse, junr.? Yes, I thought both he and his father superior to Mr. Robertson.
4710. Both the Messrs. Trengrouse? Yes.
4711. Mr. Trengrouse, junr., is now in the Lands Department? He is.
4712. Then if Mr. Arnold says that Mr. Trengrouse, junr., is only fit to do tracings, it is an injustice to that gentleman? I do not know that he did tracings.
4713. I wish you to answer my question—If Mr. Arnold has said that Mr. Trengrouse, junr., and Mr. Robertson were only fit to make tracings, he has been guilty of an injustice both to Mr. Trengrouse, junr., and Mr. Robertson? I think it was an injustice.
4714. You have seen, in looking through the plans of the Penrith Bridge, a reference to a tracing by Mr. Gardiner? Yes.
4715. Do you consider that tracing to be well done? Yes, very well done.
4716. And that tracing of Mr. Dogherty's? No, I do not consider that to be well done.
4717. What is the matter with it? It is not well lined in; it is not clear—not what a draughtsman would consider a good tracing.
4718. Are you sure, with reference to the plans for the Honeysuckle Station, that neither of them is yours? Yes, I am quite sure.
4719. What work were you engaged upon when you first came to the country? I cannot say. I was making arrangements in regard to my work, for the first week or two; but I believe that the Honeysuckle Station was about the first work I was engaged upon.
4720. These plans that were shewn to you, are plans for the Honeysuckle Station? I am aware of it, but neither of them is mine.
4721. Where is your plan? Unfortunately the original plan cannot be found. We have hunted for them all over the office, but they are not to be found. These plans have been sent to the Committee in mistake, by some officer who did not know exactly what the Committee required.
4722. Who sent them? I do not know.
4723. Were they not sent by Mr. Rae? They have been sent from his office, but not by him.
4724. How would they come to be in the office if they were not originals? They would be there with the other plans, and then the officer who made the search, seeing they were plans of the Honeysuckle Station, and that plans of that station were required, he would naturally, not knowing the purpose for which the Committee required them, send up these.
4725. Were there not some alterations made in the plan drawn by you? I do not remember, but I think not.
4726. I am informed that there were. Now, will you put these plans up to the light, and see if there are not in one of them many alterations and erasures? In one of them there does not seem to be any, but the other has undoubtedly been much altered.
4727. And very materially altered? Yes.
4728. *By Mr. Dalgleish*: Is this not an office plan? Yes, but it is not an original.
4729. How has it been altered? I do not know, but I believe it was made and altered before I came to the Colony.
4730. Is it dated? This one is dated the 13th January, 1857. I was not in the Colony at that time.
4731. *By the Chairman*: But the Honeysuckle Station was the first work you were engaged in after you came to the Colony? I cannot say positively that it was the first, but it was about the first.
4732. It is a building something like this? Yes, it is a weatherboard building, as in this plan.
4733. *By Mr. Dalgleish*: Was not a drawing of the Honeysuckle Station the first drawing you made after you came to the Colony? I think it was.
4734. What was the second? That I cannot tell.
4735. But you can find out by a reference to your memoranda? I do not know that I can; I am afraid not.
4736. I look to the report from the Engineer-in-Chief to the Under Secretary for the Works Department, signed with the initials J. W., and with the date 28/8/63, and I find this passage:—"The duties upon which Mr. Trengrouse has been employed are, to make "tracings of land plans required for notices to owners and occupiers of land taken for "railway purposes, and also to copy on deeds plans of land purchased." Is this true? Yes.
4737. Does this state the entire truth in regard to the services that Mr. Trengrouse, senr. was capable of rendering in the department? I cannot tell.
- 4738.

4738. You are the chief draughtsman in the department? Yes, but I have had nothing to do with him since I have been in the department.

4739. But you have given an opinion before this Committee in regard to his capability? Yes.

4740. And have informed us that he is a better draughtsman than Mr. Robertson? Yes, as a draughtsman.

4741. Does this report of the Engineer-in-Chief give a truthful account of his qualifications? I think so.

4742. You say he is a good draughtsman? Yes.

4743. Does not this report give an opinion that he is not a good draughtsman? No, I think not.

4744. Are there not many things that he might have been more advantageously employed upon than those that were given him to do? Yes.

4745. As regards Mr. Dogherty and Mr. Robertson, in so far as the first part of a subsequent sentence is concerned, that they "were both only temporarily employed in the office to make tracings,"—is that true? Yes, I believe so.

4746. Was Mr. Robertson employed in that way? That was what he was engaged for.

4747. That is not what I ask you—I ask you if he was so employed? Not latterly—certainly not.

4748. How long is it since he was so employed? I cannot tell.

4749. How long do you think it was? It might have been for about three months before he was suspended.

4750. Just recollect yourself, and say how long it is since Mr. Robertson was last employed upon tracing copies of plans? I do not think he has been so employed for the last twelve months.

4751. What do you mean then by saying that it is only within the three months prior to his suspension that he was not so employed? I meant that within the three months he had certainly not been so employed, and that he might have been before that.

4752. Then, as he had not been employed in tracing for the twelve months prior to suspension, was not this report of Mr. Whitton's calculated to give a false impression? I think not.

4753. Was it not calculated to mislead me, or any other Member of the Assembly who read it, as to the nature of Mr. Robertson's employment in the department? He was not engaged upon tracing at the time he left the office, but that was what he was engaged for.

4754. So that when he left the office he was not so employed? No, nor for twelve months previously.

4755. Was it not rather for eighteen months previously? Well, it may have been.

4756. He was three years in the office? Yes.

4757. And for half that time was not employed on tracing? Yes.

4758. Then this statement about his being employed upon tracing is incorrect? I do not think that it was intended to be so.

4759. But I ask you the fact—Is the statement correct or incorrect? It is true that he was engaged to make tracings, but that for the last twelve months, at all events, he was not so engaged.

4760. So that because he was engaged three years ago to make tracings, you would desire to continue on that engagement up to the present time? No, I do not; I say that he was not employed upon tracings for the last twelve months.

4761. Then, is this statement true or is it untrue? I believe it is true in so far as regards the purpose for which Mr. Robertson was employed.

4762. But, as a matter of fact, he was not so employed for some time back? No, not for the last eighteen months that he was in the office.

4763. Is the statement true as regards Mr. Dogherty? It is quite true.

4764. So that by mixing the truth and the error together, an appearance of veracity is given to the whole statement? It is certainly perfectly correct with respect to Mr. Dogherty.

4765. *By the Chairman:* Was not Mr. Robertson on the permanent staff? No, I believe not.

4766. Are you sure of it? I am not positive, but I believe not. Before he was suspended he was put down for an increase, and to be placed upon the permanent staff.

4767. Will you say that his salary was not placed on the Estimates for last year? I do not know certainly, but I think not.

4768. If he was not on the permanent staff, where would be the necessity for suspending him, since his services might have been dispensed with at any moment? I think not; he was appointed by the Executive Council, and they only would have authority to dismiss him.

4769. Would not this paragraph of Mr. Whitton's letter or report, referred to by Mr. Dalgleish, lead one to suppose that Mr. Dogherty and Mr. Robertson were employed in the office, at the time it was written, in making tracings? It might give that impression to a person unacquainted with the office.

4770. Do you think Mr. Whitton himself knew how Mr. Robertson was employed? I think he must have known.

4771. Was it true that Mr. Robertson was employed upon tracings at the time that letter was written? No.

4772. Not on the 28th August, 1863? He was not.

4773. Instead of that he was employed upon some of the best work in the office? He was.

4774. In reference to Mr. Hall—do you know anything of his ability as a draughtsman? I do.

4775.

Mr. J. W.  
Drewett.

14 Jan., 1864.

- Mr. J. W. Drewett.  
14 Jan., 1864.
4775. *By Mr. Dalgleish*: You say that Mr. Robertson has not the necessary experience or skill to make such plans as those of the Penrith Bridge, by himself? I say I think not.
4776. Have you yourself that necessary skill? I have.
4777. Can you calculate the strain upon the centre girder of such a bridge as that we have seen here to-day? No, I cannot.
4778. Could you take out from the drawings the quantities of iron and wood? Yes.
4779. Have you ever been engaged in similar works before you came to this country? Yes, for twenty-three years.
4780. Where? When I was in the office of the late Mr. Brunel.
4781. Upon what bridge drawings were you employed? Upon the Suspension Bridge at Westminster; upon the Chepstow Bridge, on the South Wales Railway line; and the Albert Bridge, on the Cornwall Railway at Saltash; and a compound road, river, and railway bridge, on the Great Western and Brentford Junction Railway.
4782. Do you know whether Mr. Robertson was capable of calculating the strain upon the centre of a bridge? I do not know whether he can or cannot.
4783. You are not aware that he cannot? No, I am not.
4784. Have you ever had any conversation with him in order to discover his proficiency in this respect? I have not.
4785. Are you aware that he is a very good mathematician? I am not.
4786. Can you read engineering works in which the formulary is used—works in which the calculus signs are employed? I cannot.
4787. Such works as those of Macquorne Rankine? \* Yes, I have read such works occasionally.
4788. And you can take out the quantities and weights from a drawing? Yes.
4789. Have you always found Mr. Robertson to be truthful in his intercourse with you? Yes, I have never heard it said that he was other than truthful.
4790. Have you always found him candid in his dealings with you? Yes; I have had only very few conversations with him, but I had never to find any fault, either as regarded his truth or his candour. I always thought very highly of him, and have never failed to say so.
4791. Have you ever given him directions as to the way in which he should enter his work in his journal? No, I should never think of doing anything of the sort. Sometimes, however, the work in the office is so very general that it may have been difficult to define it, and he may have consulted me, as being longer in the office.
4792. You have never been in the habit of defining it for him? No; but as he was only new in the office, he may have asked me what he should say in this or that case, and I may have answered him, and told him to put it down as general office work.
4793. So that when he put down in his journal that he had been engaged upon general office work, he may actually have been at work upon some of these drawings and bridges? I do not know that; but there are many things that we have to do in the office that we do not know how to designate in any other way.
4794. Do you think he would tell a wilful untruth as to the way in which he was employed in the office? No, I think not.
4795. And you think the Committee would be justified in believing his statement? Yes, I do not believe that he would knowingly state anything wrongfully.
4796. He might be mistaken, but would not wilfully state an untruth? No; I had a very high opinion of him, and on that account I have invariably treated him with marked kindness.
4797. *By the Chairman*: In the Estimates for 1864, I see there is an entry for an assistant draughtsman, at £100 a year—that was intended for Mr. Robertson, I presume? Yes, it appears so.
4798. All that appear here on the Estimates are on the permanent staff? That I do not know.
4799. The £2,000 subsequently put down for contingencies serve to pay those who are not on the permanent staff? Yes, I believe so.
4800. So that if he had not been on the permanent staff, his salary would not have appeared specified in this way? Probably not, but I cannot say positively how that would be.

FRIDAY, 15 JANUARY, 1864.

Present:—

MR. DALGLEISH,		MR. MORRIS,
MR. GARRETT,		MR. STEWART.

JOHN LUCAS, Esq., IN THE CHAIR.

William Mason, Esq., called in and examined:—

- W. Mason, Esq.  
15 Jan., 1864.
4801. *By the Chairman*: What is your position in the Railway Department? Chief Assistant Engineer.
4802. Next to Mr. Whitton? Next to Mr. Whitton.
4803. You measure up the whole of the works? Not the whole of the works—the works on the Western and Southern lines.
4804. Not on the Northern? Not on the Northern. On the Western line, up to Penrith—not beyond Penrith; and on the Southern line, up to Picton—not beyond Picton.
- 4805.

\* Revised:—No, I have not read such works.

4805. You gave evidence with reference to the disorganized state of the Works Department, before Mr. Whitton? Yes. W. Mason,  
Esq.
4806. You are generally out on the works? Probably one-third of my time I am out on the works. 15 Jan., 1864.
4807. The other two-thirds —? The other two-thirds in the office.
4808. I presume, when in the office, you are making up the quantities—are you not? Sometimes; and I am engaged with various works in the office besides.
4809. Have you a room of your own? I have.
4810. I suppose you are generally engaged in that room? I am always engaged in that room when in the office.
4811. And you say you are engaged in various works during the time you are in the office? Yes.
4812. Will you enumerate some of them? Examining drawings and making drawings, getting out original designs, and various other things.
4813. How far is your office from Mr. Drewett's? Mr. Drewett's is on the second floor, and mine is on the ground floor.
4814. In the present office? Yes.
4815. Please confine yourself, in the questions I may ask you, to the old office—not to the present office, because you must be aware that this examination has reference to the conduct of the department while in the old office? My office was next to, on the same floor as Mr. Drewett's, at the old office.
4816. And you say you are fully one-third of your time on the line? I should think about that, as near as I can tell—probably more.
4817. How long does it take you to work up the quantities, measuring one-third of your time? That depends upon the amount of the work done. There is working out the quantities and making out the contractors' certificates. The whole together would take on the average about a week, exclusive of the measuring.
4818. How long would the measuring take you? Probably a fortnight altogether.
4819. And then a week for taking out the quantities? I mean making up the quantities.
4820. Half your time is taken up with measuring and working out the quantities? Sometimes I have done it in a week, sometimes in less than a week; it is just according to circumstances. Sometimes I have not been obliged to go through to the end of the works, as there was no work done beyond a certain point, and consequently I have done it in less time.
4821. Do you know the different gentlemen's work in the department? Yes.
4822. Will you tell me who drew that plan (*showing a plan to witness*)? I do not know that I can tell by the drawing; I could not say by this drawing whose work it is; it is impossible for any one to tell.
4823. Were you often in the long drawing-room? At one time I was.
4824. Please to confine yourself to the last six months of 1862? In the last six months of 1862—No.
4825. You were absent a great deal of your time during the last six months of 1862? Not more than I have stated—about the same—one-third of my time.
4826. You were very seldom in the long drawing-room during that period? I have not been much in the long drawing-room during that period.
4827. Have you ever seen any drinking going on in the department? I have seen them take beer at lunch-time—never at any other time.
4828. Have you seen them take spirits at lunch-time? Never.
4829. You being seldom in the room, they might take it unknown to you? Such a thing is possible.
4830. Is it not probable? I should not like to say it is probable; it is possible.
4831. During that period I have been informed that you were not, on the average, in the long-room above once a month? It might be so, from the fact that I have no immediate supervision over it.
4832. You only being there not oftener than once a month, may not any person there have been drunk twenty days out of the month without your knowing it? Certainly he might.
4833. And any amount of spirits or beer might have been taken into the room without your knowledge? It might have been certainly, without my knowledge.
4834. I see in your examination before Mr. Whitton you say, "I have never on any occasion seen drinking or drunkenness in the office; I am necessarily backwards and forwards amongst the officers, and if such cases as are alluded to in the newspapers of 29th July had taken place, I should either have seen or heard of them:" Now, how can you reconcile the evidence you have given here to-day with the evidence you gave before Mr. Whitton? I have been backwards and forwards in the office, and I think I should have seen it if it had been the case.
4835. You acknowledge now that you were not there more than once a month during this period—did you not understand that this examination had reference to the charges brought by Mr. Martin Gardiner against the department? Yes.
4836. Would not any person reading over this evidence consider that your remarks had reference to the period I have mentioned? I do not know what they might think about it.
4837. Will you just read it and say whether you would not have been led to that conclusion, knowing this report had been made by Mr. Gardiner with reference to this period. From the tenor of your evidence there, would you not conclude that the gentleman giving that evidence was referring to the time that the charge was made? I do not think it is contrary to what I have stated, that during the time I have been in the habit of going into the office I have never seen anything of the kind.
4838. Is the evidence taken down here as you gave it? It is.

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4839. When you say you were necessarily backwards and forwards, and if such a thing had occurred, you must have seen it? I do not say how often.

4840. But you say you must have seen it, and now you acknowledge you were not there more than once a month, and that they may have been drunk twenty days out of the month without your knowing it? It is possible it might be so when I was not there; I merely stated the fact that I never saw anything of the kind.

4841. Then, in reality, you know little or nothing about the proceedings in the office during the period referred to in the charge of Mr. Gardiner? Nothing more than what I have stated.

4842. How far was the long drawing-room at the old offices from the main building? Probably about fifty or sixty feet.

4843. And any person approaching the drawing-room could be seen from it directly they left the main building—any person standing or walking in the long drawing-room could see any person approaching? That would depend upon what position they were placed in in the long drawing-room.

4844. That is a plan of the place, is it not (*showing a plan to witness*)? Yes, this appears to be a plan of the building.

4845. Any person then in the long drawing-room could see any one approaching directly he left the main building? No, I think not, for there is a projection here—a kitchen. If you will allow me, I will make a small sketch of it. (*Witness explained by a sketch.*)

4846. Then directly any person passes this kitchen they can be seen from the long drawing-room? I dare say they can when they come to the top of these steps; if a person was looking out there they could be seen from these windows.

4847. Or working at the tables? I do not know about working at the tables; it is possible they might; I could not say.

4848. Supposing they were looking out of the window, they would have time to hide any bottle, or anything of that sort they might have been using, before a person could approach? That I do not know; it would depend upon their expedition; under ordinary circumstances it is probable they might.

4849. And, of course, if these gentlemen who are employed in the office saw you, or Mr. Barton, or any person, approaching, and there was any drink about, I presume they would hide it? Probably they might, as they would be fully aware such a thing would not be allowed.

4850. *By Mr. Stewart*: What is the distance between the end of the kitchen and the entrance to the door of the long-room? Probably from thirty to forty feet.

4851. That is, from the door of the long-room to the part where a person approaching could first be seen? There is a pathway to be taken off; probably the distance would be thirty feet where they would rise up the steps so that they could be seen.

4852. *By the Chairman*: Was the door always open? Sometimes open and sometimes shut. I generally found the door open in the summer time.

4853. Of course you have had opportunity of knowing the abilities of the different draughtsmen you have had in your department? Yes.

4854. What sort of a draughtsman was Mr. Robertson? He was a very fair draughtsman, that is, in copying drawings—he was a very good hand at copying drawings; he was not what I should call an experienced draughtsman.

4855. Was he a good draughtsman? Well, I could say he was a good draughtsman, as far as making or copying drawings goes, but he was not an experienced draughtsman.

4856. Is it not the duty of yourself or Mr. Whitton to give a rough design of any drawing made in the office? Yes.

4857. Could not Mr. Robertson make a plan from your design? If it was something simple probably he might; but if it was anything of which he never before had experience, I do not think he could do it. There is a difference between being a draughtsman and an experienced draughtsman. A man experienced in bridge drawing, for instance, may, if you give him a rough sketch, make a complete plan, whereas an inexperienced draughtsman would have to ask particulars as to all details; he could draw it, probably, as far as drawing goes, but he would have to ask what he was to draw.

4858. Had not Mr. Drewett an opportunity of knowing Mr. Robertson's qualifications as a draughtsman? Yes.

4859. Suppose Mr. Drewett says he is equal to any draughtsman in the office? I do not know what Mr. Drewett may have said.

4860. Do you know anything of the qualifications of Mr. Trengrouse, senior? Mr. Trengrouse is a very fair draughtsman—a very pretty draughtsman—but I could not say whether he has ever had much experience in bridge drawing. He could make a very handsome drawing.

4861. Have you seen Mr. Martin Gardiner's drawing? I have.

4862. What do you think of his qualifications? I know very little of Mr. Gardiner; I have not spoken to him on more than two or three occasions; on one occasion it was to give him a tracing to make, and on another occasion it was to tell him to work out some quantities—to check some of my quantities, or to work them out—I really forget which.

4863. Did he do them satisfactorily? Yes. It was a very simple tracing, and the quantities he had to work out were simple multiplication and addition; but he did them very satisfactorily.

4864. You know Mr. Micklethwait? I do.

4865. You say here you have known him twenty years? Yes, I have known him since 1843 or 1844.

4866. Have you ever seen him the worse for drink? Never.

4867. In the office or out? Never, in the office or out.
4868. Do you know whether he does drink? I have heard it said, but I am not aware of it personally.
4869. During the time this charge was made he might have drunk to excess? Such a thing is possible, but I am not aware of it.
4870. Did you ever call Mr. Whitton's attention to the state of Mr. Micklethwait during office hours on any occasion? I do not remember ever having done so.
4871. Will you say you did not do so? No, I did not; I do not remember ever having done such a thing.
4872. You may have done so? No, I can state positively I never did call attention to his state.
4873. Have you ever seen Mr. Hall the worse for drink? Never.
4874. Did you ever hear of a charge being brought against him at Penrith? Yes, I have.
4875. Was he absent from the office for any period at that time? He was acting at the time as Inspector on the works at Penrith. I suppose this took place during the time he was on the works.
4876. Did you ever hear of any similar charge against him at South Creek? No.
4877. What was the charge at Penrith? I believe it was a charge of an attempt at rape that was preferred against him. I do not know it as a fact, and I have not seen anything in the papers of it; I have merely been told so.
4878. Do you remember ever remarking to the officers in the department that he stank of drink? Never.
4879. Did you ever hear of Mr. Martin Gardiner drinking in the office? Never.
4880. Did you ever hear of Mr. Dogherty drinking in the office? No.
4881. Did you ever hear anything against the characters of Mr. Robertson, Mr. Trengrouse, Mr. Gardiner, or Mr. Dogherty, in the office? I never heard anything against the characters of those gentlemen.
4882. Do you know whether any complaint was ever made against them, as to the manner in which they performed their work? I dare say there may have been; there was never any made to me.
4883. You have not heard it? No complaint has been made to me; there may have been to Mr. Whitton.
4884. You have not heard it? I have not heard of any, excepting that I think I have heard Mr. Drewett state different things—that they had not done so-and-so.
4885. Who had not? Some of these parties.
4886. Can you mention which one of them? I really do not remember now. He has possibly said, if I remember right, that they have been a long time over doing certain things, when I have complained of the work getting on so slowly—and that kind of thing.
4887. These complaints have not been made to you? The complaints would not be made to me, inasmuch as I had nothing at all to do with them.
4888. *By Mr. Dalgleish*: Who had? Mr. Whitton.
4889. Who under him? Mr. Drewett, as having the supervision of a portion of the office lately, and Mr. Barton, as having the supervision of the other part—Mr. Barton, the whole that relates to the Trial Survey Department, and Mr. Drewett the remainder.
4890. *By the Chairman*: Do you know Mr. Fearnside? I do.
4891. What is he generally engaged upon? I believe he is generally engaged upon the working sections—writing the working sections, as a writing draughtsman. When there is not work of that kind he does tracing, or any ordinary work that happens to require to be done in the office.
4892. *By Mr. Dalgleish*: Is Mr. Fearnside considered to be what is called a good plotter of work—is he capable of plotting surveys? I am not aware.
4893. Is he employed in that way? He is not employed in plotting surveys.
4894. Is he what is commonly known as a plan draughtsman? A plan draughtsman; he is not an architectural draughtsman or a bridge draughtsman.
4895. Can he make plans from field books? From what I have seen him plot I should imagine he could.
4896. *By the Chairman*: Of course you have a thorough knowledge of his qualifications as a draughtsman? I have, from seeing his work.
4897. Comparing him with other draughtsmen in the department, do you think he is equal to the others? He is much superior as a plan draughtsman to any other we have in the office.
4898. As a writing draughtsman? As a writing draughtsman, very much superior.
4899. Supposing he had a bridge or any other structure to do, do you think he is as good a draughtsman as Mr. Robertson or Mr. Trengrouse? For drawing a bridge, no—it is quite out of his line, but for writing he is superior to any of them.
4900. You would not put him on work that you would put either Mr. Robertson, or Mr. Trengrouse, or Mr. Drewett upon? Certainly not.
4901. *By Mr. Dalgleish*: Writing is only an ornamental part of the plan? I think it is useful as well.
4902. It is more ornamental than useful? No, I cannot admit that, because the figures might be made in such a way that what was meant for a 1 might be called a 7.
4903. As long as they are made plain that is sufficient? Yes.
4904. With other draughtsmen it is necessary to have accuracy? Certainly; and it is absolutely necessary to have accuracy in this work also. I mean to say that figures made in a plain handwriting are, practically, as good as though they were printed like a book, provided they can be read.

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4905. *By the Chairman*: What sort of draughtsman is Mr. Mackay? He is an architectural draughtsman.
4906. He has been so engaged since he has been in the office? He has been engaged almost exclusively on station drawings.
4907. Have you seen Mr. Mackay take anything to drink? Never, excepting at his lunch.
4908. But in reality, you cannot tell of your own knowledge whether drinking has been going on in the department or no? So far as I have seen whilst I have been in the office, I say I have never seen any of it.
4909. *By Mr. Morris*: Have you heard whether Mr. Micklethwait has the reputation of being a drunkard? Well, I have heard so.
4910. From gentlemen in the office? Yes, I have heard it from gentlemen in the office, and on several occasions I have heard so.
4911. Has he the appearance of a man who suffers from excessive drinking? Well, I have not seen him for the last twelve months.
4912. *By Mr. Dalgleish*: When you last saw him? When I last saw him—no, I do not know that he has; he had not then.
4913. *By Mr. Morris*: Is he not a very nervous man—do his hands shake, as a man does after being engaged in excess? I have not seen him in that state, with the exception of once, and then he told me he had a very bad bilious attack, which was the cause of it.
4914. Nevertheless, you have heard he has a reputation as being a man who drinks to excess? I have heard so.
4915. You have heard it from gentlemen in the office? No, I have not heard it from gentlemen in the office.
4916. *By the Chairman*: Have you heard the same of Mr. Hall? Yes, I have heard it said of Mr. Hall, but not by gentlemen in the office.
4917. *By Mr. Morris*: You said, a little while ago, that you had heard from gentlemen in the office that Mr. Micklethwait was given to drinking? I beg pardon—I misunderstood the question if I did.
4918. You have not heard it then from gentlemen in the office, but from people out of doors? From people out of doors.
4919. *By Mr. Dalgleish*: As Assistant Engineer, was any report from Mr. Gardiner, complaining of an assault or threatened assault, or of misconduct, on the part of his brother officers, referred to you? Never.
4920. How soon after Mr. Gardiner reported that conduct to Mr. Whitton, did you become aware of the fact that he had so reported? I really do not remember the time that elapsed between.
4921. Were you in the office at the time, or in the country? I really do not remember; I remember hearing of it some short time after—possibly a week or a fortnight.
4922. From your position in the office it was only reasonable that that minute paper should be referred to you for your report? These things are generally referred to Mr. Whitton. If the matter had been referred to me, I should only have had to refer to Mr. Whitton.
4923. When you heard of that report sent in by Mr. Gardiner, did you believe Mr. Gardiner's statements to be true? I did not know what Mr. Gardiner's statements might be; I had not come to any conclusion.
4924. You were unaware of the nature of the statement? I was aware of the nature of the statement after I heard of it.
4925. Did you believe that complaint to be true? I really do not know what I believed at the time; I cannot say.
4926. Do you consider that, if an investigation had been held at that time, evidence could have been brought forward to have proved or disproved the statements made by Mr. Gardiner? I should think so.
4927. Was there any inquiry made then? I believe not.
4928. You say Mr. Gardiner has done work for you while he was in the office? I say on only two occasions I gave work to Mr. Gardiner.
4929. What description of work did you give him? One was, making a small tracing—a very small job, which he could do in about ten minutes; and the other was, working out the quantities of some earth-work from my measurements—merely multiplying and adding them up.
4930. Was there anything in the quantities Mr. Gardiner took out less difficult than in taking out quantities in general? There is a difference between "taking out" and "working out" quantities. In the one case the quantities are taken out from the sections, and in the other worked out from those dimensions. "Working out" quantities from measurements is less difficult than "taking them out."
4931. Was there anything less difficult in working out the quantities that you gave Mr. Gardiner to work out, than in working out quantities in general—than there is in any other quantities that have to be worked out? No, I am not aware that there was; it is all simple multiplication and addition in that case.
4932. Then why did you particularize the quantities which Mr. Gardiner worked out as being merely multiplication and addition? Because these are quantities that anybody could work out.
4933. Do you not employ a large portion of your time in doing the same kind of work? The greater portion of my time is employed in getting out original designs for bridges and other works, getting out contract sections, arranging for contract drawings, arranging stations and station sidings, and the general work of the office.
4934. Do you work out your own quantities? I generally do; it was only on that one occasion that I gave them to Mr. Gardiner. I invariably work out my own quantities, taken from sections and also from measurements.
- 4935.



4935. Have you any reason to believe Mr. Gardiner could not take out quantities as well as work them out? No.
4936. Do you remember Mr. Gardiner's first engagement? Yes.
4937. Were you in the same office with him then? No, I have an office to myself.
4938. Do you know in what way he was employed? When I saw him at work he was employed drawing sketches of bridges.
4939. Original designs? Original designs—and taking out quantities from those sketches.
4940. That is the part you say is more difficult? Well, that is more difficult than common multiplication and addition.
4941. Have you any reason to suppose the work he did at that time was incorrectly done? I cannot suppose anything about it, because I had nothing to do with it; it never came to my hands. He was under the supervision of Mr. Barton at that time. I had nothing to do with it, and had no means of checking whether it was correct, or whether it was well done or badly done.
4942. You say you have known Mr. Micklethwait about twenty years? About twenty years.
4943. And during the whole of that time you have had no knowledge that Mr. Micklethwait drank? I have heard that he drank.
4944. You have no knowledge of it? No personal knowledge.
4945. You have never seen him drink a glass of brandy? I have seen him drink sometimes.
4946. Have you ever seen him drink a glass of brandy in the office? Never.
4947. Have you seen him drink beer in the office? Never.
4948. Have you seen him drink brandy when in the field? I have.
4949. On duty? Yes, not here, but in England. I have never had occasion to go out with him here in the field.
4950. Do his hands shake now? I have not seen him for the last twelve months; I cannot say what his hands do now.
4951. Did his hands shake at any time during the last three years? No, he was always competent to do his work.
4952. And his hands have been always steady? Yes, as steady as most people's.
4953. Then if Mr. Barton says his hands do shake, and that he conceives he has an affection of the nerves, he is mistaken? Mr. Barton may have been speaking of the present time—
4954. No, of three years back—he says his father was affected in the same way—did you know his father? No.
4955. Do you know Mr. Hall? Yes.
4956. Have you seen him drink brandy in the office? I have seen him taking something to his lunch—what it was I do not know.
4957. Were you in the habit of taking your lunch in the long-room with the draughtsmen? Never.
4958. Did your duty call you down there at lunch-time? I might occasionally go there at lunch-time.
4959. Have you seen Mr. Barton drink in the office? I have seen him take a glass of wine to his lunch.
4960. Never at any other time? Never at any other time.
4961. You have never seen Mr. Hall drink brandy, excepting at lunch-time? No, I am not aware that I have.
4962. And you have never seen him drink to excess? No.
4963. Have you never seen him the worse or the better for liquor? No.
4964. Is Mr. Drewett a good draughtsman? Yes, I believe Mr. Drewett to be a very good draughtsman; he is a man of great experience.
4965. Is he a man of great ability? He is a man of very good abilities as a draughtsman.
4966. Do you think he could calculate the strains for an iron bridge? I am not aware.
4967. Would it be his duty, as chief draughtsman—? It would not be his duty, as draughtsman, to calculate those things.
4968. Do you think he could take out the quantities in a bridge correctly? I should think so; he has taken out quantities correctly.
4969. From whom did you hear of this charge against Mr. Hall at Penrith? I heard of it from a gentleman in Penrith.
4970. Connected with the railway? No, the landlord of the inn where I was staying.
4971. Did you hear at the same time that he was addicted to drunkenness? No.
4972. Did you hear that he was the worse for liquor at the time he attempted this? No.
4973. If he was sober that would be an aggravation of his offence? Well, I suppose so. A man might commit these things being sober as well as under the influence of drink.
4974. Upon whom was this rape committed? I am not aware. I heard the attempt was upon one of the navvies' wives.
4975. One of the workmen's wives under his charge? No.
4976. Who was working on the works of which he was Superintendent? Yes. The navvies were under the charge of the contractor.
4977. I think you have already stated that you were not so much backwards and forwards amongst the draughtsmen in the long-room that, had such things as were reported occurred, you must of necessity have known them? I have been backwards and forwards, I could not say how many times.
4978. Once a month, you think? Yes, within the last six months.
4979. Was that backwards and forwards as any one reading your evidence before Mr. Whitton would suppose? I think so; I have stated nothing beyond the fact.

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4980. What do you mean by saying you have met Mr. Micklethwait when he has had the opportunity of drinking to excess, but has not done so? I met him very often in England, and have been connected with him in getting up railway plans in England for companies; and it is usual, at the closing of these things and lodging the plans, to have a dinner.\*
4981. Have you been brought into contact with him in that way in this Colony? Not in this Colony, only so far as stopping a night occasionally at the same hotel.
4982. Do you know Mr. Deering? I do—I just know him, that is all.
4983. Is he in your department now? No.
4984. Has it come to your knowledge that he has been to Melbourne to collect evidence against Mr. Gardiner? I am not aware; I have heard it was stated so.
4985. Where did you hear that it was stated so? I really forget now; I do not remember who told me. I think I heard that it was stated to that effect. I merely know Mr. Deering by sight; I never spoke to him beyond saying "Good morning."
4986. Were you brought much in contact with Mr. Robertson? Yes, I saw a good deal of him.
4987. Was he truthful and candid? I think so.
4988. You have no reason to suppose he would state anything beyond the truth? I do not know what he might state; I have no reason to suppose he would be guilty of falsehood—none whatever.

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Mr. Edwin Horner Fearnside called in and examined:—

- Mr. E. H. Fearnside.  
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4989. *By the Chairman*: You are in the Works Department? Yes.
4990. How long have you been so engaged? Seven years altogether—five in the Royal Engineers, and two years since in the Railway Department.
4991. In the office in Sydney? Not always.
4992. How long have you been in the office? About twenty months.
4993. Then you came about the middle of 1862? In March, 1862.
4994. What have you been engaged at? Preparing plans and sections for the construction of the railways.
4995. You do most of the writing on the plans, I believe? Yes, and plotting also, when there is any plotting to be done.
4996. Who else writes besides you? I think I do the most part of it.
4997. Your duties are confined to that portion of the work? Generally so, and preparing proclaimed plans.
4998. Do you know Mr. Hall? Yes.
4999. He has been engaged in the office during the whole time you have been there? Yes, until he was suspended.
5000. Have you seen him drink in the office? I have seen him have beer for lunch.
5001. Did you ever see him drink brandy? I have, on one or two occasions.
5002. Not oftener? Not oftener.
5003. At what time of the day? Generally at lunch-time.
5004. You never saw him drink brandy at any other time? Never—and after 4 o'clock.
5005. Did you ever see him make collections in the office to send out for brandy? Never.
5006. I suppose you would have seen it if he had? It might be done without my knowledge.
5007. Did he ever ask you to subscribe towards it? No, I was never asked anything of the kind.
5008. Did you ever see a bottle of brandy brought into the office? No; I have seen bottles brought in at lunch-time, but I cannot say what they contained—brandy or ale.
5009. Have you never taken any yourself? Yes, I have sent out for ale occasionally for lunch.
5010. Have you taken it at any other time but during lunch? I have, after 4 o'clock. I generally sent for a pint, and kept a glass to take before I started home.
5011. Have you seen Mr. Hall endeavouring to draw the attention of the servant-girls at the adjoining houses? No.
5012. Have you never done so yourself? No, never. I do not know that there was any way of doing so.
5013. Have you ever seen Mr. Hall performing "Suffolk Punch"? I never heard of such a thing. I remember him making a noise with a scale on the table for a second or two on one occasion; that was called the "Scissors Grinder," I think; it was during lunch-time.
5014. When did you first hear of the drinking and disorganized state of the office—you say here (*evidence before Mr. Whitton*) "I never heard anything of the like in the office till I read the newspaper of the 29th July last"? I never heard it till Mr. Gardiner made the reports.
5015. What do you mean by giving this answer:—"I never heard anything of the like in the office"? I never heard anything of it before Mr. Gardiner reported it. I knew there was a disagreement between Mr. Hall and Mr. Trengrouse; I was aware of that the first day I went into the office; but there never was any report made of it; it was jealousy or something of the kind.
5016. You are not allowed to go out of the office, for lunch? No.

5017.

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\* ADDED (*on revision*):—I have also stopped at the same hotel with him in England for weeks together.

5017. Do you remember Mr. Hall and Mr. Gardiner quarrelling? Yes, on one occasion—  
one evening about 4 o'clock. I did not hear the whole of it.
5018. Did you hear Mr. Hall threaten to thrash Mr. Gardiner? Yes, there was something  
said to that effect.
5019. Why? Something Mr. Gardiner had been saying to him—calling him some names.
5020. Have you ever seen any bottles of brandy brought into the office? I have seen  
bottles brought in at lunch; I cannot say what they contained—generally beer, as far as I  
know; there may have been brandy in some of them.
5021. You have never seen any brandy taken in the office? No, not during the working hours.
5022. Have you ever heard that Mr. Hall used to take drink outside the office? I do not  
know, I am sure; I never heard it outside.
5023. You know Mr. Micklethwait? Yes.
5024. Did you ever see him the worse for drink? Not that I am aware of.
5025. Have you seen him take brandy or beer? Yes, the same as others, at lunch-time.
5026. You have never seen any person take drink in the office, except at lunch-time? That  
is all—or after 4 o'clock, when about leaving.
5027. And that is the only quarrel you have heard of in the office—the quarrel between Mr.  
Gardiner and Mr. Hall? That is all that occurred while I was there.
5028. Did you ever hear of any quarrel taking place between Mr. Goodchap and —? ?  
No, I was not in their department.
5029. Did you ever hear of any quarrel between Mr. Deering and Mr. Hall? No, that was  
before I was there.
5030. You have no doubt that, if drinking had been going on in the long-room, you must  
have known of it? I think I should.
5031. Neither you nor any other person in the office ever took drink, except at lunch-time,  
and perhaps a glass after 4 o'clock? Some of the engineers used to come down usually  
once a day, and if it had been done they would have seen it.
5032. Who used to come down once a day? Mr. Mason or Mr. Barton.
5033. Once a day? Once or twice a day.
5034. Suppose these gentlemen say they have not been there oftener than once a month,  
who is telling the truth, you or they? I will not say for every day.
5035. I suppose the remainder of your evidence is as true as the remark you have made  
about these gentlemen coming down once or twice a day? I say usually; they may not  
come down so often.
5036. *By Mr. Morris*: Do I understand you to mean that Mr. Barton and Mr. Mason had  
the habit of regularly visiting the office every day or every week? I mean usually, of course;  
not that they came every day without exception. When they are there it is usual for one  
of them to come in once or twice a day—more so some months ago than latterly.
5037. *By the Chairman*: During the last six months of 1862? Yes.
5038. *By Mr. Morris*: When you say “yes,” what do you mean—do you mean they were not  
so regularly in the habit of coming then? I think they were more so.
5039. That was about the time that Mr. Gardiner refers to, when he says there was so much  
drunkenness going on? That would be about the time; I think they were down almost  
every day about that time.
5040. Have you any journal or memoranda by which you could test the accuracy of your  
memory? No; I can only say it was generally so, because the work I was engaged on then  
was for Mr. Barton or Mr. Mason, and one of them—whichever I was working for—came  
down to see how I was getting on with it.
5041. The work you did was specially for Mr. Barton or Mr. Mason? Yes, I received  
instructions from Mr. Mason or Mr. Barton, and they came to see what I was doing.
5042. *By Mr. Dalgleish*: You were not regularly in the habit of going up to see them?  
No, I may have gone occasionally.
5043. You could not have made a mistake—you did not go to see them instead of them  
coming to see you? No.
5044. *By Mr. Morris*: Is it true or not, that you used to join Mr. Hall in what he called  
“storming the Malakoff”? No, it is false; I never heard the name.
5045. Nor in performing “Suffolk Punch”? No, I never heard those names till I saw  
them in print; in fact, I did not know the meaning of them.
5046. *By the Chairman*: Do you keep a journal? In the office—yes.
5047. How do you make up your journal? I usually make it up every evening, entering  
what I have been doing during the day.
5048. Is that the system with other officers? I believe so.
5049. *By Mr. Dalgleish*: Is this journal a public or private document? Public.
5050. *By Mr. Morris*: Were you in the habit of taking wine or spirits with you into the  
office, and keeping them in a drawer covered with paper? Some months ago I was very  
unwell and was away for a week. The doctor who attended me asked me what I drank  
usually at lunch or dinner. I said I took a little ale, and he told me not to take any more  
ale, but to take brandy and water; and instead of sending out for the brandy, I used to take  
a little with me to the office, in a small pocket-flask.
5051. *By Mr. Dalgleish*: Did that doctor prescribe for you? Yes.
5052. Did he give you a medical certificate? Yes, it is in the office now.
5053. *By Mr. Morris*: The medical certificate, I apprehend, was with regard to your illness?  
Yes, it did not state anything about drink or diet, of course.
5054. Who is your medical man? Dr. Bligh, of Paddington.
5055. *By Mr. Garrett*: I suppose this medical certificate was given to cover your absence?  
I got it for that purpose, but I was not asked for it; I merely got it and sent it in on my  
own account.

Mr. E. H.  
Fearnside.

15 Jan., 1864.

- Mr. E. H. Fearnside.  
15 Jan., 1864.
5056. *By Mr. Morris*: Was Mr. Robertson very attentive to his duties in the office? So far as I saw, he was.
5057. Was Mr. Gardiner very attentive to his duties also? He was, generally speaking.
5058. *By the Chairman*: Was Mr. Robertson a good draughtsman? I cannot say much of that; I did not understand the work he was at.
5059. *By Mr. Dalgleish*: You say, in your evidence before Mr. Whitton, that it is usual to take beer at lunch? Yes.
5060. Did you ever see Mr. Dogherty take beer at lunch? I believe he did; he has taken it with me.
5061. Have you ever seen Mr. Gardiner take beer? No.
5062. Have you ever seen Mr. Telmon take beer at lunch? Not that I am aware of.
5063. Have you ever seen Mr. Robertson take beer at lunch? I was not in the room with him.
5064. I only asked you if you had seen him take beer at lunch? I did not.
5065. Why did you not state that when you gave your evidence before Mr. Whitton—why did you not make these exceptions—did your assertion cover the whole of the gentlemen in the office? I did not give the names of those who did or did not; I said it was usual with the whole of them.
5066. Was it not in the office and during office hours, that Mr. Hall threatened to assault Mr. Gardiner? It was after 4 o'clock.
5067. Were you ever in the office after 4 o'clock? Frequently.
5068. What doing? I used to work up to 4 o'clock, and then go and wash my hands.
5069. Were the hands not in the habit of being washed before 4 o'clock? Not generally.
5070. Was it not the frequent practice to have the time-pieces out as it drew near 4 o'clock, watching for the time? Those that had them would look at them perhaps.
5071. Have you a distinct remembrance of the quarrel between Mr. Hall and Mr. Gardiner? I believe several of them had left the office.
5072. That is not my question—Have you a distinct remembrance of the quarrel between Mr. Hall and Mr. Gardiner? I have—I remember they had a quarrel.
5073. You have a distinct remembrance of it? I did not hear the whole of it.
5074. You have a distinct remembrance of the quarrel? Of what I heard of it.
5075. Are you perfectly clear that it was 4 o'clock or after 4 o'clock? I believe it was about five minutes after 4 o'clock.
5076. Are you sure it was not in the middle of the day? I am certain it was not.
5077. In what way did this quarrel begin? I cannot say.
5078. What time did you become cognizant of it? I was in the room, at the end of the long-room, washing my hands, so that I do not know the commencement of it. Mr. Hall stood at one side of the drawing-table, and Mr. Gardiner at the other —
5079. Was not the drawing-table placed close to the windows? One was, and one was on the opposite side.
5080. Which was it they stood at? The one at the back. They were having some words. I did not take a great deal of notice, but I heard Mr. Hall say, "If you call me that again I will give you a thrashing," or something of that sort.
5081. You are perfectly clear about the time? Yes.
5082. Was Mr. Micklethwait mixed up with the quarrel at all? I do not think he was; I will not be sure whether he was in the office at the time at all.
5083. You say, in your evidence here (*referring to printed papers*), that Mr. Gardiner called Mr. Hall a "pot-house bully"? Yes.
5084. Why did he call him a "pot-house bully"? I do not know.
5085. You know of no reason for it? No.
5086. Did Mr. Hall, before that, threaten to assault him? Not that I am aware of.
5087. Then you first became aware of the quarrel when Mr. Gardiner called Mr. Hall a pot-house bully? They were at it before that; they were talking together when I was in the adjoining room.
5088. The first thing you were aware of was Mr. Gardiner calling Mr. Hall a pot-house bully? Those were the first words I heard distinctly. He said, "If you say that again I will give you a thrashing."
5089. Was not that threatening to assault Mr. Gardiner? Yes, it was sufficient to arouse any man's temper.
5090. Did Mr. Hall, in the first instance, threaten to thrash Mr. Gardiner? He may have done so without my knowledge, when I was in the other room. I walked out of the office when I heard that.
5091. Where to? Away from the office altogether. Some of them had gone, I believe.
5092. If we have evidence to shew that this occurred in the middle of the day —? If it did it must have been on another occasion.
5093. Have you heard of any other occasion? I have not.
5094. Have you and Mr. Gardiner had any words? We have had a few words together, but nothing to signify.
5095. What do you call nothing to signify? He was talking about England and Ireland —
5096. Was it not about the famine in Galway amongst the fishermen? No, nothing of the kind; I never remember hearing such a thing. It was something about poaching; Mr. Gardiner stated there was a law in England that would hang a man for shooting a hare. We had some discussion about it, and, in fact, I said it was false; he immediately came up to me, and I thought he was going to assault me; and I said, if he could not keep his temper I would not have anything more to say to him.
- 5097.

5097. Did you not say "that is a lie"? No, I never made use of that language; I am not in the habit of doing so.

5098. Did Mr. Gardiner ever speak to you after that quarrel? Only connected with the duties.

Mr. E. H.  
Fearnside.

15 Jan., 1864.

5099. You say, in your evidence before Mr. Whitton, that you remember Mr. Hall acting a little mimicry—what mimicry was it? With a scale—he had a scale on the table, and made a noise with his mouth, something like one of those wheels you have seen going round.

5100. Do I understand you to say that is the only acting you have seen him doing in the office? That is all.

5101. Have you ever been in such a condition in the office as not to be able to see what he was doing? No.

5102. Have you ever drunk in the office more than one glass of brandy in a day? Never.

5103. You have never drunk brandy except at lunch-time? Yes, I have at 4 o'clock.

5104. You are quite sure it was 4 o'clock before you drank it? Yes, quite sure—or lunch-time.

5105. You never saw any other person drink brandy in the office, except at lunch-time or after 4 o'clock? No.

5106. You never saw Mr. Hall drink brandy, except at lunch-time or after 4 o'clock? No.

5107. Did you ever hear of him drinking in the country? No.

5108. Did you ever hear of him having committed an assault on some woman in the country? I have heard some rumour of it.

5109. In the office? No, I do not think it was in the office; there might have been some conversation in the office about it.

5110. You never acted yourself? No.

5111. You never sat asleep in the small room adjoining the long drawing-room? No, I did not.

5112. You are quite certain you have never been in such a condition from drink as to lose your memory in the office? Never, in the office or out of it.

5113. You are aware these charges have been made against you? Yes.

5114. You were in the Sappers—were you not? Yes.

5115. Were you employed in the survey of the Grose Valley? I was thirteen years in the Sappers, and was never brought up for drinking the whole time, and I was under very strict officers the whole time.

5116. You were in the survey of the Grose Valley—were you not? No, I think I was the only one who was not there.

5117. Are you quite clear about these superior officers of yours having been in the office once or twice a day? Yes, to the best of my belief and remembrance they usually came down, when in the office, once or twice a day.

5118. Is it probable you would forget the circumstances of time and place? I do not think it is.

5119. You are perfectly clear about it? Yes.

5120. So that if they have said the contrary, they must have been mistaken? At the time this occurred they did so; I will not say latterly.

5121. Have you seen any contractors coming to the office? Yes.

5122. Have you ever seen any of these contractors give or put money on the table to send for drink? No.

5123. Have you ever known them send for drink? Never.

5124. Do you think it is possible brandy may have been sent for without your knowledge? It may have been, but I do not think it could; I do not believe it could.

5125. How many bottles have you been aware of coming in at once? That must depend upon the number of parties who sent out for beer for lunch.

5126. You know that is not an answer to my question. How many bottles have you been aware of coming in at one time? I have seen three or four come into the room I was in.

5127. No more? No.

5128. Never more? Never more.

5129. How many were there that drank in the office—there was yourself? Myself, it was only four or five times a month that I sent out.

5130. Then there was Mr. Hall? Yes, Mr. Hall, always Mr. Trengrouse—there might have been other parties in there; for instance, Mr. Kennedy, a surveyor, was there a few days, and he sent out for it for a short time; then I think Mr. Mackay sent once or twice, not more I think.

5131. That would be six bottles. You are not aware of any other persons that sent out? Mr. Micklethwait used to send for beer for his lunch.

5132. Did each man have a bottle to himself? I generally used to have it myself. Sometimes Mr. Micklethwait and Mr. Hall would have it together.

5133. That would be five bottles then, if they had it together? I never took particular notice.

5134. Have you ever seen Mr. Micklethwait drink brandy in the office? I have seen him take it the same as Mr. Hall.

5135. Never except at lunch-time? No.

5136. Were you more constantly in the office than Mr. Barton? Yes.

5137. And you had more opportunity of seeing Mr. Micklethwait drink brandy at other times than lunch-time, than Mr. Barton had? Yes, I think so, because he was working with me for some time, and I should have seen it then.

- Mr. E. H. Fearnside.
- 15 Jan., 1864.
5138. So that if Mr. Barton has seen him drink brandy in the office at other times, he must be quicker of sight than you? He may have had other opportunities than I had.
5139. Did Mr. Micklethwait's hands shake very much? I have noticed them, but I thought it was some complaint he suffered from; I know he was always complaining of illness.
5140. Did his hands always shake? I do not think they did; I cannot remember exactly; I know when he was down he was always complaining of illness—nearly the whole time he was down. I do not know what he was suffering from.
5141. Did you ever see Mr. Hall make a little mimicry with a stick? I have not.
5142. *By Mr. Garrett*: Except what you described just now? That is all—with the scale.
5143. *By Mr. Dalgleish*: Did Mr. Hall keep any bottles in the office? I am not aware.
5144. Medicine bottles? I have seen him taking medicine there.
5145. What sized bottles? The usual size.
5146. Medicine bottles are of all sizes—are they not? I suppose about a two ounce bottle—it would hold perhaps two or three wine glasses—the usual medicine bottle.
5147. You have never seen him with a large bottle of brandy? No.
5148. You have never known a large bottle of brandy to be in the office? Do you mean a full bottle?
5149. The usual brandy bottle? Yes, I have.
5150. You have known a bottle of brandy to be in the office? Yes, Mr. Hall has had one.
5151. When was that drunk? I cannot say.
5152. Was it drunk at lunch? Some of it; I cannot say what Mr. Hall did with it, but I have seen him with it, and after 4 o'clock he took it with him, I suppose.
5153. Have you seen more than one brandy bottle there? I cannot remember that I have.
5154. It might always be the same? I did; I saw one the first week I was there.\* After 4 o'clock he had a bottle, and wanted each one to take some. That is the only time I have seen it taken. I have not seen it taken during office hours. I have not taken it myself during office hours, and have not seen it taken.
5155. Do you remember a minute paper being in the office, written by Mr. Martin Gardiner, to the Engineer-in-Chief? I heard something about it, but I was out at the time.
5156. Did you see it when it was returned? No.
5157. Did you see the minute written by Mr. Micklethwait and Mr. Hall? No.
5158. You never saw these minute papers at all? No.
5159. Did you hear of them at the time? I heard something of the kind.
5160. Did you hear whether the complaint made was true or untrue? No.
5161. Were these minute papers in reference to the fight that you say took place at 4 o'clock, or after 4 o'clock? I do not know what they were in reference to; I did not see them.
5162. Did you hear? No.
5163. It was not a matter of conversation in the office? No, not that I am aware of.
5164. No one conversed with you on the matter? No.
5165. Nor you with other people? No.
5166. Did you ever know chloride of lime used in the office? Yes, I think on one occasion.
5167. You remember Mr. Hall making a disturbance about a bottle of brandy that he lost? No.
5168. You were not in the office when he did so, if it was done? No.
5169. You have no remembrance of Mr. Hall storming about the room, asking for his bottle of brandy? No.
5170. Did you ever hear Mr. Telmon say he smelt like a brandy-cask? No.
5171. How much brandy have you known Mr. Hall to drink at one time? I never saw him drink more than a glass; he would pour out what he required and take it; I suppose it was about a glass.
5172. What did he pour it into? A tumbler, and put water with it.
5173. *By Mr. Garrett*: Was the tumbler half full? No, I do not think it was; I did not take particular notice.
5174. *By Mr. Dalgleish*: Have you never heard Mr. Hall enacting "Richard the Third"? No.
5175. You never heard him make any allusion to "Out damned spot!" or anything of the kind? No.
5176. You never heard him enact the "Walking Boss"? No.
5177. And you never heard him sing "The rubies that garnished his nose"? No.
5178. You never saw him roll his eyes about and twist his nose in a comical manner? No, I do not remember it.
5179. Was he addicted to such language as "You are a liar," "You are another"? Not that I am aware of.
5180. You never heard him use such an expression? No.
5181. Did you ever hear him call Mr. Whitton "the big potato"? Yes, I have heard that; Mr. Gardiner was the first that brought that up in the office.
5182. What makes you think Mr. Gardiner was the first that brought that up? I believe, if I remember right, it was he whom I first heard using it; I did not understand the meaning of it when I first heard it.
5183. Was it Mr. Gardiner or Mr. Hall that was in the habit of using this expression? Both, I believe.
5184. Did you ever hear him talk about "wiping John," or "sucking John"? I cannot say I did.

5185.

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INSERTED (on revision):—brought by Mr. Trengrouse, jun., after being married.

5185. Was he in the habit of speaking of Mr. Whitton as "John"? I think I have heard him call him "John." Mr. E. H. Fearnside.
5186. You say you never saw the female servants in the next yard? No, I did not know there were any in the neighbourhood that could be seen; there were no windows overlooking that I am aware of. 15 Jan., 1864.
5187. I will ask you once more with regard to the visits of these superior officers—Are you perfectly clear upon the subject, that either Mr. Mason or Mr. Barton called in your office in the long-room during the last six months of 1862—during the time of the reported disturbances in the office—as often as you say? Perhaps it was later again.
5188. Just tell us what the time you allude to was, when these gentlemen were in the habit of coming in once or twice every day? I went in March, 1862, and it would be from March, 1862, for about six months.
5189. In the first instance, I understood you to say, they were not as regular in their attendance as they were afterwards? They have not been latterly, I said.
5190. What do you mean by latterly—fix the time when these gentlemen were there once or twice a day? Within the last six months they have not been so frequently as before.
5191. Then prior to the last six months they were there more frequently and more regularly? Yes, at the time when these disturbances were said to take place.
5192. And that regularity was once or twice a day? I do not say every day.
5193. As a rule? Yes, as a general rule.
5194. Just tell us what you mean by a general rule? I will not say every day, but as a general thing they were there say four days out of the six.
5195. Four days out of the six they were there twice a day? I cannot say positively twice a day.
5196. Fix your own meaning to the term "generally"? I believe they were there four days out of every six.
5197. Four days out of six they would be there twice a day? No, I cannot say that.
5198. Once a day? Yes, I believe they were—either the one or the other.
5199. Either the one or the other was there four days out of six? Yes.
5200. That is to say, if Mr. Barton was out of the office Mr. Mason would come down, and if Mr. Mason was out of the office Mr. Barton would come down? I was either doing work for Mr. Barton or Mr. Mason, and whichever it was that I was doing work for, it was usual for him to come down; if I was doing work for Mr. Barton Mr. Mason would not come down to see the work.
5201. *By Mr. Garrett:* Were Mr. Mason and Mr. Barton frequently absent from the office for days together? I cannot say; I believe they are.
5202. What are those gentlemen's duties? They go out on the line, I believe, to measure up work.
5203. In pursuance of their duty, they may have been absent sometimes for days together? Yes, I believe so; I do not know when they are out or when they are in.
5204. Have you any ill feeling towards Mr. Gardiner? Well, I cannot say I have any bad feeling against him; I do not know why he should accuse me; I never had any ill feeling towards him more than any other.
5205. *By Mr. Dalgleish:* He is not the only one that has accused you? I believe so; I believe no one else has.
5206. *By Mr. Garrett:* Has this charge against you been investigated by Mr. Whitton? Yes.
5207. What was the decision? I do not know what the decision was.
5208. You remain in the service still? Yes.
5209. *By Mr. Morris:* Who were in the office, besides yourself, at the time of the quarrel between Mr. Hall and Mr. Gardiner? I will not be sure whether any one was there; I think Mr. Trengrouse, junior, was there.
5210. Was Mr. Dogherty there? I will not be sure; I dare say Mr. Dogherty would be there; he and Mr. Gardiner generally used to go out together; very likely he would be there.

TUESDAY, 19 JANUARY, 1864.

Present:—

MR. DALGLEISH,	MR. STEWART,
MR. MORRIS,	MR. TIGHE.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Matthew Jamison called in and examined:—

5211. *By the Chairman:* You have been engaged as a contractor on the railway? I have. Mr. M. Jamison.
5212. On what works? Stations principally.
5213. Have you been in the Works Department, taking out quantities and looking at plans? 19 Jan., 1864.
- Yes.
5214. Often? I dare say a dozen of times.
5215. Do you know Mr. Hall? I do.
5216. Do you know Mr. Micklethwait? Yes.
5217. Do you know Mr. Fearnside? No, not by name.
5218. Do you know Mr. Martin Gardiner? No, not by name.

5219.

- Mr. M. Jamison.  
19 Jan., 1864.
5219. Did you ever see any drinking going on in the Works Department? Never in the office. I have been in the office at lunch-time, and have seen them taking a glass of ale sometimes.
5220. At any other time besides lunch-time? No, not that I am aware of.
5221. Has Mr. Hall been overlooking any of the works you were performing on the Railway? Yes.
5222. Did you ever see him drinking during the time he was so engaged? Well, I do not know that I could term it drinking; I have seen him take a glass.
5223. Have you ever seen him take enough to make him unfit to perform his duties? I cannot say I ever saw him unfit for his duties.
5224. How much is the most you have seen him drink in a day? I could scarcely tell you that—I could give no distinct idea.
5225. What work was it you were performing? I built three stations.
5226. Were you charged anything for the lock furniture? That was paid according to the clauses of the specification; the contractor has to pay a certain amount for the furniture.
5227. There is some money deducted from his contract on that account? There was some money deducted, but the money paid did not come up to the amount named in the specification.
5228. But the money was deducted from you, nevertheless? Yes.
5229. Did you give a cheque for it? I did.
5230. Who did you give the cheque to? Mr. Hall.
5231. What was the amount? For two stations—£55.
5232. Do you know what was deducted or allowed by the Government? £55 was the amount in the specification.
5233. And how much did you give? I paid £55.
5234. What was the actual cost? That was for two stations; the actual cost for the one in question at the time was £18 17s. 6d., and £25 was the amount in the specification.
5235. Then there was £6 2s. 6d. overcharged? Yes.
5236. Did the Government get the benefit of that? No.
5237. Who got the benefit of it? I do not know, unless it was Mr. Hall.
5238. Who did you give the cheque to? Mr. Hall.
5239. Payable to himself? Payable to Iredale & Company.
5240. For how much? £55.
5241. Do you know how much Mr. Hall paid? Yes.
5242. How much? If you will allow me to explain—when I came to get settled for the Picton Station, the engineer would not pay me unless I produced the ironmongery accounts, and I never had seen them. I went and got a copy from Iredale & Co., and they did not come to the amount I had paid Mr. Hall by £6 2s. 6d., and he deducted that from the amount of money coming to me.
5243. Who did? The Engineer-in-Chief did.
5244. The Engineer-in-Chief deducted how much from you? £6 2s. 6d.
5245. *By Mr. Dalgleish*: You had paid that previously? I had paid the £55 that was mentioned in the specification. The amount for the Singleton Station was £30, and the ironmongery account for the Singleton Station came to £30. I had not paid it at this time, but I paid for the two stations in one cheque—£30 for the Singleton Station and £25 for the Picton Station. I got no receipt or account further than that was the amount I was to set aside, as it were, under the specification for ironmongery; and when Mr. Hall asked me for it I paid him.
5246. *By Mr. Morris*: £55? £55. Then, when I came to get settled for the Picton Station, the Engineer-in-Chief wished me to produce these accounts, and I could not, and I went and got a copy from Iredale & Co., but instead of £25 for the Picton Station it was only £18 17s. 6d., therefore the Engineer-in-Chief deducted the difference between £18 17s. 6d. and £25 from the money coming to me.
5247. *By the Chairman*: Then you had to pay the £6 2s. 6d. twice over? Yes.
5248. Did Mr. Hall ever refund you that money? No.
5249. *By Mr. Morris*: Did Mr. Hall pay Iredale & Co.? Yes.
5250. *By Mr. Dalgleish*: Had you any knowledge at this time that the amount charged by Mr. Hall for ironmongery was in excess of the amount supplied—did you know that an amount of ironmongery had not been supplied equivalent to the amount you paid? Mr. Hall asked me to pay the ironmongery bills—or rather, he would not give me a certificate for the money till I did pay them. I asked how much they came to, and he said they came to within a shilling or two of the amount in the specification, and so I gave him a cheque for £55.
5251. *By the Chairman*: But afterwards you found out they came to £6 2s. 6d. less than £55? Yes.
5252. *By Mr. Dalgleish*: You relied previously on Mr. Hall's statement, that the ironmongery account came to within a shilling or two of £55, and you paid it on coercion, he threatening that he would not give you a certificate till you did pay it? He did not threaten; he said he could not give me a certificate till I did pay it.
5253. Have you got the cheque you paid? Yes.
5254. Have you it here? Yes.
5255. *By the Chairman*: Will you produce it, if you please? (*Cheque handed in.*)
5256. *By Mr. Dalgleish*: Do you know if that cheque was ever paid into Iredale & Co.'s credit? It was; I asked Mr. Iredale's man if Mr. Hall had paid him the cheque, and he said yes.
5257. And did they give Mr. Hall the balance—the difference between the cheque and the amount? I did not ask that.



5258. *By Mr. Stewart*: You did not have occasion to get the other bill for £30? It is all included in that; I got it for the satisfaction of the Engineer.

Mr.  
M. Jamison.

5259. Did that correspond with the amount in the specification? Yes.

5260. *By Mr. Morris*: Did this cheque go to your credit with Iredale & Co., or to Mr. Hall's credit? To Mr. Hall's credit; the ironmongery was charged against Mr. Hall, not against me.

19 Jan., 1864.

5261. *By the Chairman*: Did you inform Mr. Whitton that you had already paid Mr. Hall? I did.

5262. When was this? About four weeks ago I think, when I was getting settled for the Picton Station; he would not pay me until he had the accounts.

5263. You did not inform Mr. Whitton until four weeks ago respecting this ironmongery? No, he did not ask me.

5264. About four weeks ago you got settled with for this Picton Station, and when you were being settled with you explained this matter? Mr. Whitton would not pay me until I produced these bills.

5265. Then you informed Mr. Whitton that you had paid Mr. Hall? Yes.

5266. What did Mr. Whitton say? He said I was as bad as Mr. Hall; I had no business to do it.

5267. Did you tell him Mr. Hall refused to give you a certificate till you had done so? No, I do not think I told him that.

5268. *By Mr. Dalgleish*: Did you tell him your specification warranted you in paying any accredited agent of the Government this sum of money? I told him that—or any other of his agents, according to the specification.

5269. *By Mr. Tighe*: Did you send Mr. Whitton no explanation of the circumstances of Mr. Hall demanding it of you? I will explain how it happened. This Picton Station was about six months from the time it was finished before it was paid for; I was often at the office, and one time that I called, Mr. Whitton asked me had I paid for the ironmongery; I said "Yes"; he said, "How much did it come to?" I said, "Within a shilling or two of the amount." The next time I came, he asked who I did pay this ironmongery account to; I told him Mr. Hall; then he asked me for the account; I said I never had seen an account; he asked me then how I knew it was within a shilling or two of the amount; I told him that Mr. Hall had told me so; then he refused to pay me any money until I produced the accounts. I went then and got copies from Mr. Iredale out of the books and gave them to Mr. Whitton—not the original accounts, but copies out of the books.

5270. *By Mr. Morris*: Did it not occur to you that it would have been a much more business-like way for you to go to Iredale & Co. in the first instance, before paying Mr. Hall? It might.

5271. It would have left both you and Mr. Hall open to much less suspicion? —

5272. *By Mr. Dalgleish*: You had no need to have any knowledge where this ironmongery came from? I had nothing to do with it; the Government were to provide it, and if less I would have an amount deducted on account of it.

5273. I presume you have Mr. Hall's receipt for the amount? No, I crossed the cheque instead of getting a receipt.

5274. *By Mr. Tighe*: According to your agreement, if this ironmongery had been a less price than was mentioned in the specification, who would have been entitled to the difference, you or the Government? The Government.

5275. Did the accounts, when you had them rendered to you, correspond with the amount named in the specification, or was there any difference? One was right, £30; the other was £6 2s. 6d. short.

5276. Which money the Government was entitled to get, according to your agreement? Yes.

5277. *By Mr. Dalgleish*: So that now you are £12 5s. out of pocket by this ironmongery account? Yes, I paid it to Mr. Hall in the first instance, and it was deducted again.

5278. *By Mr. Stewart*: Is it supposed that any amount that the ironmongery costs less than the specification is for the contractor's benefit? No, if the amount does not come to what is in the specification, the Government deduct the difference off the contractor's account.

5279. You have to pay the amount mentioned in the specification, whether the quantity is supplied or not? Yes.

5280. *By the Chairman*: In point of fact, you have paid £61 5s. for iron-work which cost but £48 17s. 6d.? Yes, that is right.

5281. *By Mr. Morris*: You have been very frequently in the long-room at the Works Department? Only when I was taking out quantities of works.

5282. How often would that be—once a week? No, I do not believe I have been there above twelve times.

5283. At what periods? Perhaps two or three months between the times.

5284. How long ago were you in the habit of going there? At the time I was doing the Singleton Station I only came to Sydney once a month, and sometimes I went there, sometimes I did not.

5285. Then you would not be there very often? No.

5286. Have you much intimacy with the officers of the department? No, I have not.

5287. *By Mr. Dalgleish*: You are very unwilling to give any evidence against Mr. Hall or any other officer of the department? I cannot say I am willing.

5288. You could say a very great deal more about them if you were willing;—you could give the Committee a great deal more information about their habits of intemperance, if you thought it your duty to do so? I might if I told every little incident that happened—I might make a speech of it.

- Mr. M. Jamison.
- 19 Jan., 1864.
5289. Where did you first know Mr. Hall, and in what capacity? At the Penrith Station.
5290. In what way did you make his acquaintance? He came up to set out the buildings.
5291. How long a time was he employed on that? I think he was there three days.
5292. Who assisted him? The clerk of works that was there and Mr. Micklethwait.
5293. Was Mr. Micklethwait sober when he was at that employment? I could scarcely answer that.
5294. Was he perfectly sober, in your opinion? I might have seen him with a glass or two in, and he was as sober when he had a glass or two as when he had none.
5295. Had Mr. Hall "a glass or two in" on that occasion? Well, I never saw him take it; he might have had a glass in; he seemed like a little jolly.
5296. Did he condemn your materials? He did.
5297. Did he condemn the whole of them? He condemned the bricks and sand and stone.
5298. Was it good stone? The stone proved to be superior to Pymont stone, the stone he condemned there.
5299. The bricks—were they good? The bricks were brought from Newtown—the best bricks.
5300. Were they used afterwards in the building? They were.
5301. Although he condemned them. What was the occasion of their being used afterwards—were they not proved to be good? As good bricks as could be got.
5302. You demurred to his condemnation of them? I would have stopped the job if they had not been allowed.
5303. Did this condemnation delay the work? It stopped us for a time.
5304. Had you at that time ever asked Mr. Hall to drink—to take grog? No.
5305. He had never had any from you? No.
5306. Do you know a gentleman that was foreman for Peto, Brassey, and Betts, at the South Creek Station? Yes.
5307. What was his name? There were two or three foremen there.
5308. Do you know Mr. Parkinson? Yes.
5309. You got acquainted with him at South Creek? Yes.
5310. Did Mr. Parkinson inform you that he was acquainted with Mr. Hall for a great length of time? No, I cannot say he did.
5311. Is there any relationship between Mr. Parkinson and Mr. Hall? I think they came from the same place.
5312. Did you receive any hint from Mr. Parkinson that a glass of grog would be acceptable to Mr. Hall? I would receive a hint like that from anybody.
5313. Can you remember whether you received a hint of that kind from Mr. Parkinson? I would not like to say positively.
5314. Did you receive any hint of that kind from any of your fellow contractors or persons engaged on the works? I would not like to say.
5315. Did you receive a hint from any person—not to mention names at all—Did you receive a hint from any person that a glass of grog would be a way of rendering matters agreeable with Mr. Hall? I believe I did.
5316. Did you act upon the hint? Well, I did not.
5317. But you caused it to be acted upon? I do not know that I caused it to be acted upon; I put myself in a position that, if I thought I could get things settled, I did not care about a glass of grog.
5318. A glass of grog was no object to you? No, of course not.
5319. Did Mr. Hall get grog afterwards when he came to visit the works on which you were employed? He stopped in a public-house.
5320. Did you put yourself in a position to have him supplied with grog? We generally had a drop of grog on the work, and when he saw it he could take a glass if he liked.
5321. Did he generally see it when he came? I do not know about that; sometimes he did not.
5322. Did he generally drink when he came after that—was Mr. Hall in the habit of drinking when he came on to the work after that? I never saw him drinking to excess; I have seen him take a glass.
5323. And it was there generally for him to take if he liked? I never offered it to him.
5324. Did he take it? Well, I dare say he might.
5325. Did he take it, as a matter of fact? Yes, he did take a glass.
5326. Did he condemn your work afterwards in the same manner that he condemned it previous to this arrangement? Well, the condemning did not last very long, because I took means to get it settled.
5327. Did he condemn your work after the grog was on the premises, in the same way that he condemned it before it was there? I do not think that is a fair way to put that question.
5328. *By the Chairman:* After you treated him, or had grog brought to the place, did he ever condemn any of your work? Oh, yes, I had work condemned up to the last day I had connection with him; that is, he would not have it in one way, he would have it in another—not the same wholesale condemnation as it was before.
5329. *By Mr. Dalgleish:* That is precisely the question I asked before—whether he condemned your work in the same way after the grog was there as before? I do not see what the grog had to do with it.
5330. At the time this wholesale condemnation was going on, there was no grog on the premises? Yes, there was.
5331. He did not see or know of it then—did he help himself? I believe he did see it.
5332. Was he asked to take it? Yes, he was.
5333. And refused? And refused at first—that was in the first instance, when he was laying out the foundation.
- 5334.

5334. When he came to mark out the ground? Yes, it is customary to have a glass of grog on such occasions. Mr.  
M. Jamison.
5335. Did he refuse it then? Yes.
5336. And he condemned your work? Well, he said the materials were not good enough. 19 Jan., 1864.
5337. Did you ever give him the means of buying grog? No.
5338. You never gave him money to buy grog with? No.
5339. Did you ever pay his grog score? No.
5340. In what way are we to understand the means by which he obtained grog afterwards when he was in the habit of taking it—how was it offered to his notice—in what way did he get it? I have seen him send for it himself for lunch if he was up there on the work. Generally when he was there we did not go home for any dinner, and we had lunch there too.
5341. When the grog was sent for in this way, did he pay for it or you? Sometimes he paid for it, sometimes I paid for it.
5342. Who paid for it as a rule? I could not say who paid for it as a rule; I think we paid about share and share alike. It was generally bottled porter or bottled ale, or a glass of brandy, for lunch.
5343. Did you see Mr. Hall at any time on your works the worse of what he had had to drink? I cannot say whether he was drunk or not.
5344. How long were you at Penrith? Four months.
5345. Were you at Penrith when Mr. Hall was thrown out of a dog-cart? Yes.
5346. Was he drunk or sober then? I do not know; I cannot tell whether he was drunk or sober.
5347. You heard, did you not, whether he was drunk or sober—you must have heard it talked of—it is not a large town, Penrith—everybody knows everybody else's business? It was not in Penrith it happened.
5348. It was on the road from Penrith? No, it was on the mountains somewhere.
5349. When he was driving from Penrith? Yes.
5350. Well, was he drunk or sober? I do not know where to draw the line.
5351. Did you ever see Mr. Hall perfectly sober? That is a question I could not answer, for his face is about the same at all times.
5352. Did you ever see him when he had not been drinking or had not had drink prior to your seeing him? I have seen him in the office; I would not suppose he had been drinking then.
5353. I am confining my questions to the time he was on the works when you were the contractor? Well, I could not draw the line; I could not tell whether he was or whether he was not.
5354. I did not ask you to draw the line—I ask if you have seen him when he has not had drink? How am I to know?
5355. When he has not had the appearance, or smelt of brandy? I suppose always when he came up there he had a glass or two.
5356. You know it is very creditable to you not to wish to do Mr. Hall any injury, but at the same time you are not doing him any good by not answering these questions. Did you see Mr. Micklethwait frequently when you were there? Mr. Micklethwait was not very long there—only a week or two.
5357. Were you brought in contact with Mr. Micklethwait much while you were there? Yes, every day.
5358. Did his hands shake? I could not answer that.
5359. Had he the appearance of a sober man? He is always much alike—something like the other one.
5360. Did he drink more than Mr. Hall? I do not know that ever I saw him drink at all.
5361. Have you seen him the worse for liquor? I don't know that ever I have.
5362. Have you ever seen him perfectly sober? That is the very thing I cannot answer—the line between sober and the worse for liquor.
5363. I don't want you to draw the line—I only want your own opinion? ———
5364. *By Mr. Tighe*: Did he seem to be in the slightest degree under the influence of liquor on any of the occasions when you saw him? I could not tell, because the men are both pretty red-faced; some men you can tell whether they are drunk or not, but these men you could scarcely tell.
5365. Then it was matter of doubt whether they were sober or under the influence of drink when you saw them? Yes, unless I saw them drinking; their faces were always about the same shade.
5366. *By Mr. Dalgleish*: Had you any reason to believe, when you paid Mr. Hall Iredale's account, that he had not actually incurred the whole cost which you paid him? I might have thought so to myself, but I had no business with it.
5367. Did Mr. Hall make this demand directly upon you for this amount of money? He told me Iredale & Co. wanted to get the money, and asked me to pay it.
5368. Did he ask you pay him or to pay them? I rather think he said pay them.
5369. And how was it you happened to pay him? I asked him how much it came to, and gave him a cheque for it.
5370. Did you know that Iredale & Co. had supplied the ironmongery? I knew they supplied one of the jobs; I did not know who supplied Picton at that time, any further than he told me.
5371. The ironmongery was sent on to the work, addressed to you? Yes.
5372. From the Government? Yes.
5373. Therefore, when the Government officer in charge of the work made a demand on you for the payment, you felt perfectly justified in paying him? Yes.

- Mr. M. Jamison.  
19 Jan., 1864.
5374. *By Mr. Morris*: Without a receipt or without a statement of account? I took the precaution of crossing my cheque.
5375. *By Mr. Dalgleish*: Were you compelled to pay this amount of money by your contract, under any circumstances? Yes
5376. What was the next work you were employed at? Singleton Station.
5377. In the North? Yes.
5378. Did Mr. Hall come there? Only once.
5379. Did he stake the ground out there? No.
5380. How long did he occupy in staking out the ground at Penrith? I think it was three days.
5381. Could you have done it yourself in half a day? I could do it in half an hour, I should think.
5382. Had he Mr. Micklethwait to assist him at the time? Mr. Micklethwait gave the figures off the rod, and he wrote them off.
5383. Was Mr. Micklethwait there during the three days with Mr. Hall? He was up and down the bit of line, but he was not always at the station.
5384. Have you been carrying on contracts since Mr. Hall has ceased to have any connection with them? Yes.
5385. Is there any difference now, in the manner in which the work is conducted, to what there was under Mr. Hall? I do not know which way you mean.
5386. I ask, is there any difference in the mode in which the present Government surveyor performs his duties, to what there was in Mr. Hall's performance of the same duties—is there any difference between the two gentlemen, in the mode in which they perform their duties? Yes, there is a difference.
5387. In whose favour is the difference—in favour of Mr. Hall? In favour of me.
5388. In what way? In this way: The engineers superintending the works since Mr. Hall had anything to do with it come and go over the work, and never speak to me at all unless there is something wrong; they are never there above a few minutes.
5389. Do they ever drink with you? No.
5390. Or do they ever help themselves to drink? No.
5391. Have they the same appearance as Mr. Hall—are they ever jolly when on the work? No, they are rather white-faced looking.
5392. Was Mr. Hall ever employed on the work to your knowledge, without he was what may be termed and is commonly known as "jolly"? He was always jolly when I saw him.
5393. That is to say, he had always had a little drink? Well, I don't know about that.
5394. Is that what you understand by "jolly"? I cannot tell whether he had drink, because he was so much alike at all times.
5395. *By Mr. Morris*: Probably Mr. Hall's natural disposition is a lively one? He is a lively jolly sort of individual.
5396. *By Mr. Tighe*: You say they were three days over a job that might be done in half an hour? I ought to explain that again; because he was there I suppose to see us starting with the work; he might have been inspecting us on the work, and had nothing to do with the setting out.
5397. *By Mr. Dalgleish*: Did he actually set the work out in half an hour, or did he take three days to set the work out? The setting out of the work was done perhaps in a few minutes. He set out the cross walls too.
5398. Did he do it all at once, or did he take three days to it? It was all done at once, but in setting out a building we have trenches to dig afterwards. All we want in setting out a building is a face line.
5399. You said Mr. Hall was three days in setting out the building—what are we to understand? I did not mean that he was three days in setting out the building; he came there to set out the building and was there three days.
5400. *By Mr. Morris*: Might he not have had other work to do? He might.
5401. *By Mr. Dalgleish*: What was he doing these three days? Standing looking at us sometimes.
5402. *By Mr. Tighe*: Had he any one else with him from the office here in Sydney? Not that I am aware of.
5403. *By Mr. Dalgleish*: Do you know whether he is allowed travelling expenses? No, I do not.
5404. *By Mr. Stewart*: What did you mean by saying there is a difference in favour of the contractor now over the period when Mr. Hall had the control—what is the difference you allude to? The difference is this: that when Mr. Hall was inspecting the work, when he came there he used always to stop a day if he came near the work; I always worked myself, and when he was there I could not attend to my work.
5405. Then, in fact, his being there longer than was necessary was an obstruction to you or any other contractor in making the necessary progress? Yes.
5406. If he had satisfied himself in one hour instead of a day or two, the difference in the time would be in favour of the contractor? Of course it would.
5407. *By Mr. Morris*: Have you seen much of Mr. Micklethwait about Singleton or on the Northern line? I saw him at Singleton when I started with the work there.
5408. For how long a time had you the opportunity of observing Mr. Micklethwait? Not long; he went on the other extension shortly after I went up.
5409. A week or two? About a week.
5410. During that time, as far as you were able to judge, were Mr. Micklethwait's habits those of a sober man, or of a man given to drinking to excess? I was in no position to know: I lived in a tent on the work, and he lived in another part altogether.

5411. You did not come in contact with him in business? No.
5412. *By Mr. Dalgleish*: Was Mr. Hall a sober man by repute or a drunken man by repute? Well, I do not know what you call repute—everybody knew he liked a glass.
5413. *By Mr. Morris*: What is the reputation of Mr. Micklethwait in that respect—you may have heard of that up at Singleton? There is very little said about him, because he is more in the bush—never about buildings like Mr. Hall.
5414. Have you heard whether he is given to drinking? I may have heard rumours.
5415. *By Mr. Dalgleish*: Had you a partner on your contracts? Yes, on the Picton one.
5416. What is his name? Andrew Eaton.
5417. What is his address? St. Leonard's, North Shore.
5418. Did Mr. Hall ever ask you to send for drink? No, he never asked me to send for drink.
5419. Did he ever ask you if you had drink on the premises? I do not recollect.
5420. But he caused you a great loss of time when he came to inspect the buildings? Well, I would not say a great loss of time.
5421. What do you mean by saying you could not go on with your work when he was there? I can get on better now than I did then.
5422. You say when he came there he would be there a day, and you could not work—how was that? When he comes to inspect a building he generally asks the contractor to follow him, and he will walk all over it fifty times while he is there; in fact, you must attend to him to hear anything he has got to say; and the reason I drew the distinction with the other engineers is, that they look over the work themselves.
5423. And if anything is wrong, they find fault with it in the same way that an architect would? Yes.
5424. Did Mr. Hall conduct his business in the same way that an architect would or does? Some architects are the same; they will go over the work the same as Mr. Hall.
5425. You cannot tell the Committee whether Mr. Hall was sober or "jolly" for the principal part of the time that he was on the works, when you had an opportunity of seeing him? No, it is a hard question for me to answer; he was always about the same.
5426. *By the Chairman*: Can you remember the date when you put in the foundation of the Penrith Station, when Mr. Hall was there those three days you spoke of? No, I cannot remember the date.
5427. Have you any memo. at home that would refresh your memory? Yes, I could get it through my pay-sheets.
5428. This evidence will be sent to you to revise;—will you put down the dates? Yes, if I can I will; I might not be positive by them to a day when he was there.\*
5429. It was the day you say you were digging the trenches and laying out the foundation? Yes.
5430. It would be the day you commenced the work there? I think I can tell.
5431. *By Mr. Dalgleish*: How long was Mr. Hall laid up after he got this accident on the mountains near Penrith? I could not be sure; I think six or seven weeks.
5432. Was this accident the subject of conversation in Penrith or on the works? All knew about it.
5433. When it was the subject of conversation, was it considered that Mr. Hall was drunk or sober when this accident occurred? I cannot tell what anybody else was thinking about.
5434. What did you think? I thought he had got a glass in him, no doubt; I do not know that he was tipsy.
5435. *By Mr. Tighe*: A glass would not have led to the accident any more than if he had been perfectly sober? —
5436. *By Mr. Dalgleish*: What you mean by a glass is a glass too much—is that what you mean? No.
5437. *By Mr. Tighe*: A glass would not make him drunk? He might have been perfectly sober. It was a rein that broke, I believe, and he got tumbled out.
5438. That would not be attributable to his taking a glass? No.
5439. *By Mr. Dalgleish*: What we are to understand is that he may have had a glass in, but he was not the worse for drink? Yes.
5440. You have never seen him the worse for drink? I cannot draw the distinction.

Mr. Thomas Fitzgerald called in and examined:—

5441. *By the Chairman*: You are a messenger in the Works Department? Yes, in the Railway Branch.
5442. How long have you been so? Four years, next March.
5443. Were you a messenger there during the year 1862? Yes.
5444. Have you been in the habit of bringing drink into the office? Yes, for lunch.
5445. Have you been in the habit of bringing drink into the office at any other time? No.
5446. You never brought in any wine, beer, or spirits, to any person in the office, only at lunch-time? I brought wine once for Mr. Trengrouse, and sherry wine for Mr. Barton.
5447. How much? I ordered a dozen for Mr. Barton, and took it by bottles, one a week; and I brought Mr. Trengrouse two at once, and he told me it was to take home.
5448. You ordered a dozen for Mr. Barton, and brought it in, a bottle at a time? Yes.
- 5449.

\* NOTE (on revision):—Started the job on the 18th of May; Mr. Hall came on the 19th of May, 1862.

- Mr. T. Fitzgerald. 5449. Where did you get it from? Mr. Corkill, a wine-merchant in George-street.
5450. Did you pay for a dozen? Yes.
5451. Did you ever see a dozen brought in at once? No.
- 19 Jan., 1864. 5452. You are sure you have never brought in drink only as you have stated? Yes, I brought in one bottle of brandy last year for Mr. Hall, and one bottle this year for Mr. Micklethwait—the beginning of the year, when he was going to Newcastle.
5453. That is all the brandy you have brought into the department? Unless for lunch; I have brought in a glass occasionally for different gentlemen.
5454. I am speaking of other times than lunch? No.
5455. Can spirits be brought in without your knowledge? I dare say it could; I do not know.
5456. Any of the gentlemen could bring it with them in the morning? Yes, I dare say they could.
5457. Or if they went out during the day, they could bring it in themselves? Yes.
5458. You say, in your evidence before Mr. Whitton, that you got Mr. Micklethwait a bottle of brandy and he went to his boat—what time was this? Last January. I did not see him from that day till about three weeks or a month ago, when he came back from the Hunter.
5459. What time of the day was it? I got it in the morning. When I went round for the orders for lunch, about 12 o'clock, he told me he would want to take it with him that night; that he would bring it home and take it with him to Newcastle.
5460. I see you say in your evidence, that if any person says you have brought brandy into the office at any other time it is not true? Yes, unless for lunch.
5461. Have ever you seen Mr. Hall the worse for drink in the department? No.
5462. Have ever you seen Mr. Micklethwait the worse for drink in the department? No.
5463. Were you much in the draughtsmen's room? Yes, I used to go in very much, because I used to have to bring in minute papers, and to get deeds and plans for the Record Clerk.
5464. If any person has given evidence before this Committee that you have been in the habit of bringing in spirits at other times than you have stated, it is untrue? Yes.
5465. Did ever you take an order for a bottle of brandy? No, only verbally, and then I paid for it.
5466. Then you would not require an order? No.
5467. Did ever you take an order from any of the gentlemen in the department, for brandy? No, I have taken wholesale orders for their houses, but it was in a letter to Mr. Corkill, Lloyd's Gateway.
5468. There are other ways they can get drink in the department without getting it through you? I cannot say for that.
5469. You say they can bring it in with them in the morning? I dare say they could.
5470. Without your knowledge? They may.
5471. Or some person may go out in the day-time and get it? They are not allowed out—not to lunch.
5472. They may go out and come back again? I have never known them to do that.
5473. *By Mr. Morris:* Is it true, that you stated to Mr. Trengrouse that you were absolutely ashamed and afraid of fetching such quantities of beer and spirits as you were in the habit of doing, and that you would discontinue it, whether you offended Mr. Hall or not? I never said anything of the kind.
5474. Then, as far as you are able to judge, these charges made against the department, of excessive drinking being carried on, are not true? No.
5475. Are you in these rooms every day? Yes, because I used to go round and ask the gentlemen what they would have.
5476. How often? I used to be there sometimes six or seven times a day. I used to go round only once for lunch, and then I would get all the orders.
5477. Did you ever hear Mr. Hall singing, or performing "Suffolk Punch," or those other things that he is charged with doing in the office? No, I never heard him sing or anything else.
5478. One would suppose you would have every opportunity of doing it? Yes, because I generally go in to get the orders and bring in their lunches at 1 or a quarter to 1.
5479. Are you the only messenger connected with the Railway Branch? I am the only one in the Railway Branch. There are two others—one in the Works and one in the Roads Branch.
5480. Have these other messengers any opportunity of knowing what is going on? They might have brought in things when I was away.
5481. Do you know, as a matter of fact, whether they did or not? No.
5482. Have they never told you? No, they never told me. I was only one week away—a week I was ill.
5483. *By Mr. Tighe:* Could a dozen of wine or spirits be brought into the office without your knowledge? No.
5484. Then if Mr. Barton says he has had a dozen at one time in the office, does he state what is not true? He might have wine brought in without my knowledge.
5485. Do you not say a dozen could not possibly be brought in without your knowledge? I cannot say for that. I did not order it. I have ordered a dozen of wine and paid for it, and then taken it one by one—from this merchant.
5486. *By Mr. Stewart:* Do you say that was only on one occasion? That was the only wine I brought in for him in that way; but I brought him a flask of sherry sometimes—a shilling's worth.
5487. What used they usually take for lunch? Some has sherry, some has beer, some has a nobbler of brandy.

5488. Their orders do not amount to bottles of spirits? No; I have brought in bottles of beer.
5489. *By Mr. Morris*: Does the wine-merchant or publican with whom you deal, keep an account against the office? No.
5490. You pay for what you bring? Yes.
5491. Do you always deal with one place? Yes, one publican.
5492. Who is he? The woman is dead now; she kept the "Star Inn," at the corner of Hunter-street and Phillip-street. I do not know where the man is now that used to serve me; I have not seen him lately.
5493. *By Mr. Tighe*: If the wine-merchant's man brought a dozen of wine to the office, could he bring it in without your knowledge—are you not always in the doorway? Do you mean in this office, or the old office?
5494. The old office? At the old office we had a room, and we could see mostly all that came in, but I used not to be always there, because I had to go messages.
5495. *By Mr. Morris*: Who is the housekeeper? My mother is the housekeeper, and I assist her. I have never seen any cases of wine, or anything like that.
5496. *By the Chairman*: Then if Mr. Barton says he has had two or three cases of colonial wine in, it is untrue? I cannot say for that.
5497. *By Mr. Dalgleish*: It was a dozen of sherry that was taken in by a bottle at a time? Yes, and I have brought in colonial wine too by bottles.
5498. How is it you did not say anything about that when you were giving your evidence before Mr. Whitton? I answered every question that was put to me.
5499. Were you not asked whether you were in the habit of taking spirits and wine into the office by the dozen? I did not bring it in by the dozen.
5500. Did you not bring it in by the dozen actually, only day by day? Yes, I did.
5501. Why did you not state that when you gave evidence before Mr. Whitton? I stated in the evidence before Mr. Arnold, that I brought a bottle of wine occasionally for Mr. Barton—dry sherry.
5502. *By Mr. Dalgleish*: What do you mean by "occasionally"? Once a week. I ordered a single dozen, and then brought it in one by one.
5503. *By Mr. Tighe*: That would take you twelve weeks, at that rate? I did not bring it all in twelve weeks, because Mr. Barton was in the habit of going out of town. I knew the merchant, and could get it as he wanted it.
5504. *By Mr. Dalgleish*: You were always in the habit of taking money when you went to purchase this beer? Yes.
5505. And you went round to all the officers and heard what they wanted? Yes.
5506. Did you ever bring any for Mr. Gardiner? No, I do not remember bringing anything for him.
5507. Did you ever bring anything for Mr. Telmon? Yes, I think once or twice I brought him a pint of ale.
5508. Did you ever bring anything for Mr. Doherty? No.
5509. Did you ever bring anything for Mr. Robertson? No.
5510. Why did you not make these exceptions when you were giving evidence before Mr. Whitton and Mr. Arnold? I was not asked; I answered every question.
5511. Were you not asked if you were in the habit of bringing in liquor for the gentlemen in the long-room? Yes.
5512. Why did you not make these exceptions? I did not think it was necessary.
5513. Did you ever bring in as much as five bottles of liquor at a time? No.
5514. If Mr. Fearnside has said you have done so, is it true? Five pints of ale I might have brought in different bottles. I might have done that, because there are so many gentlemen there.
5515. Just give us their names? I used to bring a pint of ale for Mr. Trengrouse—when his son was there, three glasses; I used to bring a pint of ale for Mr. Fearnside occasionally, not every day; I used to bring a pint of ale for Mr. Hall regularly every day. You only mean the gentlemen in the Engineer's branch?
5516. The Engineer's branch—the branch you are giving evidence about. Have you a good memory? Middling. I used to bring generally a little bottle of porter or ale for Mr. Wade —
5517. Is he in the same office? He was then; he is district engineer at Singleton Bridge. And Mr. Mann generally a little bottle of ale.
5518. How long was Mr. Wade in the office? He only used to come occasionally.
5519. How often did you bring liquor for him? About six or seven times.
5520. When he was in the long-room? Yes.
5521. Is that within the last nine months? No, I do not think it is.
5522. Has Mr. Wade been in the office for the last nine months? I think he has, but I am not sure.
5523. You say you have a good memory? Yes, middling.
5524. You remember such a thing, for instance, as that at the latter end of December last year you brought in a bottle of brandy to Mr. Hall? Yes.
5525. Was there anything particular about that bottle of brandy, that you remember it so well? It was the only bottle of brandy that I brought for Mr. Hall.
5526. It was just before you were going to leave the office, you say? I think I made a mistake there.
5527. How is it you could have made this particular mistake, in this particular way—you gave your evidence very clearly—"It was just before he was going to leave the office"—which of the statements are we to believe? That is not right.
5528. *By the Chairman*: The evidence you gave before Mr. Whitton is not right? Not about that.

Mr. T.  
Fitzgerald.  
19 Jan., 1864.

- Mr. T. Fitzgerald.  
19 Jan., 1864.
5529. *By Mr. Tighe* : Can you account for that mistake in any way? No, I cannot; I might have made a mistake at the time.
5530. You cannot account for it? No.
5531. *By Mr. Dalgleish* : You brought a bottle for Mr. Micklethwait? Yes.
5532. When was that? That was the usual time when I went round before dinner.
5533. Why did you say it was because he was going to Newcastle? He told me that.
5534. What did you mean by saying "I got it for him and he went to the boat"? I took a berth for him that same day, and I did not see him from that day till about a month or six weeks ago.
5535. How do you know he went to the boat? I took a berth for him and did not see him since, and I saw letters going for him afterwards.
5536. What did Mr. Micklethwait do with the brandy? He told me he wanted it while he was going to Singleton.
5537. And you brought a bottle of brandy to the office to Mr. Micklethwait? Yes.
5538. At dinner-time? Yes.
5539. Do you know that he took that brandy with him to Singleton? No, I do not.
5540. Did you ever bring both beer and brandy for Mr. Hall on the same day? No.
5541. Did ever any other messenger bring brandy or beer into the office, to your knowledge? I cannot say; some days I would perhaps be out at 1 o'clock, and they might have brought it in then; there are two other messengers, and if they were sent out they would have to go.
5542. Did you ever bring drink in to Mr. Gardiner at all? No.
5543. You say you were in the habit of taking minute papers into the long-room? Yes.
5544. To whom? Mr. Trengrouse.
5545. Was Mr. Trengrouse in the long-room at that time? Yes, he was in the long-room; it was partitioned off, and there was a door that led from the drawing-room into his room, and used generally to be open.
5546. Was not Mr. Trengrouse up-stairs with the plans? He was a little while.
5547. Was he up-stairs at that particular time? I cannot say.
5548. You have a good memory you say—was he up-stairs at that particular time? What time?
5549. The time we are speaking of? No, I think he was in the long-room.
5550. Where were the plans kept? In a little room off the long-room.
5551. Were not the plans kept up-stairs? They were for a while, but not very long.
5552. What do you mean by "a while"? Well, I do not think they were up there more than three or four months.
5553. How many months ago is it since these plans were kept up-stairs? I dare say it is fifteen or eighteen months ago; that was in the old office.
5554. It is the old office I am speaking of. You say the woman of the house where you used to get the drink is dead? Yes.
5555. Who is the man you spoke of? I do not know his name, except that he was called "Charley."
5556. Did he serve you? Yes, and there was a young woman that used to serve me—Miss Griffiths I think her name was; her father was an actor, I believe; her mother married again and kept the public-house.
5557. Who did you order the wine, brandy, or ale from, when you ordered it for the gentlemen to their own houses? Mr. Corkill.
5558. Who did you order it for? Mr. Trengrouse, Mr. Micklethwait, and Mr. Hall.
5559. What quantities did you order? I do not know; it was in a letter.
5560. *By Mr. Tighe* : You only supposed it was an order? I generally knew, because if it was a bill I would wait for the receipt; he used to enclose it, and I knew no more about it.
5561. *By Mr. Dalgleish* : Then the only thing you knew was that you took notes to Mr. Corkill, and brought notes back? Yes.
5562. They might have been private notes for what you knew? They might have been.
5563. And you never took any beer or brandy into the office, except at lunch-time? No.
5564. You are quite sure that, except on these two occasions, you never took bottles of brandy into the office? No, unless a glass at times for lunch.
5565. Did you never bring more than a glass? No.
5566. Did you never bring a glass of brandy to Mr. Fearnside? I cannot say; I may have done; I think once or twice he said he was ill, and I brought him a glass of dark brandy.
5567. You never brought a bottle of pale brandy? No.
5568. You are quite sure there are no other mistakes in your evidence, excepting the one you have alluded to? No.
5569. Why did you not correct that mistake? I did not think it mattered much. I never brought drink any time, except for lunch.
5570. Have you seen a copy of your evidence? No.
5571. Have you taken empty bottles out of the office? I have.
5572. What bottles were they? It was generally the bottles I brought the beer in in the morning.
5573. *By Mr. Tighe* : Any other bottles? No.
5574. No wine bottles? I dare say I did when they were empty.
5575. *By Mr. Dalgleish* : Have you ever taken out an empty brandy bottle? No.



WEDNESDAY, 20 JANUARY, 1864.

Present:—

MR. DALGLEISH,		MR. MORRIS,
MR. GARRETT,		MR. TIGHE.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. John Williams Deering called in and examined:—

5576. *By the Chairman*: You are a surveyor—are you not? Yes.
5577. In what department? In the Surveyor General's now.
5578. How long have you been in the Surveyor General's Department? Three years.
5579. You were in the Works Department previously? I was.
5580. How long were you there? About four monthis.
5581. During the time you were in the Works Department how were you engaged? In the drawing office.
5582. What was the nature of your work? Making the Southern plans and sections for the House.
5583. The extension from Pictou to Goulburn? Yes.
5584. You have not been in the Works Department for the last three years? No, I have not.
5585. During the time you were there, you had some quarrel with Mr. Hall? Yes, I had.
5586. Did it come to a fight? No, it did not.
5587. There were no blows struck? No blows were struck.
5588. During the time you were engaged in the Works Department, were you at all absent in the field? No, we were too busy in the office.
5589. How long have you been in Sydney? I have been in Sydney five weeks.
5590. Have you been to Melbourne since that? No, I was in Melbourne before that. I had leave of absence from the department. I was in the Lachlan District previous to that.
5591. For how long did you obtain leave? The customary time of three weeks, but actually I had only a fortnight.
5592. During that time you went to Melbourne? Yes.
5593. What have you been doing during the last five weeks? Plotting my Lachlan surveys, and have been engaged in various ways in the office.
5594. Have you a staff on the pay-sheet? I have no staff at all.
5595. Had you a staff before you were called to Sydney? Yes, but I was not called to Sydney.
5596. *By Mr. Garrett*: You are not in the Works Department now? No.
5597. *By the Chairman*: Did you dismiss them before you came to Sydney? Yes; I had only one man with me through the Lachlan survey, although entitled to five.
5598. Who recalled you from the Lachlan? My work was finished, and I was not recalled.
5599. Then it is because your work was finished, and not on an invitation to Sydney, that you left the Lachlan? Yes. The Lachlan was not my district. I was sent out to survey the pre-emptives in the bushranging district. Two licensed surveyors had made some difficulty about it, and I, being a staff surveyor, was called upon to go through the whole of the Weddin country. I surveyed some 3,000 acres of pre-emptive, and when I had finished I came down.
5600. Then you were not recalled to Sydney by any letter? No, as several times before stated.
5601. You have been in Melbourne, I believe? Yes.
5602. Were you on leave of absence during the time? Yes, it was a pleasure trip.
5603. Did you collect any information respecting Mr. Martin Gardiner? I heard it, but I did not go at all out of my way to collect it\*. I called upon the Engineer-in-Chief, Mr. Higginbottom, and stated that I wanted to see the railway, and he gave me a free pass; and in the course of conversation he asked me about the Works Department here, and the name of Mr. Gardiner was mentioned, and his being dismissed from the Victorian service.
5604. Was that a private conversation? Yes, it was; but it was perfectly well known that the correspondence relating to Mr. Gardiner's dismissal is in the books of the department.
5605. Did they give you any extracts from the books of the department? No, but all that Mr. Martin Gardiner did is on record there.
5606. Did you get any extracts from the books in Melbourne? No, I made none.
5607. Did you get any in any way—any memorandum from officers in the department—any documentary evidence? I did not—not a line.
5608. All you know is what you learned from this private conversation? Yes, and what I heard others say.
5609. *By Mr. Dalgleish*: I understood you to say that you got your information from the books? If I did I did not mean to say so—I say it was in the books.
5610. *By the Chairman*: How do you know that unless you saw the books? Because it was told me. I have not seen the books at all.
5611. Then that part of your evidence is hearsay? Yes, it is hearsay.
5612. Of course during your absence your salary was paid? Of course it always is.
5613. Were your expenses paid? No.
5614. Do you intend staying in Sydney any time? No, I am going away to Albury at once; I have simply to obey my instructions.

Mr. J. W.  
Deering.

20 Jan., 1864.

5615.

\* NOTE (on revision):—This was in answer to the questions, "Will you state the particulars?"—"How was Mr. Gardiner's name brought up?"

- Mr. J. W. Deering. 5615. Which is your district? Albury is to be my district; I have never been there yet.
5616. Are we to understand that your business to Melbourne was of a private nature? Purely.
- 20 Jan., 1864. 5617. Were you requested to seek any information respecting Mr. Martin Gardiner's conduct, by any one? No; what I heard was heard accidentally in the Railway Office I think.
5618. Have you communicated to persons in Sydney the information you received in Melbourne with reference to Mr. Martin Gardiner? I mentioned it to Mr. Whitton, and as a Government officer it was my duty to do so.
5619. And to Mr. Barton? I think I did partly—I did not tell him all.
5620. Do you think you have a right to use a private conversation which occurred between you and the Engineer-in-Chief in Melbourne? I do not say what I heard about Mr. Gardiner I heard from the Engineer-in-Chief.
5621. What you heard of Mr. Gardiner you heard in a private conversation? No, it was not private when everything I heard is on record.
5622. How do you know it is in the books? I was told so; and I know it is the practice in a Government department to keep a record of such proceedings.
5623. You say you never saw the books—how then do you know that it is in the books? I believe it.
5624. Why? I was told it.
5625. You say you know it is in the books, but if you have not seen it how can you know it? Because I believed the gentleman who told me.
5626. Then it is mere hearsay? It is hearsay, certainly.
5627. When you came back you communicated this mere hearsay, or the information you had got, to Mr. Whitton, to the prejudice of Mr. Martin Gardiner? Privately; it was a private conversation.
5628. *By Mr. Dalgleish*: Did you convey any documentary evidence to Mr. Whitton, from Melbourne? Not a line of any sort.
5629. *By the Chairman*: Do you consider that the conversation which took place between you and Mr. Whitton and Mr. Barton, respecting the conduct of Mr. Gardiner in Melbourne, a private conversation? Yes.
5630. Of course you did not consider that they had any right to make use of it? Yes, I did. I make a distinction between a private and a confidential conversation. There was no confidence, and there never was, between Mr. Whitton and myself, in any way, except confidence in him as head of the department.
5631. You say you have no personal knowledge whether the statement is true or not? No, I could not take oath of it, certainly not.
5632. Will you tell us how this conversation originated between you and Mr. Higginbottom, with reference to Mr. Gardiner—was it you who brought up Mr. Gardiner's name first? Mr. Higginbottom. I called upon him with reference to railways there, having been on railways a good many years. He said to me, "The department in Sydney has been getting into some trouble, has it not?" and asked me the particulars. I told him, and of course in telling him, Mr. Gardiner's name was mentioned.
5633. And then the conversation ensued as to Mr. Gardiner's conduct in the Works Department there? Yes; it was not a conversation, because very little took place—Mr. Higginbottom told me very little. He said Mr. Gardiner was in his department. I said I knew he was, and asked was he on the staff; he said, "No, he was not"; he said Mr. Gardiner had made himself very objectionable, it was advisable to remove him from the department—something of that sort.
5634. Do not say "something of that sort," tell us what he said? He said "he was dismissed from my department."
5635. You said just now that he considered it was advisable to get rid of Mr. Martin Gardiner? I do not know that he said those words, but he conveyed that meaning.
5636. That it was advisable —? Afterwards he said more, but he seemed as if he did not wish to say any more, neither do I now. That is all that took place.
5637. That is all the information you received in Melbourne respecting Mr. Gardiner? No, I met other Government officers there, and knowing I belonged to this Government, they mentioned to me certain occurrences. They were some of the railway officials —
5638. Will you mention their names, so that this Committee may communicate with them? No, I do not know the name of one, excepting Mr. Higginbottom, because I did not meet them in the office.
5639. That is all you got from Mr. Higginbottom? Yes.
5640. That is all you conveyed to Mr. Whitton and Mr. Barton? No, it is not.
5641. Did you tell Mr. Whitton and Mr. Barton the source whence you received that information? I did not.
5642. You gave Mr. Whitton and Mr. Barton all the information you received from various Government officers, the names of whom you cannot remember? I cannot, because I met them only once at the hotel where I was staying.
5643. Do you not think you ought to have got the names of those gentlemen who gave you information against the character of any individual, before you repeated it? I did not think much about it at the time; and what Mr. Gardiner did in Melbourne is in the public records.
5644. Thinking about it now, do you think it was right and just in you to repeat to Mr. Whitton and Mr. Barton certain information you received in Melbourne, from persons to whom you were never introduced, and whose names you were unacquainted with, such information affecting the character of another gentleman; would you like any other gentleman to treat your character in that way? I should think I was perfectly open to it, if I had

had acted as Mr. Gardiner did—it was nothing against his private character; and as a Government officer I only did my duty.

5645. It did not refer to his private character? No.

5646. A man's public character is very dear to him, particularly to a person in Mr. Gardiner's position, who depends upon his public character for his bread;—do you think it just that a person's character should be trifled away? I think not, and it was no trifling cause; but anything I said might be proved by applying to the Government there.

5647. *By Mr. Morris*: The circumstances connected with Mr. Gardiner's removal from the Railway Department will appear in the correspondence in the office? Yes.

5648. Did you so hear it? I did so hear it, but I have never seen it.

5649. *By the Chairman*: Have you lunched in the Works Department since you left it? Never.

5650. Have you been in the long-room since you left it? Never.

5651. Have you ever been absent from your duties from sickness? Never.

5652. Have you been absent on leave of absence? No, only this last time, during the whole time I have been in the service.

5653. Have you ever known any public officer's pay to be stopped when he has been absent from illness? Never; I have been nine years in the Government service, and never heard of such a thing.

5654. You gave evidence before Mr. Whitton? Yes.

5655. Did you give evidence before Mr. Arnold? No.

5656. I see that in your evidence you say, "I most positively state that, so far as relates to the time I was in the office, the whole is without foundation and not true; I worked next to Mr. Hall, and I never saw him wasting his time or drinking, except at lunch-time";—did you, during the time you were giving your evidence, remind Mr. Whitton that you had not been in the office at all for three years? I spoke of the time when I was in the office.

5657. You could not state what took place afterwards;—would it not have been better to have stated that you referred to three years ago? That is a mere matter of detail; I think it is plain English.

5658. It is as it appears here; but did you not know that Mr. Gardiner's charge against the office referred to circumstances that had occurred within the three years? I understood that.

5659. Do you not then distinctly see that the evidence given by you before Mr. Whitton had no reference to that part of the charge brought by Mr. Gardiner? The circumstances were so intermixed—about beer being brought in and that sort of thing —\*.

5660. When Mr. Gardiner was in the office on a previous occasion he made no charge of disorganization and of drinking; it was not until after he had left and gone back again that he made the charge? Exactly; after he was suspended.

5661. Then your evidence did not refer to that period at all? I could not help it, I simply answered the question †.

5662. Mr. Gardiner was in the office at the time you had the fight? I do not acknowledge the word "fight"; there was a quarrel.

5663. You do not acknowledge that it came to blows? It did not; I have contradicted it before.

5664. *By Mr. Dalgleish*: Are you aware that Mr. Hall says it did? I am not.

5665. Mr. Hall in his evidence says he slapped your face? If 50,000 gave evidence to that effect, I say he did not. There is nothing extraordinary in having a quarrel in an engineer's office, or any other office.

5666. Are they generally quarrelsome? No, but there is generally more fun going on ‡ in an engineer's office than in any other.

5667. *By the Chairman*: The evidence you gave before Mr. Whitton had reference to things which occurred above three years since? Yes.

5668. You know nothing whatever of the conduct of the gentlemen in the office since that? Nothing whatever.

5669. *By Mr. Morris*: Have you seen the evidence given by Mr. Gardiner—written evidence sent to Mr. Arnold? No.

5670. Will you look at paragraph 19—(*The witness read the same*)—Is that a correct statement of what occurred between you and Mr. Hall? No.

5671. In what respect is it incorrect? It says we fought three rounds, which we did not.

5672. Did you fight one round? No.

5673. Did you come to any wrestling? No, not wrestling—pushing.

5674. You had a dispute—a quarrel? Yes, it was a quarrel.

5675. And you closed with one another—put hands upon one another? Yes, we put hands upon each other; I think he pushed me.

5676. Were you struck in the face? No.

5677. Was your face cut? It was not—decidedly not. I reported the matter at once to Mr. Barton §—I think it was to Mr. Barton; I will not be positive.

5678. Mr. W. A. Trengouse says you were fighting—that your lip was cut and that it bled? That is false. I believed there were malicious people in the office, and therefore I went and reported it at once.

5679.

\* *Revised*:—The circumstances in Mr. Gardiner's charge referred partly to the date at which I was in the office.

† *Revised*:—It could not refer to a time at which I was not in the office.

‡ *Revised*:—freedom

§ *INSERTED (on revision)*:—knowing there were malicious persons in the room, who would exaggerate.

Mr. J. W.  
Deering.

20 Jan., 1864.

- Mr. J. W. Deering.  
20 Jan., 1864.
5679. It is no very unusual thing in any office for disturbances to occur? No, especially in an engineer's office.
5680. Why? Because professional draughtsmen are not like clerks; they have different sorts of habits and ways; and it is as common as possible in London to send out for beer when they want it.
5681. I am not alluding to that? Well, as to quarrelling, it is nothing unusual to have quarrelling in an office.
5682. Did Mr. Higginbottom, when you were in Melbourne, tell you whether he had sent to Mr. Whitton the papers concerning Mr. Gardiner's removal from the Railway Department? No, he did not.
5683. During the time you were in the Railway Department was there drinking to any great excess? I am sure there was not; we sent out for ale at 1 o'clock only.
5684. Was there much brandy or spirits drunk? I never saw it. Mr. Hall used to bring a glass of brandy in a bottle, because he did not like ale.
5685. *By Mr. Dalgleish*: Did you say Mr. Hall did not like ale? Well, he brought brandy.
5686. *By Mr. Morris*: Mr. Hall brought spirits? Yes, instead of sending out for it.
5687. Have you had opportunities of observing Mr. Micklethwait's habits? Yes.
5688. Has he the appearance of a person given to excessive drinking? He had not at the time I knew him.
5689. Did not his hands shake very much? No—I have not seen him for three years.
5690. At that time, your impression is that he was not given to excessive drinking? Yes.
5691. *By the Chairman*: Was Mr. Micklethwait in the office at the time you were there? Yes, a great deal in the office—I was never in so strict an office before.
5692. *By Mr. Morris*: Who was the head of your room when you were there? Mr. Barton.
5693. Did he visit it regularly? He was always in the office.
5694. Did he supervise the work? Yes, he knew everything that was going on.
5695. *By the Chairman*: Did you say that Mr. Barton was regularly in the office? Yes, we were very busy with the plans for the House.
5696. *By Mr. Dalgleish*: You were employed in Adelaide before you came to the Colony? Yes.
5697. Do you know a gentleman of the name of Braddock? Yes, I know such a person.
5698. Did you find him a draughtsman in the Railway Department of this Colony when you were employed there? Yes.
5699. Did you take steps to compel Mr. Braddock to pay some money he owed in Adelaide? Yes, I mentioned it to him; I did not take any further steps. A friend of mine, to whom the money was owing, asked me.
5700. Did you not get some legal process out against him? No, certainly not.
5701. Was not such a process sent here through information supplied by you? No, neither do I think the money is paid now.
5702. Did you not inform Mr. Hall with regard to the steps you had taken in reference to Mr. Braddock? Yes, I did.
5703. Mr. Hall informed Mr. Braddock of the conversation you had had with him about the matter? Yes.
5704. Mr. Braddock upbraided you in the office with breaking a promise of secrecy you had made regarding that? Yes, but I had made no such promise.
5705. And complained very bitterly of your deceitful conduct in the matter? No, he did not.\*
5706. Did you not state at the time you knew who had told him, and that he was no gentleman? Yes.
5707. And Mr. Hall asked if you referred to him? Yes.
5708. Is it not the fact that when you said you did refer to him, Mr. Hall assaulted you? I do not know what you mean by assault. It is not sufficiently definite; the word has a very wide meaning.
5709. Then you cannot answer that question? No, I have answered it in my former evidence to Mr. Lucas.
5710. Did not some one interpose to prevent Mr. Hall continuing his assault upon you? No.†
5711. No one? No one.
5712. And you state that there was no such thing as a fight? No, there was not.
5713. That is to say, blows struck? There were not.
5714. Did Mr. Gardiner make any observation at that time in your hearing, with regard to your conduct? Not with regard to my conduct. He said "Go it, Hall!" and wanted to get up a fight.
5715. Did he say anything else? I did not hear him.
5716. He did not say that your conduct was more becoming a bailiff than a gentleman, and that you richly deserved the beating you had? No, I did not hear him.
5717. Mr. Gardiner never spoke to you from that time? He never spoke before, or I to him, I believe.
5718. You gave evidence before Mr. Whitton? I did.
5719. You volunteered that evidence? Because my name had been brought up in the matter.
5720. You volunteered that evidence? Yes, I did.
5721. Did you write a letter in the *Empire*? I did.
5722. In that letter you state that Mr. Gardiner is quarrelsome? Yes.

5723.

\* ADDED (on revision):—And my conduct was the opposite of deceitful.  
† ADDED (on revision):—And I object to the word "assault."

5723. When did you know Mr. Gardiner to quarrel? I think he quarrelled with most in the room.

5724. You are perfectly certain of that? It is so long ago that I could not state instances, but my general impression is that he is a quarrelsome man,\*

5725. What do you mean by your general impression—can you mention any instances of quarrels that have taken place in the office, between Mr. Gardiner and any other person? He quarrelled with Mr. Mackay.

5726. When? I cannot state when.†

5727. Were you in the office? Yes, and my impression is that he was not on good terms with any one in the office.

5728. Will you give some particular instance to justify your statement that Mr. Gardiner is quarrelsome; you have mentioned Mr. Mackay—what was the instance? I could not give the particulars. I had my work to attend to and could not attend to them.

5729. Can you give any instance? No, I repeat, not in detail.

5730. Did he quarrel with you? I consider he did when he said "Go it, Hall!" he wanted to see Mr. Hall fight.

5731. When you and Hall were fighting? When we were quarrelling.

5732. Any other instance? No.‡

5733. If every other person in the office have said they never knew Mr. Gardiner to be quarrelsome, they must be wrong and you right? I think it is very unlikely they have said so.

5734. Can you give a single instance of Mr. Gardiner quarrelling with any one? No, I have made no notes of what transpired in the office, as others did.

5735. I am not asking you if you have made notes; but you have given evidence before Mr. Whitton, and have written a letter to the *Empire*, stating that Mr. Gardiner was a quarrelsome person? I believe he is.

5736. Is this your letter (*the following letter was read*)—"To the Editor of the *Empire*.—  
"Sir,—Referring to a letter in your issue of this morning, signed 'Martin Gardiner, C.E.,' in which my name has been most unwarrantably introduced by that person, I beg to contradict most positively the assertions therein contained. I never had, and never wish to have, the least connection with Mr. Gardiner, C.E., as, owing to his quarrelsome disposition, and other reasons, he was much disliked in the department at the time I had the honor of holding an appointment in it. Mr. Gardiner, C.E., seems totally unable to discern the liberty he has taken with the name of one with whom he holds no acquaintance. I am, Sir, your obedient servant, JOHN W. DEERING. *Sydney, 8th August.*"? Yes, that is my letter.

5737. In what way do you justify the statement that Mr. Gardiner was a quarrelsome person? He quarrelled with me.

5738. By whom was he disliked in the department? By everybody.

5739. You say "and other reasons"—What reasons have you beyond those you have given publicity to? I do not know.

5740. *By Mr. Morris*: You know full well that he was disliked? Yes, I know that full well. He was also much disliked in Melbourne, and was reported to be a most quarrelsome man.

5741. What was the letter Mr. Gardiner wrote in the *Empire* that occasioned this letter from you? Perhaps you have it—it was for mentioning my name and dragging me into the matter, which he had no right to do; I had no right to be dragged into his quarrels by the neck.

5742. This was relating to matters not absolutely personal to you, but it seemed almost necessary that your name should be mentioned on account of other matters being connected with it—Is this the letter you complain of (*the letter was read*)? —

5743. Is that letter of yours strictly true? Strictly true, or I should not have written it.

5744. That you did not fight? Yes.

5745. Then those who have given evidence upon this subject are wrong? Yes, some who gave evidence were not in the room; Mr. Mackay was in the room, but at the other end.

5746. You say that Mr. Mackay, and no one else, interfered—Mr. Mackay says:—"I never saw fighting in the office, but I once heard quarrelling between Mr. Hall and Mr. Deering; I interfered and prevented; but Mr. Gardiner quarrelled with me afterwards for interfering in the matter, saying that Mr. Hall was quite right"? So he did; he said Mr. Hall was quite right—he wanted to get up a fight; that made me dislike him.

5747. You have a dislike to Mr. Gardiner? Yes, I have, and I dare say he has to me.

5748. Mr. Hall states:—"I recollect on one occasion having some words with Mr. Deering, and I slapped his face"—Then Mr. Hall, who is one of the principal parties, gives false evidence? Mr. Mackay bears me out in what I have stated.

5749. Mr. Nicholas Trengrouse was in the office—was he not? No.

5750. Mr. Trengrouse says:—"I have seen blows exchanged between Mr. Hall and Mr. Deering in the office; it was in consequence of Mr. Deering saying Mr. Hall was no "gentleman"? He was not in the room.

5751. Are you quite sure he was not in the room? He was in the adjoining room.

5752. Might he not have been in the long-room at the time that took place, though his duties were generally performed in the adjoining room? I do not believe he was in the room.

5753.

\* ADDED (*on revision*):—and that is also the feeling in Melbourne.

† ADDED (*on revision*):—I made no notes as others did.

‡ ADDED (*on revision*):—I kept no notes as others did; I had my work to attend to.

- Mr. J. W. Deering.  
20 Jan., 1864.
5753. *By the Chairman*: The room you refer to is a small room at the end of the long-room? Yes.
5754. Could he see from the door of that room? Yes, if he kept it a little open and peeped through, but not if he was attending to his work.
5755. *By Mr. Dalgleish*: Mr. Trengrouse could see from his own room without being in the room? No, his back would be in the opposite direction, if he was attending to his work.
5756. Could you be quarrelling with Mr. Hall, and at the same time observing whether Mr. Trengrouse was looking or not? If he said he was I would not contradict him, but I do not think he was.
5757. *By the Chairman*: Was Mr. Trengrouse, junior, in the room? No, he was away; he was in another room altogether, and in another building.
5758. What room was he in? Mr. Drewett's.
5759. Are you thinking of Mr. Trengrouse, junior, or of Mr. Robertson? Of Mr. Trengrouse, junior.
5760. He was in Mr. Drewett's room? Yes, he used to trace for Mr. Drewett.
5761. *By Mr. Dalgleish*: Do you know Mr. Robertson? Yes.
5762. Is he a respectable man? I never spoke a word to him in my life; he is quite a junior.
5763. Mr. Robertson says:—"I remember the circumstance of the fight between Mr. Hall and Mr. Deering; I heard the noise occasioned by the scuffle, and heard it spoken of in the office by Mr. Drewett and others?" He was in Mr. Drewett's room;\*
5764. Along with Mr. Trengrouse? Yes.
5765. Did you walk home with Mr. Trengrouse that night? No, and never did on any occasion.
5766. Did you see him? No, I never spoke twenty words to him.
5767. At what time did this fight take place? About 2 o'clock, I think. I went and reported the matter to Mr. Barton.
5768. Was it not before lunch? It might have been; I would not be particular to an hour—the matter was so trivial.
5769. It was not 4 o'clock? I am quite sure it was not.
5770. If evidence has been given to that effect, it is wrong? Yes, because I remember coming down and going on with my work again. I reported it to Mr. Barton at once; I said it was a trifling matter, but I reported it because I believed there were malicious people in the office.†
5771. Did Mr. Barton take any steps in the matter? He said, "Do you wish me to report it to Mr. Whitton?" and I said it was too trifling. He may have forgotten the circumstance now, as I should have done but for that letter. I have been on good terms with Mr. Hall since, and have met him within the last three months.
5772. *By the Chairman*: You have been friendly the last three months? When I have met him.
5773. Did you leave the office immediately after the quarrel? No, I came down and went on with my work.
5774. How long did you remain in the office after the quarrel—how many weeks? I suppose it was a month.
5775. What was your object in leaving the office? I was only on the temporary staff, which was disbanded.
5776. What was your salary? £300 per annum.
5777. You went into the Survey Department? Yes.
5778. What do you get there? £300 and allowances, an equipment in accordance with the Estimates.
5779. *By Mr. Dalgleish*: Did you ever see Mr. Micklethwait drink in the office? Never, except at lunch.
5780. You never saw any one drink, except at lunch? Never.
5781. You were in the office about three months? About four months.
5782. *By the Chairman*: Could you fix the day on which you left? I believe the 31st December, 1860. I would not be certain—it was about the end of the year, but the date is on the records of the department.
5783. *By Mr. Dalgleish*: What engineer's office were you in, prior to being in the office in Adelaide? In England, at Mr. Hammel's.
5784. What age were you then? I was very young—about 17.
5785. Was drinking and quarrelling usual in that office? Not drinking to excess.
5786. Was drinking at all? Yes.
5787. What office were you in after that? The Adelaide City and Port Railway—the first line started.‡
5788. Were drinking and quarrelling prevalent there? I do not think we had any quarrels there, but we sent out for ale if we wanted it at any time—about 11 o'clock generally.
5789. What office were you in after that? The Central Board of Main Roads—in the Engineer's Department.
5790. Were drinking and quarrelling prevalent there? Not prevalent, but we had a quarrel there. 5791.

\* ADDED (on revision):—and I deny positively that he could have heard anything of the few words that passed between Mr. Hall and myself. Mr. Robertson's statement is untrue.

† ADDED (on revision):—who would magnify the affair, for their own purposes.

‡ ADDED (on revision):—The Surveyor General's, the Great Northern Railway, the Waterworks Department, the Colonial Architect's, and Central Board of Main Roads, testimonials from all of which are in my possession.

5791. "We"—who? I say we—it was a dispute all through the department.
5792. Had you a quarrel? I was mixed up in it unavoidably.
5793. In something of the same way as Mr. Gardiner might have been in Melbourne? Not at all—it was very different.\*
5794. Was it about a private matter you quarrelled? Yes, partly.
5795. Do you seriously say that civil engineers are more given to quarrel in their offices than clerks? I believe they are.
5796. And that they are allowed to drink in their offices? Yes; and so does everybody, in moderation.
5797. With the knowledge of their employers? Yes, they are allowed to drink a little;†
5798. Was Mr. Whitton aware that you were going to Melbourne, and that you intended to inquire into the antecedents of Mr. Gardiner? I do not think he was. I started two days after I came from the Lachlan;‡
5799. Was Mr. Barton, or any other officer of the department, aware that you were going to Melbourne, to make inquiries into this matter? No, I did not go to make inquiries into Mr. Gardiner's affairs; as I have repeatedly stated, I went for pleasure. I think I should need something to do, to go to Melbourne to inquire about Mr. Gardiner.
5800. From whom was it you obtained your information about Mr. Gardiner at Melbourne? It was a simple conversation that took place.
5801. With whom? One or two gentlemen I met in the hotel where I was staying; and Mr. Higginbottom said he was dismissed from the department;§
5802. Did Mr. Higginbottom say that he personally knew Mr. Gardiner? No, he said it was in Mr. Darbyshire's time—the former Engineer-in-Chief.
5803. Did he inform you that Mr. Gardiner was reinstated after due investigation? No.
5804. Was the inquiry, when concluded, in any way against Mr. Gardiner's character, or in favour of it? Against it, most decidedly; he was dismissed;||
5805. Are you aware that he was to have been reinstated, and that a letter to that effect is in the possession of Mr. Gardiner? If so I am glad of it for his sake,¶
5806. If this information can be obtained, I presume the information you have given to Mr. Whitton is not of much value? I do not suppose it is of the least value; I merely mentioned it, and what I stated is on record in Victoria.
5807. Did you mention the way in which you had received it? I said I had heard it.
5808. He naturally supposed you had heard it from good authority? Yes, he might; and so I did.
5809. You have a personal feeling against Mr. Gardiner? I do not care a bit about him.
5810. You said just now — ? I said I did not like him, but I would not go out of my way to injure him. Mr. Gardiner occupies a very small portion of my thoughts, and I should not have mixed myself up in this matter but for this letter and my duty as a Government officer. All the information relating to Mr. Gardiner is to be obtained in Melbourne, and in my opinion it will not redound to his credit.
5811. You have no other means of forming that opinion than hearsay, obtained from people of whom you have no knowledge, to whom you have not been introduced? That is all; but the record of his conduct is to be obtained from the Victorian Government.

Mr. J. W.  
Deering.  
20 Jan., 1864.

Mr. Henry Trump Harris called in and examined:—

5812. *By the Chairman*: You gave evidence before Mr. Arnold in the case of Mr. Hall? I did.
5813. You were engaged as a sub-contractor on the railway—were you not? Yes.
5814. In what capacity? For plumbing and painting of the Cabramatta siding gate-house.
5815. How long were you so engaged? I was up there about five weeks, off and on.
5816. During the time you were there how many times did you see Mr. Hall? Five or six.
5817. I see you say that it was always expected, when Mr. Hall visited the works, that a bottle of grog should be sent for? It was always got for him the day previous—that is, when he was expected; he generally came up on Thursday, and Parkinson used to go down and get a bottle of brandy and some tarts.
5818. That is, he prepared a lunch? He got a feed for him against he came up.
5819. What description of drink did he take? When Parkinson went to fetch it from Parramatta it was generally brandy; once or twice he came unexpectedly, and directly he came it was sent for.
5820. What was sent for? Rum. We used to send to Lansdowne Bridge for it.
5821. Who used generally to pay for it? Mr. Parkinson used generally to pay for this; sometimes I paid for it. We used generally to have grog ourselves, but not brandy.
5822. Did you ever know Mr. Hall to pay for it? No, he does not understand paying; I never knew him to pay for anything.
5823. Have you seen Mr. Hall the worse for drink during the time he was engaged in inspecting

Mr.  
H. T. Harris.  
20 Jan., 1864.

\* ADDED (on revision):—I supported my department, and Mr. Gardiner did the opposite.

† ADDED (on revision):—but Government officers are kept so strictly to their departments, that any slight refreshment, even to a biscuit, has to be sent for.

‡ ADDED (on revision):—and I deny any premeditated intention, or otherwise, of inquiring anything respecting Mr. Gardiner.

§ NOTE (on revision):—but I have answered this question frequently.

|| ADDED (on revision):—and I again state that I instituted no inquiry.

¶ ADDED (on revision):—for the other matters did him no credit.

- Mr. H. T. Harris. inspecting the work? Yes, I have certainly seen him the worse for drink. I have known him drink three-quarters of a bottle of brandy before he has gone away.
- 20 Jan., 1864. 5824. During what period? He generally came up about 11 o'clock, and went by the return train, sometimes at half-past 2, sometimes at half-past 4.
5825. He used to drink three-fourths of a bottle of brandy in three or four hours? Yes.
5826. Did you take any? Yes, I have had a nobbler out of it.
5827. Did Mr. Parkinson partake of it? Mr. Parkinson might have drunk at dinner out of it. Mr. Hall used to stick to it at the tent till it was all gone.
5828. Do you mean that he used to help himself without invitation? Yes; it used to be put in the tent, and when he came up he would sing out and inquire where the grog was.
5829. After he commenced inspecting the works, used he to go over to the tent? Yes, and stay there; the inspection did not occupy ten minutes.
5830. He used to remain in the tent by himself drinking? Yes; we would sometimes go in and have a yarn with him, and then leave him and go on with our work as usual.
5831. He would help himself to the grog? Yes.
5832. How do you know that? Because I have seen him many a time.
5833. Have you often seen him, when on the works, the worse for drinking? I have seen him once or twice much the worse for drink. When I gave my evidence before Mr. Arnold I had a dispute about his being drunk. I am rather particular about when you call a man drunk.
5834. When do you call a man drunk? I do not call a man drunk so long as he is able to walk about. Mr. Rae was of opinion that a man is either drunk or sober. He has always been able to walk, but not as I should consider fit to superintend his work as a Government officer ought to do.
5835. *By Mr. Dalgleish*: Did this discussion take place when you gave evidence before Mr. Arnold? Yes.
5836. Does it appear in the evidence that purports to be yours before Mr. Arnold? I gave up giving evidence—it was so partial; in fact, I made up my mind not to give any more evidence. They put certain questions, and would not have any answers unless they suited them.
5837. *By the Chairman*: Read that (*handing the printed evidence to witness*)—that is said to be the evidence you gave before Mr. Arnold—and inform the Committee of anything you see omitted from that evidence? This is the evidence I signed my name to. That is what was on the paper, but you must understand that there was only put on the paper what they liked.
5838. Did you say anything that has been omitted from that? Lots was said that I could not recollect—perhaps I was talking five minutes, and they did not put down ten words.
5839. In substance, is it correct? As nearly as I can remember.
5840. *By Mr. Dalgleish*: Did you say that Mr. Hall was drunk? Yes, what I should consider drunk;\* he was not, in my opinion, capable of looking after the business; but Mr. Rae says a man must be either drunk or sober—he cannot be half-way between it.
5841. *By the Chairman*: On every occasion when Mr. Hall was present, there was either a bottle of brandy sent for the day before, or grog sent for as soon as he arrived? Yes.
5842. And he partook of the greatest portion of it? Yes, it was sent for expressly for him.
5843. Has Mr. Hall ever favoured you in any way? No, he had no occasion to favour me; in fact, I had nothing to do with Mr. Hall.
5844. You were a sub-contractor? Yes.
5845. Under Mr. Parkinson? Yes, under Mr. Bryant; Mr. Parkinson was looking after it for Mr. Bryant.
5846. Do you know whether Mr. Parkinson and Mr. Hall were very friendly? Yes, most contractors are very friendly with Mr. Hall when there is any job going on.
5847. Why? Mr. Hall soon gets acquainted with them; there seems to be an intimacy between them as soon as a job is commenced. I heard that Mr. Parkinson knew Mr. Hall before he came on the job.
5848. Did you hear whether Mr. Parkinson had known Mr. Hall in England? I think he did.
5849. Have you heard? I have heard him speak of knowing him in England; whether he knew him as a friend, or only on a job, I cannot say.
5850. You wrote a letter to Mr. Trengrouse with reference to Mr. Hall's drinking habits, did you not? Yes. (*The Chairman read the same. Vide Appendix, p. 9.*)
5851. With reference to these other things "not very creditable"—what do you mean? I do not think it is right for a Government officer, when he is getting out a specification for a job, to take out the quantities and send them to a contractor.
5852. Have you ever known Mr. Hall to do so? Yes, on two occasions. I do not know whether one was for Parramatta and one for Newtown, or whether they were both for Parramatta; but I happened to be at Mr. Parkinson's when a long envelope, addressed to him, came; and when he had opened it, he said, "Here are the quantities of such and such a job—the old man has sent this." He used to call Mr. Hall "the old man." I do not think it is fair to take out the quantities in that way and send them to a contractor.
5853. Other contractors have to do that themselves? Yes, and the work connected with the Railway Department is difficult to take out, as they cube everything but inch stuff.
5854. You were present when this document came? Either when the document came or when Mr. Parkinson opened it; it was in a long envelope, addressed "On Her Majesty's Service."
5855. When he opened it he said it was the quantities which the old man had sent him? Yes. 5856.

\* Revised:—No, not what I should consider drunk, but



5856. And that is how he styled Mr. Hall? Yes.
5857. You have never known any other contractor receive these favours, have you? No, I never knew it was usual for such things to be sent out of a Government office.
5858. That you consider discreditable? Yes; and another thing that I consider discreditable is, that if the poorest labourer would shout, Mr. Hall would drink with him and be his companion. I do not think it was the thing for a Government officer receiving £300 or £400 a year, to be drinking grog with a man who received but 30s. or £2 a week.
5859. Have you known that? Yes.
5860. With a labouring man? Yes; when I say labouring men, perhaps they might be mechanics.
5861. With men working on the job—he was willing to drink with any person that invited him? Yes.
5862. Did you ever see him refuse? No, never.
5863. And you have often seen him accept? Yes; in fact, so long as there was any grog about, Mr. Hall was “Hail fellow, well met” with any one.
5864. Have you read Mr. Parkinson’s evidence? I have read what Mr. Arnold said about doubting my evidence and about Mr. Parkinson’s evidence, but I do not know whether this is the same as was published in the newspaper.
5865. There it is—you see he contradicts you in many things (*handing the same to witness*)? This is a whole heap of untruths from beginning to end. Mr. Parkinson always went (the day before Mr. Hall came up) in the dog-cart to Parramatta, seven or eight miles, for the sole purpose of getting brandy for Mr. Hall. I have known when Mr. Hall has not come up that the brandy never was touched. Mr. Parkinson says here, “I never saw Mr. Hall drink spirits before he commenced work.” I have seen him drunk, though not on the building. I have seen him at Mr. Bryant’s, at Newtown.
5866. Mr. Bryant was the contractor? Yes, I think Mr. Bryant was, in reality, the contractor; I have seen Mr. Hall when I have gone over to Mr. Bryant’s on a Sunday morning; he has gone to Mr. Parkinson’s to dinner, and I have then seen him again at Mr. Bryant’s in the evening.
5867. *By Mr. Dalgleish*: Is Mr. Parkinson still a Government contractor? I do not know; I believe he is.
5868. *By the Chairman*: It is not likely that a contractor, who had received favours such as you describe to have been given by Mr. Hall to Mr. Parkinson, would give evidence which would condemn the Government officer who had so favoured him? No, certainly not. I have heard Mr. Parkinson say, “I do not expect I shall get this job—the old man’s price is too low for me.” He must therefore have known pretty well what Mr. Hall had worked the job up to.
5869. *By Mr. Dalgleish*: Have you heard these observations before the tenders have been sent in? Yes.
5870. Mr. Bryant was a very large sub-contractor? Yes.
5871. Mr. William Bryant? Yes.
5872. He was the sub-contractor for the whole of the masonry of the Menangle Bridge? Yes, he came out from England, and did the whole of the brick-work at Newtown Bridge. Mr. Hall was often up at Mr. Bryant’s; I have seen him there three or four Sundays running. It was a house of call for any one who liked to call. I have known Mr. Hall to be there in the morning, then to go to Mr. Parkinson’s to dinner, then to Mr. Bryant’s, and spend the evening there, and I have seen them all jolly well right in the evening.
5873. *By Mr. Morris*: Have you been a sub-contractor under Messrs. Parkinson and Bryant? I was at that time.
5874. Did Mr. Hall find any fault with your work? No, I did my work according to the specification.
5875. How came you to say “at least I know he never favoured me”? I was asked the question:—“Do you think he favoured the contractors?” I said I did not know, but that I knew he never favoured me. I was then asked, “Do you think you would give me a bottle of brandy unless you got something in return?” I said, “I do not insinuate anything; I state facts; you may draw your own inference.”
5876. How long is it since this occurrence took place? About two years ago.
5877. Did you learn these circumstances, with regard to Mr. Hall sending the quantities to Mr. Parkinson and these other matters, in a confidential private manner? It came out first in the way of business.
5878. You would have felt yourself justified at any time in mentioning these things? Yes, I have spoken to Mr. Trengrouse many times about Mr. Hall’s drinking habits.
5879. Has Mr. Trengrouse made inquiries of you concerning Mr. Hall’s habits? We were for some time in the same department, and afterwards, when I have seen him, I have spoken to him of Mr. Hall.
5880. How long ago is it since you informed Mr. Trengrouse of Mr. Hall’s conduct? Perhaps twelve months ago. I was very much annoyed when he came to me and said he had made use of my name, for I was not pleased to be dragged into the matter.
5881. Do you think, from what you have been able to observe, that the public service has been injured by Mr. Hall’s conduct? Yes.
5882. Did it not occur to you, that you should have mentioned these circumstances to the proper authorities? Certainly not; a pretty mess I should have got into if I had wanted a job afterwards.
5883. And you think you are bound to consider yourself before the interest of the public service? Yes, you do not stand a chance of getting a leather medal if you do not look after yourself.

- Mr. H. T. Harris. 5884. Mr. Trengrouse, twelve months ago, was well acquainted with your suspicions of Mr. Hall? Only about his drinking habits.
- 20 Jan., 1864. 5885. About these quantities? No, not a soul in the country but these gentlemen. I am not very well pleased with Mr. Trengrouse for bringing me down here.
5886. You have been an unwilling witness throughout? Yes; I was loth to give my evidence before Mr. Arnold, till he humbugged me and got more than I intended to say.
5887. *By Mr. Dalgleish*: Any one who gives evidence against Government officers is not very likely to get employment from them? Not only Government officers but others; but I think it perfectly right that Government should know it, and that men like Mr. Hall should not be kept in the service; for it was well known that unless he was well fed and fattened the work did not go on well.

THURSDAY, 21 JANUARY, 1864.

Present:—

MR. DALGLEISH, | MR. GARRETT.  
JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Andrew Eaton called in and examined:—

- Mr. A. Eaton. 5888. *By the Chairman*: You were a Government contractor—were you not? Yes.
- 21 Jan., 1864. 5889. What works were you engaged on? I was engaged at Penrith Station, Singleton Station, and Picton Station, along with Mr. Jamieson.
5890. Were you partners with Mr. Jamieson? Yes, on those stations.
5891. Were you constantly on the work? Well, I was generally on the work until the roof was on; I was on the work steady till the masonry and brick-work were done.
5892. Was Mr. Hall inspecting the work? He was inspecting the Penrith Station; he came there occasionally.
5893. Were you present when he came? Generally I was.
5894. Did ever you see him drinking on the works? No, not that I am aware of.
5895. Did you never see him taking anything to drink? I do not remember doing so.
5896. You have not seen Mr. Hall drinking during the time you were there? I am not certain.
5897. Are you not certain whether you have seen a man drink or not—cannot you remember, or is it that you do not wish to give the evidence—is that the fact? I would rather not answer these questions.\*
5898. *By Mr. Garrett*: You say you have never seen Mr. Hall drinking—you have stated that? No, I have said I am not certain.
5899. Have you ever seen Mr. Hall the worse for liquor? Not to my knowledge.
5900. Is it not a common practice to take liquor on the works, when they are being examined and passed? There is drink sometimes on the works, such as when they are starting, or when the roof is on.
5901. Was Mr. Hall present on any one of those occasions? He was there at the setting out of the work; but whether he was there at what is called the rearing, when the chimney-tops were got up, I am not certain.
5902. Was there any drinking going on at the setting out of the work? I do not remember seeing any.
5903. Who provides the drink on these occasions? The contractor, generally, for the men.
5904. Did you do it then? Either Mr. Jamieson or myself did it.
5905. Do you recollect whether you did provide any at the setting out of the work? No, I did not.
5906. Was there any spree at the finish of the brick-work? There was some drink at what we call the rearing, that is, when the chimney-tops were finished.
5907. That was provided by the contractor? Yes.
5908. Was Mr. Hall present? I do not think he was, but I do not remember.
5909. You cannot state any occasion on which you saw Mr. Hall the worse for liquor on the works? I cannot.
5910. *By the Chairman*: Have you seen architects—such men as Mr. Hume and Mr. Bibb, for instance—drink with the contractors? I never did.
5911. Is it usual, in private contracts, for the person who supervises the work, to drink and make himself—“Hail fellow, well met” with the contractors and workmen engaged on the building? It is not.
5912. *By Mr. Garrett*: Did you ever see Mr. Hall make himself “Hail fellow, well met” with the men on the works, or with the contractors? I have never seen him drinking with any of the men on the works.
5913. Was Mr. Hall there frequently? He came up generally when there was a measurement to take place; that was once a month; perhaps he might have been a week or so longer sometimes.
5914. Did he remain any time? He generally came up on the one day and went down on the next.
5915. How many visits of this character did he make to the works? He might have been perhaps four times while I was there, but I am not certain.

5916.

NOTE (on revision):—I understood all those questions to allude to Mr. Hall when on the works.

5916. Do you recollect, on any of these four occasions, that Mr. Hall appeared to be the worse for liquor? Not to my knowledge. Mr. A. Eaton.
5917. *By Mr. Dalgleish:* Have you any interest in Government contracts now? No. 21 Jan., 1864.
5918. Do you intend tendering again for Government work? Well, I intend to do so.
5919. Do you think any evidence you might give before this Committee would tend to injure you in the eyes of Government officers? Well, I don't know; I should think not.
5920. Do you think it would? Well, I should scarce think so.
5921. Whence arises this hesitation in answering the questions then, with regard to the conduct of a Government officer—you could tell a great deal more if you liked, could you not? Every answer I have given has been the truth.
5922. Could you not say a very great deal more if you liked? Well, I don't know; I am answering all the questions you put to me, giving direct answers.
5923. If you wished to give information, could you not give a very great deal more information on the questions that have been asked you? Well, I do not think so.
5924. How long was Mr. Hall at Penrith when he set out the work? He was up two days, and I saw him on the work on the third morning; but he was not setting out the work all the time. The first day Mr. Micklethwait gave us the centre pegs of the line, and the height of the rails, and the front line; and in the afternoon I went to the quarry with Mr. Hall away up in the mountains. The next morning we took the front line again, and the centre line; Mr. Micklethwait made his man drive the pins so that we had the front and centre lines; and Mr. Hall stopped till we dug out some of the foundation, till he saw what bottom there was, and made us set out the walls. He appeared again on the work, either before or after breakfast on the third day.
5925. What did Mr. Hall say about the quarry? He pointed out one bed of stone pretty well down to the bottom, and said we should get nothing but that—that would do; but then there were about twenty feet of rock above it.
5926. Was the stone he condemned good stone? I considered so.
5927. Was it equal to Pyrmont stone? I considered so.
5928. Did you get the opinion and judgment of other persons, on the stone? Different parties that used to come round thought it was good.
5929. Has it been used since in public buildings? I believe Mr. Watkins is using it for the viaduct somewhere about the same place.
5930. Were your bricks condemned? Yes, wholesale.
5931. Were the bricks condemned, afterwards used? Yes.
5932. Without any alteration? Without any alteration.
5933. Was anything else you had there condemned? I do not remember anything particular that was condemned, only the bricks.
5934. No timber? There was some timber condemned, but there is always some, more or less.
5935. Was it a general condemnation of the timber or only of particular pieces? Not general; it was at the beginning that there was most condemning.
5936. At this time Mr. Hall had never taken any drink on the work? He had not.
5937. Did you ever receive any hint that a little drink would conciliate Mr. Hall? I do not remember.
5938. Do you think, if you were to try, you could remember—as a matter of fact, was such a hint given to you or your partner Mr. Jamieson? I do not remember any hint being given to me; I may have heard of such a thing.
5939. Was that hint acted upon? There was sometimes drink on the works.
5940. And Mr. Hall could get it if he liked? If he pleased he could, when there was any.
5941. Without your knowledge? Either with or without our knowledge.
5942. It was there so that he could take it without observation—it was kept in the tent? Yes, in a little hut where the plans and tools and that were kept.
5943. He had full liberty to go and come? Yes. The Clerk of Works, Mr. Robertson, went in and out.
5944. Was there any sensible diminution in the bottle after Mr. Hall had visited the place? I never paid any attention to that.
5945. Can you conscientiously tell this Committee Mr. Hall never drank on the works? He might and he might not.
5946. Be kind enough to give a direct answer. It is disagreeable, I know, but it is as disagreeable for us as for you? He might and he might not; I cannot give a more direct answer.
5947. As a matter of fact, did he not drink on the work? I cannot say he did not.
5948. Can you say he did? I cannot answer that question.
5949. Do you remember Mr. Hall meeting with an accident somewhere on the mountains? I heard of it.
5950. Did you hear who was with him when that accident occurred? Yes.
5951. Was it your partner? I object to answer that question.
5952. Has it come to your knowledge that Mr. Hall met with an accident on the mountains, when driving? I heard so—a small accident.
5953. Did it lay him up for some weeks? That I cannot say, because he had done our measurement.
5954. He had done your measurements for the works? He had taken our measurement for that time.
5955. Not finished up altogether? No.
5956. And you object to answer whether it was your partner that was in the trap with him or not? Not being there, and not knowing anything about it, I cannot answer that question.
- 5957.

Mr. A. Eaton. 5957. Well, has it come to your knowledge that your partner was in the vehicle with him? I cannot answer that question at all; not being there I do not know who was with him, for  
 21 Jan., 1864. certain.

5958. I ask whether it has come to your knowledge? That is hearsay evidence, so that I cannot answer it.

5959. Can you answer it by hearsay evidence obtained from your partner? I do not think that is a fair question to ask of me. Mr. Beatson was with him.

5960. Who is Mr. Beatson? The publican he lived in the house with, so I believe; but it is hearsay evidence.

5961. *By Mr. Garrett*: Mr. Beatson lives in Penrith? He did at the time I was there.

5962. *By Mr. Dalgleish*: After Mr. Hall had access to this tent or hut where the brandy-bottle was, was any such wholesale condemnation passed upon the materials at your building as had been the case previously? Well, I think the principal thing that stopped the wholesale condemning was, that after Mr. Whitton and some gentlemen came up, when the foundation was ready for the floor, they were very well satisfied with the work. Our agreement with Martin Gibbons was, that any bricks that were condemned should be at his loss; and he threatened to go to the Engineer-in-Chief, and if he would not take notice of it, to the Minister for Works.

5963. *By the Chairman*: And then the bricks were passed? Yes. I asked the Clerk of Works to point out the bad bricks, and he would not do so.\*

5964. *By Mr. Dalgleish*: Was the Clerk of Works the cause of the wholesale condemnation of the bricks and materials in the first instance? I should consider the Clerk of Works was going by instructions.

5965. And who did he obtain those instructions from? From Mr. Hall, I should suppose.

5966. The reason why he did not point out which bricks were to be condemned was that the bricks were pretty well of equal quality? † He could not point them out.

5967. *By the Chairman*: The bricks were actually good? They were the best Newtown picked bricks.

5968. *By Mr. Dalgleish*: So that there was no possibility of condemning them on their merits? There was not.

5969. Were you employed on the Picton Station? Yes.

5970. Was that begun after the Penrith Station? Yes; the Singleton Station was done after the Penrith one, and then the Picton Station.

5971. Was Mr. Hall at Singleton? He was not. I believe he was at the last measurement, but I was not there then.

5972. Did the work go on more agreeably at Singleton than at Penrith? It did, rather.

5973. Was it conducted in a more business-like manner? Well, I liked the way it was conducted better.

5974. For what reason? Mr. Bewick never spoke to us—unless bidding us good morning—except to give us some directions about the work. There might have been a little timber or a few bricks condemned, but nothing to speak of; we removed them at once and had no trouble.

5975. He did his duty? Yes.

5976. You had a Clerk of Works on behalf of the Government, at Penrith—continually there? Yes.

5977. And the same at Singleton? Yes.

5978. But the conduct of Mr. Bewick was quite a contrast to the conduct of Mr. Hall? I do not know how to answer that question. I liked the conduct of Mr. Bewick better than that of the other.

5979. Was the conduct of the one opposite to that of the other? I do not know how to answer those questions at all.

5980. You could answer them if you liked? Not well. I might like the ways of one gentleman better than those of another.

5981. Can you explain the difference in the conduct of the two men? I cannot give any explanation, only that I liked the ways of Mr. Bewick; I liked Mr. Bewick better to come on the works than I did Mr. Hall.

5982. Did Mr. Bewick take the liberty of going into your hut? No; the Clerk of Works and Mr. Bewick had an office of their own there, where the plans were lying.

5983. Was the office where the plans were, in the Clerk of Works' quarters? Just across the line from where the station was built.

5984. Had the Clerk of Works an office at Penrith? Not of his own.

5985. What office did he use? No office, only a small place Mr. Jamieson put up to put his tools in, and the plans were sometimes lying there; he could go in there to look at the plans.

5986. Mr. Jamieson lived there? No.

5987. Mr. Jamieson says he lived in a hut on the works? He lived in a house in a paddock adjoining the works.

5988. Was Mr. Hall ever there? I never saw him there.

5989. Was the brandy kept there? I do not know, I am sure; I never saw any brandy kept there.

5990. Was it kept amongst the tools? Sometimes; if it was about the works it was there.

5991. As a matter of fact, was ever the hut without brandy or rum when Mr. Hall visited the works? Yes.

5992.

\* ADDED (on revision):—That was when two or three truck-loads were condemned.

† Revised:—Yes.

5992. After you had received the hint that brandy or spirits were acceptable to Mr. Hall? Mr. A. Eaton. I did not say that I got notice of that.
5993. You said you had received a hint? I said I might have heard so.
5994. Did you hear? Well, I cannot give a direct answer; I might have heard, and I might not.
5995. After you might have heard that drink was acceptable to Mr. Hall, was drink ever wanting when he visited the works? Yes, he has been on the works and no drink there, more than the first time.
5996. Is that an answer to the question—I asked was drink ever wanting after you were aware that drink was acceptable to him—not the first or second time? Mr. Hall has been up there and no drink on the works.
5997. That is not the question—After you were aware that drink was acceptable to Mr. Hall, was it ever wanting when he visited the works? I am not aware that I said I knew drink was acceptable to Mr. Hall.
5998. I do not ask you even that, but I take it for granted that you knew that drink was acceptable to Mr. Hall; and I say, after you knew that drink was acceptable to Mr. Hall, was the place ever without drink when he visited it? Yes.
5999. After you knew that? Well, I did not say I did know, but I say he has been there and no drink on the works. You are making me assert what I have never said.
6000. I said I took it for granted you knew drink was acceptable to Mr. Hall, because you have answered these questions or refused to answer them, so as to leave only one impression, that Mr. Hall did drink, and that you knew it—I do not think you said you never saw Mr. Hall drinking? I did not say I had seen him drinking, or that I had not; I said I did not remember.
6001. You seem to have a bad memory;—did you ever receive quantities, or letters, or any communication from Mr. Hall, giving you information of the quantities contained in a building? Do you mean before we contracted for it?
6002. Yes? Never.
6003. Did you ever receive it afterwards? Never; not unless it was that Mr. Jamieson, I believe, had to see Mr. Hall's quantities in the office, when he gave in his own for settlement, to see how they compared; but as regards quantities for contracting, or anything of the sort, we never did.
6004. *By the Chairman*: Who took out the quantities for you when you were about to tender? Mr. Jamieson did for the carpenters' work, plastering, and slating; and I used to take out the quantities for the masonry and brick-work.
6005. Then you used to tender for the masonry and brick-work, and Mr. Jamieson for the other work? Yes. We never got quantities from Mr. Hall, nor did he ever give us a hint one way or the other.
6006. I think it is only fair to you to mention that no statement of the kind has been made with special reference to yourself or your partner; but it has been stated that, as regards the ironmongery for Picton Station, Mr. Hall received from your partner £6 2s. 6d. more than it actually cost, and that the £6 2s. 6d. was again deducted from your account by the Engineer-in-Chief? Yes.
6007. Although you had already paid it to Mr. Hall? Mr. Hall had a crossed cheque from Mr. Jamieson for the amount.
6008. According to the specification, £55 was to be allowed for the ironmongery for the two stations? Yes.
6009. And Mr. Jamieson gave Mr. Hall a crossed cheque for the amount, £55? Yes.
6010. When you went to get your money from the Government, you were compelled to shew the bill for the ironmongery from Iredale & Co.? Yes, we went and got a copy of the account from Iredale & Co.
6011. The ironmongery only came to £48 17s. 6d.? Yes.
6012. Mr. Whitton then deducted from the money to be paid to you £6 2s. 6d., to make the iron-work come up to the allowance in the specification? Mr. Jamieson told me so.
6013. *By Mr. Dalgleish*: Did you see the Engineer-in-Chief with regard to the matter? I did not; it was Mr. Jamieson.
6014. Did Mr. Jamieson tell you the Engineer-in-Chief had said he was as bad as Mr. Hall in the matter? He never told me so.
6015. *By Mr. Garrett*: With regard to the condemned bricks that were afterwards used—you state that Mr. Hall condemned the bricks? I stated that the Clerk of Works condemned the bricks.
6016. Not Mr. Hall in the first instance? He might have done so when he was there, but as the Clerk of Works was there regularly it was he that condemned them.
6017. How do you know Mr. Hall gave the directions to the Clerk of Works—did you hear him? Not about the bricks; but when anything was to be done, I have heard him giving Mr. Robertson instructions how to do it.
6018. You never heard Mr. Hall give the Clerk of Works any instructions as to the condemnation of the bricks? Never.
6019. With regard to the subsequent using of these bricks, do you know whether the Clerk of Works acted under instructions from Mr. Hall? I do not.
6020. Have you any reason to believe he did? I do not know how it was.
6021. You say Mr. Martin Gibbons threatened to go to the Minister for Works? To go to the Engineer-in-Chief, and if he would not allow them to be used, then to go to the Minister for Works.
6022. Do you know whether Mr. Martin Gibbons did go to the Engineer-in-Chief? Not to my knowledge he did not, because the Clerk of Works could not point out the bricks that he said were bad so that we could throw them on one side, and so it passed off.

- Mr. A. Eaton. 6023. They were used immediately afterwards? Yes. The reason of it was that some of them got snicked, and they were objected to, as they were for the front. After that, Martin Gibbons sent up his own team and drew them from South Creek.
- 21 Jan., 1864. 6024. Mr. Hall was not present when Mr. Gibbons was remonstrating against the bricks being rejected? He was not.
6025. *By Mr. Dalgleish*: Who condemned the stone? Mr. Hall.
6026. Not the Clerk of Works? Not the Clerk of Works. The Clerk of Works was with Mr. Hall.
6027. As a matter of fact, who condemned the bricks first? I could not answer that question.
6028. Was it not Mr. Hall? The first two trucks of bricks that came up the line came from Parramatta. I went down to South Creek to see if they were there, and Mr. Hall was at South Creek Station and condemned them—those that came from Parramatta.
6029. Were those bricks used? They were taken up to Penrith, and 250 that were picked out we gave to a man there; the rest were used.
6030. *By Mr. Garrett*: At whose suggestion were they used? We picked out all the bad ones they could point out—250.
6031. You used the balance under approval? Yes.
6032. Of the Clerk of Works? Yes.
6033. *By Mr. Dalgleish*: Who did you give the bad bricks to? I do not know his name; we got liberty to go through his paddock to the station.
6034. It was not any person doing Government work? No.
6035. *By Mr. Garrett*: Was the stone condemned by Mr. Hall afterwards used? We did not quarry it.
6036. You did not go on with it? No.
6037. *By Mr. Dalgleish*: It has since been used, to your knowledge, for building viaducts for the railway? Yes, out of the same quarry.
6038. *By Mr. Garrett*: Had Mr. Hall anything to do with these viaducts? Not that I am aware of.
6039. *By Mr. Dalgleish*: As a matter of fact, was not the wholesale condemnation of your materials by Mr. Hall very near compelling Mr. Jamieson and you to relinquish your contract? No.
6040. Did you not go to your sureties, in Sussex-street—to Mr. Cox, of Cox's Wharf, and to Mr. Forest, the timber-merchant—and tell them that if this system of wholesale condemnation of good material was to continue, you could not possibly go on with the work? I never did so.
6041. Did your partner? Not to my knowledge.
6042. *By Mr. Garrett*: With regard to the bricks—you say two trucks were condemned by Mr. Hall? Yes; he said we must not bring any more of the same sort, but he would allow us to use them if we picked out the bad ones.
6043. And you picked out 250? Yes, about that.
6044. The remainder were used? Yes.
6045. *By the Chairman*: How many were in these two trucks? 4,000.
6046. *By Mr. Garrett*: What other bricks were condemned? Those that came from Martin Gibbons; I had to stop at South Creek and pick out ten or twenty—any that shewed the least red—out of 2,000, before they came up to the works.
6047. Then the balance was used? The balance was taken up.
6048. *By Mr. Dalgleish*: Were these the bricks condemned in the first instance? No, what were condemned in the first instance were those from Parramatta.
6049. Parramatta burnt bricks? Yes.
6050. The bricks you spoke of being condemned in the first instance were on the ground, were they not? They were in the trucks when Mr. Hall saw them at South Creek Station.
6051. Were they not on the ground at all before they were condemned? No. He said we could take out all the red ones, but bring no more from the same place. It happened in this way:—When I went to see after the bricks, I saw Mr. Hall at South Creek Station and asked him to look at them; he did so, and said that they would not do at all, but as we had brought them up, we must pick out all the red ones and we might use the others, but we were not to have any more from the same place.
6052. *By Mr. Garrett*: How many of these were there? 4,000 altogether.
6053. *By Mr. Dalgleish*: South Creek was as far as the line went at that time? Yes.
6054. *By Mr. Garrett*: Was there any drinking about that transaction? No.
6055. *By Mr. Dalgleish*: You did not ask him to have a nobbler? No.
6056. *By Mr. Garrett*: With regard to the stone—you say that was objected to and never used? We never quarried any more; only the first few pieces we got we used them in.
6057. What quantity of timber was condemned? I could not say. There was very little timber on the ground till the brick-work was finished.
6058. *By Mr. Dalgleish*: Do you know Mr. Parkinson? Yes, I know him by being at South Creek, looking after the bricks.
6059. He was the contractor or sub-contractor for the South Creek Station? Yes, for Peto & Co.
6060. Had you any conversation with Mr. Parkinson about Mr. Hall? I might have had; it is likely his name might have been brought up if we have been talking together.
6061. You might have received a hint from him that drink would be acceptable to Mr. Hall? I cannot say I did.
6062. Did you or did you not? Not to my remembrance, I did not.
6063. *By Mr. Garrett*: With regard to the difference between the conduct of Mr. Bewick and

and the conduct of Mr. Hall, you cannot describe the difference you allude to? I only said Mr. A. Eaton. I liked Mr. Bewick's ways better; I said I would rather have Mr. Bewick over me than Mr. Hall.

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6064. Do you think Mr. Hall is equally well qualified to discharge his duties as Mr. Bewick? Well, as far as I am a judge I should suppose so; I do not know of any difference; both appear to be fit for their duties.

6065. Did Mr. Hall, as a matter of fact, place any extra or unusual impediment in the way of the performance of your contract? Well, we had to get the material different from what we expected, but I suppose that was our look-out; we were bound to get the quality of stone approved of by the engineer.

6066. *By the Chairman:* The only objection made by the supervisors of the work to Martin Gibbons' bricks, was that they were snipped a little? Yes, and any red ones, or that he would not have them; he would have them picked out before they came on the works.

6067. Did you pick out any of Martin Gibbons' bricks? Yes, I picked them out at South Creek Station, any of the worst of them.

6068. You said they were condemned at Penrith? Yes.

6069. The objection made to these bricks, at Penrith, was because they were snipped a little? That was one objection.

6070. What was the other? If there happened to be any red ones.

6071. I thought you said it was impossible to pick any out at Penrith—I presume it was on the ground that Martin Gibbons' bricks were objected to by the surveyor? Yes.

6072. And you have already said that Mr. Martin Gibbons asked them to pick any out, and they could not do so? Yes.

6073. Consequently the only objection at Penrith was the snipping of the bricks—there were some of them snipped? There were some of them snipped.

6074. Were they not carted from the kiln to the railway station? Yes.

6075. Then packed in trucks, and taken to South Creek? Yes.

6076. Then removed from the trucks into the cart, and carted to Penrith Station? Yes.

6077. Now, is it possible—no matter how good the bricks were, with this transhipping—so many loadings and unloadings—is it possible to take bricks without snipping? It is not.

6078. And it is well known to the surveyors that there are no bricks to be got along the line equal to the Newtown bricks? Newtown bricks are called the best.

6079. Cannot a red brick be equal to a spotted brick? It can.

6080. Supposing you were building a house for yourself, and there were two kilns of bricks equally burnt, one without spots and one with, which would you select—the brick without the spot, or the brick with? The brick without the spot; the spot is ironstone, and water goes through them.

6081. Wherever there is a spot there is a hole in the brick which collects the water, retains it, and hence damp walls? Yes.

6082. There are no holes where there are no spots? No.

6083. And no soakage through the bricks? Only the soakage from outside the bricks.

6084. *By Mr. Dalgleish:* Then the best bricks were rejected? I cannot say that.

6085. Did you have any bricks burnt at Penrith? Yes.

6086. Were those bricks condemned? I picked some out of the centre of the kiln—any that they would pass—and as soon as Mr. Robertson said they were not good enough I stopped them carting;—out of a 30,000 kiln we got perhaps 10,000.

6087. *By the Chairman:* The fact is, the soil at Penrith is not fit for brickmaking? There are some very good bricks at Penrith.

6088. Not spotted bricks? No.

6089. Then they would not be accepted? The best of them were accepted for the inside walls.

6090. In reality are they not better for outside walls? I think they are quite as good.

6091. Have you heard of Mr. Hume rejecting spotted bricks for outside work? I have heard it said so.

6092. Mr. Hume is considered the most experienced architect in the Colony? He is counted one of the most experienced.

6093. *By Mr. Garrett:* Was all the timber brought to the ground at the time it was examined and condemned? No, it would keep coming as the building was going on.

WEDNESDAY, 27 JANUARY, 1864.

Present:—

MR. DALGLEISH, | MR. MORRIS.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. George Hall called in and examined:—

6094. *By the Chairman:* You have been some time in the Railway Department? I have. Mr. G. Hall.

6095. What period? Five years last October.

6096. Latterly you have been engaged as architectural draughtsman—have you not? Yes. 27 Jan., 1864.

6097. How long? I think nearly the whole time, with the exception of the first eighteen months or so.

6098. You had an assistant, Mr. Mackay? I had, for about two years.

6099. The last two years? The last two years.

6100.

- Mr. G. Hall. 6100. Your duties were confined to the architectural department? Quite so.
6101. There was a report made to the Minister with reference to drinking in the department, in which you were accused of drinking to excess—was that the case? No, not to my knowledge.
6102. Of course you could not drink to excess without your knowledge? No.
6103. Did you ever drink during office hours? Yes, every day at 1 o'clock.
6104. During office hours; then the drinking was confined to lunch-time? Yes.
6105. Did you ever drink anything at other times than luncheon? I may have done; I cannot remember.
6106. How used the drink be brought into the department? By the messenger boy.
6107. Did you ever bring any in yourself? Yes.
6108. Frequently? No, not frequently; I have several times, but only in small quantities.
6109. And you have never drunk to excess in the office? Never. The drink, I may observe, that I have brought in, has been when I could not drink the beer the boy brought us; it would be about a glass of brandy instead of taking the bad beer; that was only occasionally.
6110. It is also stated that you have drunk during the time you have been engaged in surveying the works at the stations—is that true? Well, the station building at Cabramatta was so far removed from any public-house or place of refreshment, that I used to take something there; but where I could get to an hotel I always went to the hotel to dine.
6111. And you have taken drink at Cabramatta? Yes, to save the time of going three miles to the nearest public-house.
6112. How much have you taken in the day? About two glasses perhaps.
6113. Of spirits? Of spirits.
6114. Not more? Not more; necessary refreshment, that was all.
6115. Have you taken any at the station-house at Penrith? Yes, I think I have; I sent for some there when I was measuring; instead of leaving the work I sent for some lunch and some beer, in order to save time.
6116. Could you inform the Committee how much you have taken in a day there? No, I could not.
6117. Did you meet with an accident up there? I did; I was thrown out of a buggy.
6118. Who was with you? Donald Beatson.
6119. Was there anybody else? No.
6120. No person else but Donald Beatson? Yes, I think Jamieson, the contractor, was there; I had forgotten him.
6121. Had you anything to drink that day? Yes, we had some lunch at Wascoe's.
6122. Were you, or was the person driving, the worse for drink? Certainly not.
6123. Where did the accident occur? Coming down to the station at Penrith, from Lapstone Hill; the horse ran away.
6124. Did it occur between the bottom of Lapstone Hill and the river? No, nearer to Wascoe's, on the top of the hill.
6125. Were you injured by the fall? Yes, very much; the wheel went over my leg. The rein broke, and we both tried to haul on one rein.
6126. Were you absent from your duties? No, I had finished my day's work and was waiting for the train to come down at night.
6127. You set out the foundation for the station at Penrith? I did.
6128. How long were you there setting it out? About half a day.
6129. It is also stated that you were charged before the Court with some offence in Penrith—is that true? Yes, it is true that I was charged with one.
6130. What was the nature of it—because we have had two or three versions of it? I can tell you the right one. I entered a tent on the line for a drink one very hot morning—it was very hot indeed, and I had walked all that distance from South Creek. Coming away, the woman said, "Are you not going to leave me something?" I was going to give her a shilling for a drink of water I had had; "No," she says, "I will not take it, you must leave a note"; I, of course, refused to do so; she then said, "You will hear of this;" I went away then, and certainly did hear of it. That is all I knew of it till I was summoned.
6131. To the Penrith Court? Yes.
6132. What charge was laid against you? Assault.
6133. With intent? With intent.
6134. Did it last any time—the trial? The whole day.
6135. Were there many persons present? Yes, a crowded Court.
6136. Were there any witnesses? Yes.
6137. And the result? It was dismissed.
6138. It is also stated that some similar affair—although it did not go so far as a charge before the Court—took place at South Creek? I never heard of it before, and those who state it state a falsehood.
6139. There was never anything between you and the landlord of a public-house, with reference to your conduct to a female? No, not at South Creek.
6140. Nor any other place? No. When the case was heard at Penrith, Mr. Riley, Mr. Clarke, and Mr. Jamison, the late Member for the Nepean, were there, and they expressed their opinion that a more disreputable case was never brought before the Bench.
6141. I suppose that will appear on the depositions? I suppose so. Mr. Brooks was clerk.
6142. It is also stated—a charge is made—that you wasted a good deal of your time in the office, performing the "Scissors Grinder" and "Suffolk Punch," and characters from Shakespeare—is that true? No.
6143. That is not true? No. I may have made quotations from Shakespeare during the half-hour of luncheon-time, such as, "He who steals my purse, steals trash"; but not to the detriment



detriment of the business or the Government time; in fact I did not know what "Suffolk Mr. G. Hall. Punch" meant until I made inquiry; I really did not know the meaning of it till I read it in the papers, and then I made inquiry; I was as ignorant as you were of "Suffolk Punch" 27 Jan., 1864. until I took the paper up.

6144. Did you draw the plans and supervise the construction of a building at Kingston, for Mr. Hinchcliffe? I did.

6145. What per centage did you receive for that? 5 per cent.

6146. Did you sue him for a balance at the District Court? I did.

6147. You were nonsuited? I was nonsuited for want of evidence.

6148. Is there not a rule in the service, that persons engaged in the Government departments are not to practice professionally? I believe there is.

6149. You knew this? I did not, nor was I gazetted at the time I drew the plans for Hinchcliffe's house; I was then only a temporary servant of the Government; Captain Martindale said he did not know whether I should be taken on the staff.

6150. You were merely temporarily employed when you drew these plans? At that time.

6151. Have you ever taken out quantities for any contractor? No, never, not here.

6152. Please to understand that my questions are confined to your public duties in the office—you have never taken out quantities for any contractor? Never.

6153. Have you given any contractor information as to the quantities of any work? No.

6154. Have you given any information to one contractor that you would not to another? Never; they have all had equally the same information.

6155. Did you ever send a letter to Mr. Parkinson with quantities in it? Never.

6156. Did you receive a cheque for £55 for the ironmongery for two station-houses at Singleton and Penrith? Yes, I did.

6157. Did you pay for that ironmongery? I paid the cheque to Mr. Iredale; it was a request from Mr. Jamieson that I would pay Iredale & Co., and I did so.

6158. What did the ironmongery come to? That I forget.

6159. Did it come to £55? Yes, with what Mr. Jamieson got himself it must have done.

6160. Did you hand a cheque for that amount to Iredale & Co.? I did.

6161. Did they return you anything? No. Mr. Iredale can be sent for.

6162. Then you never received any money, directly or indirectly, with reference to this ironmongery? No.

6163. You merely handed over the cheque to Mr. Iredale? That was all. In fact the Picton Station is not wound up yet, as far as I am concerned. You will find in my last certificate that there is credit given to the Government for the whole of the ironmongery until the final completion of the work—until the final certificate.

6164. Mr. Jamieson before the Committee stated that the ironmongery only came to £48 17s. 6d.? Then he had to find the difference.

6165. And he gave you the cheque for £55? That is true; he did.

6166. Before Mr. Whitton would settle up with him, he was compelled to go to Iredale & Co. and get the account for the ironmongery, and Mr. Whitton stopped £6 2s. 6d. because it only came to £48 17s. 6d., although he had already given you a cheque for £55, the amount which the specification was to be allowed for iron-work? I know nothing about that; Mr. Whitton had no right to stop anything of the kind, because the difference Jamieson had to find himself, and did find himself. Had there been any difference in the amount of the ironmongery, at my winding-up I should have shewn it, but I have never had the opportunity, and of course I could not.

6167. You merely handed over Mr. Jamieson's cheque to Mr. Iredale? That was all.

6168. And received nothing from Mr. Iredale, or from any other person, in return for it? No.

6169. Then Mr. Whitton had no right to stop this £6 2s. 6d.? Well, when I say no right, he would not have stopped it had he had the explanation I am now giving to you. Mr. Whitton knows well I had had no opportunity of winding up the account.

6170. The specification said there should be £55 worth of ironmongery, or that £55 should be allowed —? No, let me correct you there. You are alluding to two stations—Singleton and Picton. The Singleton Station was wound up, and the amount for ironmongery there was equal to the amount specified. The Picton Station has never been certified for by me, and I have had no opportunity of winding up the work. The ironmongery might not come to £25, and the difference was provided and paid for by Mr. Jamieson. But in my last certificate there is £25 credited to the Government, deducting the whole of the ironmongery as not being provided.

6171. Mr. Jamieson, however, had given you a cheque for the amount, which you handed over to Iredale & Co.? He had; he said he was going away to the north, and asked me if I would be kind enough to pay Iredale for the ironmongery; I said I would rather he would pay it himself.

6172. You knew very well that Mr. Jamieson had done all that his specification required him to do? Most decidedly.

6173. And if Mr. Whitton stopped £6 2s. 6d. on account of the ironmongery, that was an injustice to Mr. Jamieson? Mr. Whitton would not have done so had he had the explanation I am giving you. I cannot say it was an injustice of Mr. Whitton's; Mr. Whitton acted in ignorance.

6174. It was an injustice to Mr. Jamieson? Decidedly it was; Mr. Jamieson has paid the money twice over, because the ironmongery provided beyond what Mr. Iredale supplied fully came up to the amount.

6175. Then Mr. Jamieson paid for some of it himself? He found it from his own stores.

6176. Then Mr. Jamieson found a portion of this ironmongery three times over—first, the quantity he supplied from his own store; secondly, the amount paid to Iredale & Co.; and, thirdly,

- Mr. G. Hall. thirdly, the amount he had stopped from him by Mr. Whitton? Yes, the difference must have been paid twice over.
- 27 Jan., 1864. 6177. Three times—first, he supplies the quantity from his own store; secondly, he pays Iredale & Co.; and thirdly, Mr. Whitton stops it? Yes, that would make three times.
6178. *By Mr. Dalgleish:* Which Mr. Iredale is it? Robert Iredale.
6179. Opposite the Cathedral? Yes.
6180. *By the Chairman:* How often have you seen Mr. Moody in the long drawing-room? I really cannot say how often—several times. He had business with Mr. Trengrouse, senior, occasionally to bring in some papers; he has been in for that purpose—not without.
6181. He really had no other business in that branch only any business he may have had with Mr. Trengrouse? Not that I am aware of; I do not know anything at all about their business.
6182. Mr. Trengrouse latterly was out of that room? He was in the room adjoining the long-room.
6183. After that he was removed altogether to another room in the main building? For a short time.
6184. And did not come back again? Yes, he did.
6185. Was Mr. Trengrouse working in the long drawing-room when he was suspended? In the room adjoining the long drawing-room—that place in Phillip-street.
6186. I am speaking of the old building? At the time he was suspended he must have been at the new building.
6187. Was Mr. Trengrouse working in the main building for some months previous to these charges being made by Mr. Gardiner against you and others in the department? He was working in the room adjoining the main building.
6188. Not in the drawing-office? Not in the drawing-office itself.
6189. A room that was occupied previously by Mr. Cowlshaw? No, that was up-stairs in the main building.
6190. He was employed there—was he not? For a short time.
6191. Was he not at work in that room until the departments were removed? I think he was; I am sure I cannot tax my memory to tell you certainly.
6192. You have not seen Mr. Moody in the room unless he came for some business with Mr. Trengrouse? Really I am not aware that I have; I do not notice everyone that comes in and goes out of the room.
6193. Was Mr. Barton often in that department? He used to come in when he had any business there; I really cannot tell you how often.
6194. Was he there once a month? Decidedly oftener.
6195. Do you not know he is absent sometimes for three months at a stretch? Well, of course he could not come in when he was absent.
6196. Used he not at times to be absent for three months at a stretch? Yes.
6197. Could you give the Committee any idea how often he used to visit the long drawing-room when he was engaged in the office? I should say, as an average, once a week.
6198. How often used Mr. Mason visit the long-room? Perhaps twice or thrice a week, according to what work he had to direct.
6199. He was often absent from the department also? He was often absent for one or two days perhaps, measuring up work.
6200. Of course you know Mr. Micklethwait? Quite well.
6201. Did you ever see him the worse for drink in the department? No, I have never seen him the worse for it.
6202. Was he in the habit of taking more than you thought did him good? Not to my knowledge.
6203. In fact, you have never seen any excessive drinking in the office? Never, either by Mr. Micklethwait, myself, or any other man.
6204. And what drinking there was, was confined to luncheon-time? Nearly so. If it was very hot, at 11 o'clock Mr. Micklethwait and myself used to have a glass of brandy, if we had it; we never sent out for it then; that would be what I call taking it medicinally.
6205. Do you remember a quarrel between you and Mr. Deering? A few words; it hardly amounted to a quarrel.
6206. Did it come to blows? I pushed him.
6207. Did you slap him in the face? I might have slapped him in the face, for which I was very sorry afterwards; if a man were to call you no gentleman, perhaps you would do the same; it was nothing of importance.
6208. I see there is a complaint made about Mr. Graham, in reference to the allowance of £5 for ironmongery—will you explain that to the Committee? I will, exactly as it occurred. In the specification for Burwood Station £5 was included for ironmongery, to be selected by the Engineer-in-Chief or his agent. I selected the ironmongery; I took Mr. Graham to Mr. Robert Iredale, and I said, "Mr. Iredale, this is Mr. Graham, he will want a few locks and bolts, and things, for the station-house he is building for the Government." Young Mr. Robert Iredale called me on one side and said, "Is that the Graham of the Glebe?" I said, "I believe it is, but I really know nothing about the man, except that he has a contract under the Government." He said, "They would rather not trust him." "Well," I said, "Mr. Iredale, you know me; you will trust me, will you not?" He said, "Yes, you can have anything you like to order; but it must be booked in your name." I said, "Book it in my name, and I will see that you are paid." In the course of time, when the building was finished, I asked Mr. Graham repeatedly to go and pay that bill, and he said he would when he got his money. He said, "Do not deduct it from my money, because you know I have had a very bad contract; I will pay it as soon as you give me my money." I then certified

certified for his account, and he went up-stairs, drew the cheque, and the next time I saw him in the street, he laughed at me and said I might pay it myself. Mr. Iredale afterwards sent the bill to the office to me, and I paid it to save annoyance. Mr. G. Hall.  
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6209. Then Mr. Graham has never paid that bill? Mr. Graham has never paid a farthing of it; I paid it myself; and yet I am not only accused of doing more than my duty, but also of participating in some portion of that money, which I deny most distinctly.

6210. A Mr. Harris here says, that at Cabramatta Station he has seen you partake of drink which was sent for, and that whenever you went to the station, or when you were expected to go there, they always provided spirits? Not for me.

6211. And that it was kept in a tent opposite, where you used to go? One very hot day I went to the tent and took a glass of spirits—it was so exceedingly hot; and as in such cases I leave home at 9 o'clock and do not get back till 6, it is surely necessary to take some little refreshment. One day I did go there for a glass of spirits, and Harris has magnified that to a bottle, which is most absurd, and not only absurd, it is false and cruel.

6212. Had you any quarrel with Mr. Gardiner while he was in the office? We had a few words.

6213. Did you challenge him to fight? I did, and if he used the same provocation I would do the same again.

6214. Did you threaten to knock him down? I did. Mr. Gardiner said I was a low pot-house bully. If that was not enough to make any gentleman threaten to knock him down it was a pity. But no gentleman would ever use such language.

6215. Mr. Deering also told you you were no gentleman? He used some such words.

6216. It is in your evidence—did you scratch his lip on that occasion? I think not; in fact I am sure I did not.

6217. Did you see any blood at all? I did not.

6218. Then, if it has been stated to the Committee that there was blood on his lip or gums, it is untrue? I believe it is untrue; I never saw any.

6219. *By Mr. Morris:* Did Mr. Graham receive from the Government the whole amount of his contract for the Burwood Station, including the £5 which was to have been deducted for ironmongery? Decidedly.

6220. Who has paid this £5 to the Government? No one that I am aware of.

6221. Surely the Government ought to get it? They ought to get the difference between the value of the ironmongery and the amount stated in the specification.

6222. Surely you are liable for that? I do not see that. I ought to have deducted it from Mr. Graham's bill. I am blamed for exceeding my duty, and I will admit I did exceed my duty; but it was an act of kindness—of charity, I may almost say—because the man had lost a deal of money by the contract; he had taken a £600 contract for £400. He said he would pay for the ironmongery if I let him have the difference. I never promised him I would do it, and he did not know till he got the money that I would do so.

6223. *By the Chairman:* Mr. Graham did some extra work on this station? Yes.

6224. Was he paid for that? He was, to the utmost value.

6225. Was the extra work included in the last payment for that contract, or was it a separate payment? It was included in the last payment—the final certificate.

6226. That was the certificate in which you should have deducted the £5? Yes, or the difference; had Mr. Graham paid the bill I should have deducted the difference.

6227. *By Mr. Dalgleish:* If he had paid the bill, to whom would he have paid it? Mr. Iredale.

6228. If he had paid the £5, to whom would he have paid it? To Mr. Iredale, if the ironmongery had come to £5.

6229. Under any circumstances? He would not have paid it to any one; credit should have been given the Government for the difference between £5 and what the ironmongery came to; it should have been deducted from his money.

6230. *By Mr. Morris:* Then I understand you to adhere to your statement made before Mr. Whitton, and also before Mr. Arnold, that there has been no drinking to any excess whatever in the Railway Department? Not to my knowledge there has not.

6231. You yourself never were intoxicated, or drank to any great excess during office hours? Certainly not.

6232. What was the ground of your quarrel with Mr. Gardiner? He made an impertinent observation in the office; I made some reply, which brought forth from him that I was no gentleman, but a low pot-house bully; what was previous to that I thought was a joke, and should have passed it as such, but language of the latter description is anything but a joke, and I will not take it from any man.

6233. It has been stated here in evidence that, during something like twelve months, the only amount of work, in the shape of making plans of stations, that you and your assistant have done, would be about for three stations, and that that is really the whole amount of work you have given to the public? During the last twelve months?

6234. Not the last twelve months, but during twelve months? It must be quite the reverse of that.

6235. How many plans of stations have you made during twelve months? That I cannot tell you. I may observe that I have within the last fortnight sent in to Mr. Whitton a report of everything I have done since I have been in the service of the Government, including holidays and Sundays, and absence from illness or on leave. It contains everything the Committee could desire on that subject.

6236. How long might you have been preparing the plans for the Singleton Station? If my memory serves me rightly, about forty-six or forty-eight days. That report, I pledge my honor and word, is a correct and faithful report. If it is not before the Committee, I request it may be sent for.

6237.

Mr. G. Hall. 6237. It has been stated that a most unnecessarily long time was occupied in making the plans and specifications of the Singleton and Penrith station-houses—in fact, of all the station-houses? The drawings are there; the plans and specifications will speak for themselves. Those who make that assertion speak either from ignorance or wilfulness.

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6238. It is said you occupied weeks in doing what might have been easily done by a competent person in days? They could not; I deny it. I have been in the profession twenty years, and I think I should know.

6239. They say, for instance, that it cost a very large amount of money indeed, calculating your time and Mr. Mackay's time, in making out the plans of some small station on the Northern line — ? Yes, I know the one you allude to—Branxton.

6240. When the cost of putting up the building was only about double what it cost for making the plans? What was the amount it was said to have cost for making the plans?—£700 I am told out of doors—that is absurd. These are the facts of the case: An order was given by Mr. Arnold to Mr. Whitton, and by Mr. Whitton to me, to prepare plans for certain accommodation, naming the accommodation required. These plans were drawn, and an estimate made, but Mr. Arnold said it was too much money, and that he would not be justified in spending it for the object. I was then set to make plans of a cheaper kind: they also came to too much money; and then I had a definite order to make plans not to exceed a certain amount. I did so; and that was the third set of plans made for that one station.

6241. *By the Chairman:* Are these three sets in existence? They should be in the office. Three sets of plans and estimates were made before the work was adopted. Without any egotistical feeling on my part, I can safely say no man in the department has worked harder than I have done.

6242. *By Mr. Morris:* How long would it take you to take out the quantities of a station? Singleton Station took a week, and I worked very hard to do them in that time. If you send for one of my estimates, you will find everything is in detail, down to a hinge or a lock. It is a most responsible, intricate piece of work—taking out quantities for a building.

6243. In the evidence of Mr. Trengrouse, junr., I find the following questions and answers:—"Who does the most towards those drawings—Mr. Hall or Mr. Mackay?—Mr. Mackay does the principal part. What does Mr. Hall do?—Take out the quantities and write the specification. I presume the specifications are mere copies one of another?—Copies. A boy just out of school could copy one in a day?—There would be a little alteration about the size of the timbers. A schoolboy could write the quantity in a day?—Yes. With reference to taking out quantities—have you known Mr. Hall to be a week or ten days taking out quantities in a station?—I could not say the time; I have known him to be a long time. Was the time he was occupied in taking out quantities noticed throughout the office?—Yes. It is a very simple thing to take out quantities—could you not do it in a few hours?—Yes." What I want to know is, do you take so long a time in doing what, by this evidence, can easily be done in a few hours? Certainly not. Would it be at all likely? That boy is talking about what he does not understand at all. I will take out quantities with any man in Sydney, and as quickly as any man in Sydney. You have the dimensions to square—put it into bill shape, and money up—you have to go through the building from digging to roof. If you sent to the office for a bill of my quantities you will see how I did it.

6244. Do you not think a very unnecessary amount of trouble is expended on these drawings and specifications? No, I do not.

6245. Is there not a great deal more than is done by ordinary architects? That may be, but my endeavour has been to guard the Government against bills of extras—to have everything explicitly stated. One of my bills will bear me out.

6246. *By the Chairman:* Nevertheless there have been extras—at the Burwood Station, for instance? That is only when there are deviations from the plan, which are not included in the plan at all. For instance, at Burwood, the nature of the ground, when dug out, made it necessary to go two feet deeper than the drawings shewed. The drawing was made for the opposite side to where the building now stands. If the building had been put on that side, the foundation would have been found deep enough. I had a trial hole made on that side, but not on the opposite side where the building was eventually erected. There was a petition sent to the Minister, praying to have the station removed to the opposite side; hence the extra work in the foundation, which would not have been necessary had the building been erected on the site for which it was planned.

6247. *By Mr. Morris:* Do you know the reason you have been suspended? No.

6248. Has it never been stated to you by the Government? No. I always understood I never was intended to be suspended, and that Mr. Arnold made a mistake in writing my name in the minute. All I saw was a minute paper with three names written on it—mine the first.

6249. It has not been specifically stated to you why you have been suspended? No.

6250. Is it true, as stated by Mr. Graham in his evidence, that you were drunk on the platform of the Sydney Station? No, certainly not true.

6251. When he was speaking to you about the building at Penrith, about 7 o'clock in the evening? No, I do not remember any circumstance at all about speaking to him—not on the Sydney platform. He certainly never saw me drunk on the Sydney platform, nor did any other man.

6252. Is it true you assigned as a reason for retaining the balance of the £5, that you had been allowed no travelling expenses? I never did; I never retained anything.

6253. Mr. Graham says he was to have paid you the £5, but he refused to do so because you cheated him? It is not correct; there was no understanding about the £5, except that he

was

was to receive the difference himself. The *animus* of Mr. Graham is quite apparent. Had Mr. Graham been allowed to do what he liked and work as he liked, there would have been no complaint from Mr. Graham. Mr. G. Hall.  
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6254. Are you in the habit of drinking at the expense of contractors? No, never. I frequently pay for the contractors' lunch myself. What drinking there has been has been at lunch, and has almost invariably been out of my own pocket.

6255. Did you never drink in the tents or habitations of these men? No, only at Cabramatta—the one I have referred to, where it was too far for me to go to a public-house, and I used to send for refreshment.

6256. Who paid for this? I did, and sometimes Mr. Parkinson did—the party who was managing the work for the contractor; but I believe I almost invariably paid for it myself.

6257. You sent for it to an hotel? Yes, the nearest hotel.

6258. Did you keep an account at the hotel? No, I never kept an account at an hotel; I always sent the money.

6259. It has been stated that on one occasion you collected a sum of money, in the long drawing-room, to send for a bottle of brandy, and that when you had collected this—which you called “raising the wind”—you put the money in your pocket and sent an order for the brandy? It is not correct; the man that states that states an untruth.

6260. Do you remember collecting money in that way at all? I remember on one occasion collecting and sending the money; I sent the money enclosed in an envelope.

6261. In what shape was this money? In silver—half-a-crown, perhaps, or shillings.

6262. Then it would be rather bulky? No, not very; it was only 4s. 6d. worth.

6263. By whom did you send it? By the messenger boy, Fitzgerald.

6264. *By Mr. Dalgleish:* What time of the day was this? About 12 o'clock, previous to the lunch hour; that would be in lieu of us having the pint of beer each that we generally had.

6265. *By Mr. Morris:* Have you ever, on any occasion, taken small quantities of spirits to the office with you? I have taken a small flask of brandy to the office when the beer has been so bad that I could not drink it.

6266. Have you not found it necessary, or thought it necessary, to drink brandy and water in the office at other times than at lunch? Yes, at one time I was recommended by Dr. Hansard to do so; he said it was quite necessary.

6267. Have you done this openly? Oh dear! yes; there was no disguise about it.

6268. You have never attempted to disguise that you had brandy in these flasks? Certainly not. I was not in the habit of doing it; it was only after an illness I had had.

6269. Has it never come to your knowledge that Mr. Micklethwait is given to drinking to excess? Not from my own experience; I have heard it, but I did not prove it.

6270. Have you been much with Mr. Micklethwait? It is when he is in the office I am chiefly with him; but his occupation is more in the country, on the survey.

6271. *By the Chairman:* Were you allowed travelling expenses when you travelled from the office? Yes, when I stopped out a whole night, or two or three days, but not when I went to a place like Burwood, where I would go in the morning and come back at night.

6272. When you went to Penrith or Picton —? Yes, decidedly; that might take two or three days.

6273. You had travelling expenses when you went to Penrith? Yes.

6274. How much per day? £1 per day.

6275. Did you pay your own railway fares? Always.

6276. Had you not a free ticket? No, not when I was allowed travelling expenses. I had a free ticket when I went to Burwood, or when I could get back in the day.

6277. How were the journals you kept in the office made up—daily, or at the end of the month? If I was engaged on one set of drawings for a week at a time, I would make the journal up at the end of the week; but if I was engaged during the week on several different works, I would jot them down in my journal every day as I finished them.

6278. *By Mr. Dalgleish:* Have you a distinct remembrance of the quarrel with Mr. Deering? No further than I have already stated. I know there were some words occurred in the office, but I did not take much notice of them.

6279. What was the occasion of the quarrel with Mr. Deering? Something about money between him and a gentleman named Braddock, who was in the office then, but it was no quarrel of mine.

6280. This Mr. Deering had obtained some law papers or taken some law process against Mr. Braddock? I think his brother had.

6281. What is Mr. Deering's brother? That I cannot tell you.

6282. Did you hear at that time what he was employed as? I did.

6283. Was he employed as bailiff at some of the Courts? No, I think it was in the Survey Office I understood.

6284. Was it Mr. Deering or his brother that was so employed? The brother I understood. I really cannot remember what the nature of the quarrel was; I know it was something that did not interfere with me.

6285. What occasion had you to take up this quarrel? I should not have done so, had not Mr. Deering made an observation about me during the quarrel with Mr. Braddock.

6286. That observation he made in consequence of your having repeated a conversation or some confidence he had reposed in you? No, I said, “This is not a place for you, gentlemen, to discuss your private quarrels, to the interruption of business; I beg you will be quiet or let it cease till 4 o'clock”; then some other observations took place; but it led to Mr. Deering's saying, “Hall is no gentleman”; I said, “If you say that again I will knock you down”; he said it again, and I immediately slapped his face.

- Mr. G. Hall. 6287. Who interfered to prevent the quarrel proceeding any further? Young Mackay. Gardiner tried to urge it on all he possibly could, saying "Go it, Hall!" and using other such expressions.  
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6288. Did he endeavour to interfere in any other way? No, only by laughing. He did not interfere to prevent it.
6289. Mr. Deering is a much less man than you? Yes; hence my regret in having ever thought of slapping him.
6290. He is rather lame, is he not? I was not aware of it at the time; that increased my regret; I would not have lifted a finger against him had I been aware of it.
6291. How long had Mr. Deering been in the office then? I cannot tell you.
6292. Had he not been some months? Yes.
6293. Could he possibly have been lame during that time and you not have known it? Yes, decidedly, I did not know it.
6294. If Mr. Deering says you did not slap his face, he says that which is not true? I did slap his face as I have said.
6295. Could any person receive a slap in the face without knowing it? I should hardly think so.
6296. Did you ask Mr. Jamieson for this money, to pay the ironmongery account? No, I did not.
6297. Was the ironmongery account put down to Mr. Jamieson's name or yours? I believe it is in my name.
6298. Is not the ironmongery always put down in your name? I think you have named the only three occasions where the account has been in my name.
6299. Were the specifications always made out in the same way—with the same provisions with regard to the ironmongery? There was always an amount stated.
6300. In the same way as this? Yes.
6301. Was the ironmongery obtained in the name of the Commissioner previously? No, never, I think; I do not remember having ordered it in the name of the Commissioner.
6302. It was always put down in your own name? On these three occasions it was.
6303. On no other occasion? I cannot remember any.
6304. As this ironmongery was put down in your name, and as Mr. Jamieson had never received an account of it, how did you expect Mr. Jamieson to pay for it? Because the amount was included in the specification. It is always the contractor's duty to pay for the ironmongery.
6305. Had he to pay these accounts before he could be settled with? He had not; it was his own request; he said he would draw the cheque for the two accounts, as he was going away to the north and would not be back for some time.
6306. You did not ask him? No.
6307. If he has said you asked him to pay these accounts, he has said that which is untrue? He has.
6308. Were your accounts with Mr. Jamieson with himself or with his partner? With himself.
6309. His partner was not present on this occasion? No.
6310. How does it come to pass that this account was given to Mr. Jamieson at all, seeing that the ironmongery was not obtained in his name? I do not know how it comes.
6311. How was it necessary you should take Mr. Graham to the ironmonger's, to shew Mr. Graham to Mr. Iredale, when you were in the habit of having the ironmongery accounts in your own name? I was not in the habit of it; the habit was to have it booked in the contractor's name.
6312. The account for the ironmongery at Singleton was previous to both the others? Yes.
6313. On that occasion did you take Mr. Jamieson to Mr. Iredale? Yes, I took him to Mr. Iredale's, I believe.
6314. Did you ask him to trust Mr. Jamieson? I cannot tell you; I cannot remember that I did.
6315. What necessity was there to take Mr. Jamieson there? So that Mr. Jamieson might select the articles he wanted—shew what hands he wanted the locks to be on, for instance, right or left.
6316. Did you not know whether right or left hand locks were required? Yes, I might have known by looking at the plans.
6317. Then why take the contractor? I cannot tell you why, except that it is the custom to do so.
6318. According to the specification, had you or the contractor to find the ironmongery? The Commissioner.
6319. Was the Commissioner in fact you? I found it on behalf of the Commissioner.
6320. Then if you found the ironmongery, on behalf of the Commissioner, and you knew what was required, why was it necessary to take the contractor there at all? I do not know that I did require to take him there, but it arises from the custom, in order that he may see what the ironmongery is, and what he will have to fix.
6321. Does not the contractor know what he will have to fix from his specification and drawings? No, the ironmongery is not specified in detail; we do not particularize every lock or bolt. An abstract of the necessary quantity is made, with the probable value, as near as can be ascertained, and the total amount of that is included in the specification.
6322. You make out these amounts? Yes.
6323. How was it you came to be so far out in your amounts, that the ironmongery for a station that only cost £2 you valued at £5? There was not so much required as I thought there would have been.
6324. What do you mean by you thought there would have been—you knew precisely what would be required—two hinges for each door, one lock, and so on—have you so bad a judgment

ment that you form an estimate of more than double on so small a matter as that? It <sup>Mr. G. Hall.</sup> appears so in that instance. I can only explain it by the fact of my not having made an estimate at all, but that seeing there were so many doors and so many windows, I just put <sup>27 Jan., 1864.</sup> down £5 as sufficient to cover the cost.

6325. Did you say the Commissioner had to find this iron-work? Yes.

6326. Then what necessity was there to take Mr. Graham to Iredale & Co's. at all? Only to introduce him, and tell them Mr. Graham wanted so much ironmongery.

6327. Was it Mr. Graham, or the Commissioner, that wanted the ironmongery? Well, of course, the Commissioner wanted the ironmongery in the building.

6328. Then what necessity was there for you to ask Mr. Iredale to trust Mr. Graham? I never did ask him.

6329. Was it Mr. Graham or the Commissioner that wanted it? The Commissioner.

6330. Then what necessity was there to ask for Mr. Graham to be trusted at all? He was not asked to be trusted by me.

6331. What necessity was there for Mr. Graham going there at all, or what necessity was there for Mr. Graham asking credit, seeing that the Commissioner had to find this iron-work? Not any necessity; I say it arises from custom that the contractor always goes.

6332. In this case the Commissioner was bound to find the ironmongery, and the Government had money in hand belonging to Mr. Graham up to the last moment? Yes.

6333. To what amount? I do not know.

6334. Far beyond the value of the ironmongery? Yes.

6335. What necessity was there, then, for you to ask Mr. Graham to settle this account, when you had this money of his in hand? Not any.

6336. What necessity existed for your asking Mr. Jamieson to pay you his ironmongery account, or to pay the Government, when the Government had in hand far beyond the value of it in money, belonging to Mr. Jamieson? I did not ask Mr. Jamieson to pay his ironmongery account.

6337. What made you receive payment of the ironmongery account from Mr. Jamieson before the settlement of his accounts with the Government? From his own wish and desire—his own spontaneous request, not mine. He said, "As I am going away to the north I will pay them both." The Singleton Station had been put up and settled for; it was only the other one that was not settled for.

6338. Was the Singleton Station settled up and paid for, without deducting the amount of the ironmongery account? There was no necessity to deduct the amount.

6339. Where did this conversation between you and Mr. Jamieson occur? In the office; he saw the ironmongery account for the Singleton Station in the office.

6340. This cheque was not handed to you at Penrith? No.

6341. *By the Chairman:* If the Singleton Station was squared up for, what was the necessity for Mr. Jamieson giving you a cheque for £55? That included the Singleton and Picton Stations. Singleton was wound up and paid for, and Mr. Jamieson said he would give a cheque for the two.

6342. Where was the necessity for giving you a cheque for £55, to include the ironmongery for Singleton Station, if the Singleton Station had been paid for? The ironmongery had not been paid for—I mean the main building.

6343. Still he owed the money to Mr. Iredale? Yes; and I believe the very day he gave the cheque was the day he drew the balance for Singleton Station.

6344. If Mr. Jamieson has said you refused to give him a certificate till he paid the bill—? It is untrue. He said he would pay the bill if I would let him have a certificate.

6345. *By Mr. Dalgleish:* Why did you make out the specifications with respect to the ironmongery in that particular way? To reserve to ourselves the power of superintending the quality of the ironmongery.

6346. Why did you ask Mr. Jamieson to pay you the whole amount that the Government could claim from him for ironmongery, before you knew that amount was due? I never asked Mr. Jamieson to do so.

6347. Why did you accept from Mr. Jamieson the whole amount that was liable to be stopped from him by the Government, before the completion of his contract? Because he said he was going to the north, and he should not probably return for a month; and during that month it was supposed the Picton contract would be wound up and settled for.

6348. What was he going to do at the north? To build something up there—not Government work.

6349. Was the Singleton Station settled for at this time? That was the day it was settled for, I believe.

6350. Was there some dispute about the Singleton Station? No.

6351. Did you condemn Mr. Jamieson's materials when you first went up to Penrith? No; I may have rejected some pieces of timber.

6352. Did you make a wholesale condemnation of bricks there? No.

6353. Were the contractors very near giving up their contract in consequence of the wholesale rejection of materials? I was not aware of it.

6354. Did you condemn some stone they had excavated from a quarry? No, never.

6355. How long a time did it take you to set out the work? About half a day.

6356. How long were you at Penrith Station then? I think a day.

6357. You were not there three days? Not at the station; I was requested by Mr. Whitton to go and look for a stone quarry.

6358. Did you find one? Nothing satisfactory.

6359. Was one pointed out to you by Mr. Jamieson? Yes, one was.

6360. Did you condemn that? Yes.

- Mr. G. Hall. 6361. Are you aware that the present contractors for the viaduct on the Western line have obtained their stone from the same quarry, and that it is considered not to be inferior to 27 Jan., 1864. Pymont stone? No, I am not aware of it, nor do I think they have obtained their stone from that quarry—I presume you are speaking of Knapsack Gully?
6362. I am speaking of the quarry Mr. Jamieson pointed out to you—Mr. Jamieson informed the Committee that the viaduct is now being built from it? I am not aware of that fact, nor do I think it is the case.
6363. You did not cause a wholesale condemnation of bricks at Penrith? No.
6364. If Mr. Jamieson has said so, he has said that which was untrue? Yes.
6365. If his partner has said so, he also has said that which is untrue? He has. I had no opportunity to condemn Mr. Jamieson's bricks; there was a Clerk of Works there, and I only went up once a month.
6366. I am speaking of the time when you first went up, when the materials were on the ground? There were no materials on the ground then—not a stick—not a brick; when I staked the buildings out there was not a thing on the ground.
6367. Did you wait till the foundations were dug out? Not that day.
6368. Did you the next day? I went up the next week, when they said they were ready to begin.
6369. On what occasion was it you were up the country with Mr. Jamieson—was it the occasion of your having passed this building? No.
6370. It was not on the occasion of your having passed the building at Penrith? No.
6371. Or signed any of his papers? No. The occasion would be that I had more time before the train started than I knew what to do with.
6372. How is it you come to take jaunts to the country along with contractors? That was the only occasion.
6373. How came you to do so on that occasion? I had more time than I knew what to do with, and Donald Beatson offered to drive me to Lapstone Hill, which I had never seen till then. It was no premeditated affair.
6374. You did not remember that Mr. Jamieson was with you at first? Not at first I did not; but on reflection I remembered that he was asked by Donald to go, and he did go.
6375. Did Mr. Jamieson ever provide drink on the works at Penrith, in a hut where the plans and tools were kept, and where you had access? Yes, very likely.
6376. Have you drunk there? I may have done; I really cannot remember whether I had drink there or not; I would sooner say I had than I had not.
6377. Was anything said about drinking, before the Court, when you sued for the money for those houses at Kingston? Yes, a great deal was said.
6378. Charges of drunkenness were preferred against you there? Hinchcliffe's brother said he had seen me at his brother's house, drinking brandy and water. It was true Hinchcliffe used to ask me to his house, thinking, no doubt, to get some information for his brandy and water.
6379. Were you laid up a long time with this accident at Lapstone Hill? Not a long time.
6380. How long? I forget how long.
6381. Six weeks? Not so long as that.
6382. *By the Chairman*: I understood you to say you lost no time in consequence of that accident? No, I did not intend to say that.
6383. *By Mr. Dalgleish*: Had you been drinking that day? At my lunch I had had some beer.
6384. There would be nothing remarkable in a person travelling having beer more than once? Well, I had been drinking, but not to any excess.
6385. Did you know this person that has been called Parkinson, in England? Yes, quite well; I knew him when he was an apprentice.
6386. Did you never write a letter to that person—never send even an envelope to him—one of the usual Government envelopes, printed "On Her Majesty's Service" and containing in that envelope the amount of the quantities of a building that was to be tendered for? No, never to Mr. Parkinson, or any other man, any such envelope.
6387. If any one has said he has seen such a letter —? That I sent, he states an untruth.
6388. You have never been in the habit of making any of these representations, with which you have been charged, in the office—"Suffolk Punch," the "Scissors Grinder," and those other matters which have been mentioned—"Storming the Malakoff," and so on? I did not know the title till I saw it in the papers; that was the first I heard of the name.
6389. Have you enacted the "Scissors Grinder"? I may have played on the table with a scale, that is all; and that has only been during the half-hour for lunch.
6390. You have read all the statements that have been made with regard to what you have occupied your time in—"Shylock," and all those things? I have read what appeared in the papers.
6391. And these things are all untrue? As far as I am concerned they are, unless that I have occasionally quoted from Shakespeare, such things as, "He who steals my purse steals trash, &c." If you make that an enactment of Shakespeare's Shylock, or any other play, I will plead guilty.
6392. Have you ever made any enactment of "Any Oder Man"? I think not; I may have done.
6393. Or the "Walking Boss"? I do not know the meaning of that.
6394. You have never used that expression with reference to Mr. Whitton? I have heard it used.
6395. Were you in the habit of calling Mr. Whitton the "Big Potato"? No, but I have heard another man call him the "Big Potato."



6396. You never have done so? No.
6397. If Mr. Fearnside has said so he is mistaken? If Mr. Fearnside has said so, he has been taking me for some other person there.
6398. Have you ever talked of "wiping John" or "sucking John," or such expressions as that? Certainly not.
6399. Did you ever take a bottle of brandy to the office? No, not a bottle of brandy; I have taken brandy in a flask.
6400. Have you ever sent for a bottle of brandy? Once.
6401. Have you ever seen any contractor place money on the table, to send for drink, when he has been in the office, taking out quantities? Yes, once.
6402. Who? Mr. Croshaw, on one occasion, threw down 2s. and asked the boy to bring him a bottle of beer.
6403. Was it 2s. or half-a-crown? 2s., I think; I am not sure. He asked the messenger to bring him a bottle of beer when he came in. He was there taking out quantities for himself.
6404. Did Mr. Croshaw drink the beer? No; he was called out before 1 o'clock, and did not return that day.
6405. Who drank it? Mr. Micklethwait and myself, the next day.
6406. I presume it was still Mr. Croshaw's beer? Yes.
6407. Had you any authority to drink the beer? No, we did it as a joke; and laughed at him when he came the next day.
6408. Have you known Mr. Gardiner take drink in the office? I have seen him drink once or twice, but not to any excess.
6409. What have you seen him drink? Half a glass of beer perhaps, or some spirits and water, weak—Mr. Gardiner was a most abstemious man.
6410. Are you quite sure you have seen him drink either beer or brandy? Yes, I have seen him drink beer or brandy occasionally; in fact, I think he has taken at my solicitation both beer and brandy.
6411. Did you ever see Mr. Telmon drink in the office? Nothing but water or some made wine.
6412. Was Mr. Gardiner quarrelsome? I thought him a quarrelsome man.
6413. Did you always consider him quarrelsome? No, not at first.
6414. Did you ever lose a bottle of brandy in the office—did any one take a bottle of brandy away from you? No, they took a portion of a bottle and put it in a drawer somewhere; that was only for a short time.
6415. You went in search of it? I asked for it, and it was pointed out to me.
6416. Did you ask Mr. Telmon? Yes, I think I did.
6417. Did he say he smelt something like a brandy-cask? He said he smelt something like brandy. It happened to be in his drawer that it was put, and it was he that pointed out the drawer to me.
6418. Was it something like brandy, or something like a brandy-cask, that he said he smelt? I do not know what he said.
6419. It caused a laugh amongst the people in the office? Yes, very likely.
6420. You have never seen Mr. Micklethwait drink to excess? No.
6421. Have you seen him under the influence of liquor in the office? I have seen him take more than might be good for him, but that has not been in the office.
6422. Have you seen him in the office, under the influence of liquor that he may have obtained out of it? No, never.
6423. Was Mr. Micklethwait up on the line when you were employed on the Penrith Station? He was up with me the first time.
6424. Did Mr. Micklethwait drink then? No more than was necessary.
6425. How much would you consider necessary? That would depend upon a man's capacity. Mr. Micklethwait would take a couple of glasses of beer to his lunch, and then have a glass of brandy and water after.
6426. I think you have said already, that you are perfectly sure you neither have had, nor expect to obtain from Mr. Iredale any portion of the £55 paid to him by cheque? I have already stated so.
6427. I wish you could make that matter a little more clear—how it comes that this payment was made at all? I cannot make it any clearer than I have endeavoured to do; I have given you an exact statement of the facts.
6428. There is no misunderstanding in the matter, that the Commissioner was bound by the specification to provide the ironmongery? It is so stated in the specification.
6429. What is the usual time to make these deductions? At the finishing of the work.
6430. At the final close? The final certificate.
6431. When Mr. Jamieson made this statement to you that he was going to the north, and therefore he would pay you this money, did it occur to you that Mr. Jamieson would have to be in town again to receive the balance due to him? No.
6432. You were aware he could not be settled with without coming to town again? Yes.
6433. Are you aware that Mr. Whitton has made some very severe reflections on Mr. Jamieson, for having paid you that money at all; he says he is as bad as you? I am not aware of it.
6434. And you cannot give the Committee any other information with regard to the letter of Mr. Graham about this ironmongery? I can give you no further information.
6435. Have you seen Mr. Graham's answer to your letter that you addressed to Mr. Arnold? No, I have not. I understand he obtained a certificate from Mr. Lassetter's.
6436. You had better read it (*Letter read—See Appendix to Evidence given by John Rae, Esq.,*

Mr. G. Hall.

27 Jan., 1864.

Mr. G. Hall. *Esq.*, 13th October, 1863)? In reference to his inquiry, he never inquired at Mr. Iredale's at all, and it is perfectly untrue that he did not know which Iredale's it was, because I took him to Mr. Robert Iredale myself. In his letter he is referring to calling at Mr. Lassetter's but Mr. Lassetter does not know me. He has never called on Mr. Robert Iredale since.

27 Jan., 1864.

6437. What do you mean by saying in your letter—"such ironmongery, I may add, is invariably procured on my order, and is paid for by the contractor. In this instance "Messrs. Iredale & Co. refused to trust Mr. Graham, and charged the account to me";—who do you mean by Iredale & Co.? Robert Iredale & Co.

6438. Are Robert Iredale & Co. usually designated "Iredale & Co."? No, I believe not.

6439. Then if Mr. Graham inquired of the firm called "Iredale & Co.," he was justly entitled to do so from the terms of your letter? I cannot see that he was justly entitled to go to the shop where he knew he did not procure the ironmongery; he knew where it was ordered.

6440. If you ordered it, what need had Messrs. Iredale & Co. to trust Mr. Graham? Every need. In these cases I order the ironmongery, and it is booked to the contractors. The contractors always pay for the ironmongery.

6441. Have they to pay the ironmonger or the Commissioner? The ironmonger. The contractor sees the account, takes it in his hand, and pays the ironmonger.

6442. What has the contractor to do with the account at all—did you ever furnish the ironmongery accounts to Mr. Jamieson? For Singleton Station—decidedly.

6443. You furnished that account to him? I shewed it to him in the office. The Picton Station was not settled for, as I before stated.

6444. Did any conversation such as this occur between Mr. Jamieson and yourself—did you ask Mr. Jamieson to pay you the amount of money for the ironmongery? For Singleton—yes.

6445. For both? No, not for both; how could I, when Picton was not wound up and settled for?—Singleton was, and I asked him to settle that bill.

6446. Did you tell Mr. Jamieson the ironmongery accounts for the two stations were within a few shillings of the amount mentioned in the contract? Not the two; the Singleton one.

6447. You will understand I am asking about the two—we have no evidence of their being separate? They should not be blended.

6448. They were paid for in the same cheque, were they not? In Mr. Jamieson's cheque.

6449. Is that the cheque that was paid to their account (*handing witness the cheque produced by Mr. Jamieson*)? It looks like it.

6450. Did you pay it in? Yes.

6451. What did you pay it for? These two bills.

6452. Did they give you the bills? Yes.

6453. You say they gave you no change? No.

6454. Then why did you pay £55, instead of £48 17s. 6d.? I believe Mr. Jamieson had had some other ironmongery from the same establishment.

6455. Can you explain to the Committee how you came to pay a cheque for £55, instead of £48 odd, and get no money back, you having the accounts before you? I cannot explain that.

6456. Do you think a sober man would do it? I do not think I should. That is the cheque I paid to Iredale & Co.

6457. How did you come to pay them a cheque for £55, when you only owed them £48? I cannot tell you.

6458. The account was in your name, you say? Yes, it was made out in my name, I believe.

6459. Can you expect us to understand it if you cannot explain it yourself? The difference would have been accounted for on winding up the Picton Station.

6460. Can you expect us to understand it if you cannot explain it yourself? Certainly not.

6461. What has the winding up of the Picton Station to do with your paying the ironmonger upwards of £6 in excess of what he had bills against you for? I must confess, nothing.

6462. Then all that has been said about the settlement of the Picton Station has nothing whatever to do with it? It cannot have had, because the ironmongery for the Picton Station was paid before the contractor's accounts were made up, at Mr. Jamieson's own request; and whatever difference there would have been between what was required and what it came to, would have been deducted from the account.

6463. Then with regard to these three ironmongery accounts—Singleton, Burwood, and Penrith—you cannot explain to the Committee satisfactorily how, in one instance, the £5 account has been left unsettled by the contractor, and was not deducted when the Government settled his accounts? I have already explained how that happened.

6464. There ought to have been £5 deducted? There ought to have been.

6465. And with regard to paying Iredale & Co., you cannot explain how it was that you paid them £6 odd more than they had accounts against you for? I could not have done it; they must have had accounts to that amount; they must have had accounts against me to that amount.

6466. You are perfectly sure of that? Yes, I think so.

6467. Then we will have to look for our information to them? Yes. There must have been accounts due to them to the amount of £55, or I should not have given them that cheque, on Government account.

6468. *By Mr. Morris*: Not on account of the work for which Mr. Jamieson contracted? No.

6469. *By Mr. Dalgleish*: Had you any other account in your own name at Iredale's? No, not for the Government.

6470. Had you a private account? Yes.

6471.

6471. To what amount? A few pounds.
6472. So that your private account may have been blended with this public one? It may have been. Mr. G. Hall.  
27 Jan., 1864.
6473. And the balance of this cheque may have been carried to your private credit with Iredale & Co.? Possibly so.
6474. That would have been the same as if you had received the money from Iredale & Co.? If it has occurred so, it would.
6475. *By the Chairman*: If the Clerk of Works at Penrith, or any other station, had condemned materials, it was his duty to report to you? No; to Mr. Whitton, the Engineer-in-Chief.
6476. I thought the Clerk of Works was under you? No, he is appointed by the Engineer-in-Chief.
6477. Did he, at South Creek Station, draw your attention to any bricks intended to be used at Penrith Station? The Clerk of Works did to one cart-load that was passing.
6478. I am speaking of the contractor—did he, at South Creek Station, draw your attention to any bricks which they were about to use in the construction of the Penrith Station? No.
6479. Did anybody else? The Clerk of Works drew my attention to one cart-load that was passing out on the road.
6480. Did you make any remark? Yes, I told Mr. Robertson not to allow such bricks to be used.
6481. Have you at any time, in the drawing-room, collected subscriptions for the purpose of sending out for drink? Only on one occasion, which I have already mentioned. I did not collect subscriptions—three or four of us joined.
6482. Did you send the money, or an order? I sent the money enclosed in an envelope.
6483. *By Mr. Morris*: You were not in the habit of doing it monthly—at the end of every month? No, certainly not.
6484. If Mr. Trengrouse, junior, states it to have been your habit, he is not correct? He states what is not true.
6485. Has it come to your knowledge that Mr. Barton is given to drinking to excess? I should say decidedly not; Mr. Barton would take about a bottle of sherry a week to his lunch, as an average.
6486. *By Mr. Dalgleish*: Did you ever lunch with Mr. Barton? Yes, frequently.
6487. Where? In the office.
6488. In the long-room? No.
6489. Where? In the small room adjoining.
6490. Was Mr. Barton in the habit of lunching there? Yes, at that time.
6491. What time? Two or three years ago.
6492. Had Mr. Barton a room of his own then? Not then—he has now.
6493. Had not Mr. Drewett and he a room to themselves? Sometimes he would work in Mr. Drewett's room, sometimes in the long-room, according to the space he required for the plans he was at work upon. The table in Mr. Drewett's room was only a small one.
6494. Did you ever condemn any bricks burnt at Penrith? No, I only condemned that cart-load I met on the road when I was walking with the Clerk of Works from Penrith to South Creek.
6495. Did you know that bricks burnt at Penrith were used? No, I did not know that even.
6496. *By Mr. Morris*: Mr. Trengrouse, junior, says, in answer to question 939:—"On one occasion I had a lot of private papers in my drawers—I had to leave my room for a few minutes to go to my father, when Mr. Hall took off his boots, went to my drawers, which he ransacked, and read my private letters."—Is that true? No, it is abominable—a most iniquitous falsehood.
6497. What can be the grounds of this statement? I have no grounds to suppose but malice, envy, and hatred. I never took off my boots in the office on any occasion.
6498. You never read any of his private letters? No; if Mr. Trengrouse, junior, states so, he states what is not correct.
6499. Did Mr. Whitton ever expostulate with you on your conduct in reference to Mr. Trengrouse, junior? No, never; he never had occasion.
6500. *By Mr. Dalgleish*: Do you remember the occasion of Mr. Gardiner's making a minute which was sent up to Mr. Whitton? Yes, I think I do.
6501. Was the statement true? I do not know what the statement was now.
6502. Complaining of your conduct? Yes, I know it was complaining of my conduct, myself and Mr. Micklethwait.
6503. Do you remember whether it was true or not? Decidedly untrue; there was no cause for Mr. Gardiner to complain of our conduct.
6504. Did Mr. Whitton cause any inquiry to be made otherwise than from yourselves? I do not know; I know we had the minute and had to report upon it.
6505. You say it was decidedly untrue? There was no necessity for Mr. Gardiner to make any complaint.
6506. You said the minute was untrue? No, I did not say the minute was untrue. If Mr. Gardiner stated in that minute that he was in the habit of seeing me make myself drunk, it is decidedly untrue; that, I believe, if my memory serves me right, was the purport of that minute.
6507. Do you remember Mr. Micklethwait having cold water poured on his head? Frequently, and so have I; I have frequently seen him bathe his head in the hot weather, and very necessary too.
6508. Have you seen him have other people to do it? No, he did not get other people to do it.
- 6509.

- Mr. G. Hall. 6509. I ask you, have you seen him have water poured over his head? No, I have not seen him have water poured over his head; I have seen him frequently bathe his own head.
- 27 Jan., 1864. 6510. In cold water? In cold water.
6511. Did you ever see him the better or the worse for liquor on these occasions? No, it has been from excitement, from the heat of the weather.
6512. Not from excitement from spirituous liquors? Not from excitement from spirituous liquors; excitement from his work, and the heat of the room.
6513. Is his work exciting? I should say so, decidedly.
6514. What is he? A surveyor and engineer; he had to be out in the field, and then bring his work in, and plot it, which I think very exciting work.
6515. *By Mr. Morris*: Have you ever read the evidence given by Mr. Gardiner on the inquiry into the conduct of the officers of the Railway Department? No, I have never seen it; all I know of it is what I have heard out of doors.
6516. When were you suspended? On the 26th August, I think it was.
6517. Then you have never had a copy of the evidence of Mr. Gardiner, which was given after you were suspended? No; all I know about Martin Gardiner's evidence is what I have heard out of doors.
6518. Did you ever write a reply to Mr. Graham's letter? No, I did not know he had written a letter till I saw it in the *Empire*.
6519. I observe that Mr. Rae states, "I have read Mr. Graham's letter, and Mr. Hall's reply"? That was a very unfaithful statement of Mr. Rae's. Mr. Graham was sent for unknown to me; I had not an opportunity of facing Mr. Graham; I did not know anything about Mr. Graham being near the place till I was sent for some time afterwards.
6520. That letter of Mr. Graham's, of 24th September, was never sent to you? No.
6521. *By Mr. Dalgleish*: How did you peruse Mr. Graham's statement? By a note that I received.
6522. Did you give a written reply or a verbal reply to that? That is my written reply (*referring to a letter, dated 21 September, 1863, signed George Hall. See p. 12 of Appendix to Evidence given by John Rae, Esq., 13 October, 1863.*)
6523. *By Mr. Morris*: Did you give a reply to Mr. Graham's letter? No, I did not know he had written that letter. The only thing I saw was Mr. Graham's evidence, handed to me in the office; then Mr. Rae wrote me that short note, and I attended at the office. I consider it was most unsatisfactory to have one man there and not the other.
6524. *By Mr. Dalgleish*: Your letter in reply to this from Mr. Rae, asking if you wish to be examined, does not contain such a wish? I had expressed the wish personally to Mr. Rae, previously to that letter.
6525. How is it that you have written this letter without any reference to £2 being about the amount of money due for the ironmongery? Because I did not consider it necessary.
6526. Is it not perfectly evident that any one reading this letter would take it for granted that the £5 mentioned by you in the early part of it was the amount due, and that you had paid this £5? No one would draw that inference.
6527. Could they draw any other? I think they might.

THURSDAY, 28 JANUARY, 1864.

Present:—

MR. DALGLEISH, | MR. GARRETT,  
MR. MORRIS.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Alexander Graham called in and examined:—

- Mr. A. Graham. 6528. *By the Chairman*: You live at the Glebe? Yes.
6529. You have been a contractor under the Works Department? Yes.
- 28 Jan., 1864. 6530. You were a contractor for a station-house? Yes.
6531. Where? Burwood.
6532. You know Mr. Hall? I do.
6533. Did he supervise the construction of that building? He did.
6534. Was there not a provision in the specification for that station-house that £5 were to be added by the contractor for ironmongery? No, that £5 should be deducted at the completion of the contract.
6535. Did you supply that iron-work yourself? I supplied the greater portion of it.
6536. Where from? I supplied most of it from Crawford's on Brickfield Hill, and from other shops; I bought it as I wanted it.
6537. Did you give Mr. Hall any amount for the iron-work? No, I did not.
6538. Did you accompany Mr. Hall to Iredale & Co.'s? I never did.
6539. Did you accompany Mr. Hall to Robert Iredale & Co.'s? No.
6540. Did you accompany Mr. Hall to any ironmonger's shop to select or speak of any iron-work whatever? None whatever.
6541. If Mr. Hall has stated that you accompanied him to Iredale & Co.'s, and that he introduced you as Mr. Graham, a Government contractor, who required ironmongery for a station-house, and that they did not know you and refused to trust you—is that true? No, it is not true.

6542. Did any ironmongery come from Iredale & Co.'s to the station? Yes.
6543. What was it? I have a list of the articles here that came, but from which Iredale & Co. they came I do not know. The prices I have put down at what I reckon to be the value of them. (*List handed in. Vide Appendix.*)
6544. I see in the first instance there are two Carpenter's 6-inch locks, 9s.; were they Carpenter's, or imitation Carpenter's? Real Carpenter's locks.
6545. You value them at 4s. 6d. each? Yes.
6546. Imitation Carpenter's locks would cost about 3s. each—that is the full value? I think that is above the full value.
6547. Four pairs of butt hinges—were these iron? Yes.
6548. And you have allowed 8d. per pair? Yes.
6549. And of course that is the value of first class iron butts? Yes, that is the value, the very highest value.
6550. Five sash fastenings—what description of fastenings were they? They were good—the usual spring fastenings.
6551. And you have allowed 1s. each for them? Yes.
6552. One door-spring—what description of spring was that? One of those long door-springs—
6553. A long iron one with a little wheel at the end of it? Yes.
6554. That you have allowed 2s. 6d. for? Yes, that is what I gave for one myself, of the same kind.
6555. Two latches, 3s.—what description were they? Bed-room latches, worth about 1s. 6d. each.
6556. Had they a spring underneath? I do not think they had.
6557. A little brass handle ———? Yes ———
6558. With a spring above the latch to keep it in its place? No, I do not think they had those.
6559. These must have been very common indeed then? No, I do not think they were common ones; I think they were just the ordinary bed-room locks, because inside you could fasten them with a spring.
6560. Two brass handles, 3s. ———? They were handles and latches for a water-closet door, to fasten inside.
6561. You consider that the full value? Yes.
6562. The value of the whole of the ironmongery, then, supplied to the station in this way, amounted to £1 5s. 2d.? Yes.
6563. Did Mr. Hall ever ask you to pay for these? No, not that amount; he asked me to pay him £5.
6564. Are you sure he asked you to pay £5 for the ironmongery supplied from Iredale & Co.? Yes, quite sure.
6565. And this was all you received? Yes.
6566. There was other ironmongery used besides this? Yes, a great deal more.
6567. Where was that supplied from? A portion of it from Crawford's, Brickfield Hill, a portion from Macintosh's, and a portion from May's, opposite the Railway Station.
6568. You got it just where it suited you? Yes.
6569. Could you give the Committee any idea as to the cost of that extra iron-work? The cost I laid out was £6 2s. 6d.
6570. Besides this £1 5s. 2d.? Yes.
6571. Then the ironmongery for the Burwood Station would cost £7 7s. 8d.? Yes; but then in that is included nails and everything that would be supplied by an ironmonger.
6572. Do you consider that nails are included in the clause of the specification having reference to ironmongery? No, I think not.
6573. Taking the nails from the price you paid, what do you think would be the cost of the ironmongery you supplied yourself, independent of this £1 5s. 2d.? Well, I could not exactly say. The nails would be a very good item in it.
6574. I want you to confine yourself to what you considered ironmongery when you were tendering? What I consider ironmongery is what I state—nails, and everything that would be supplied by an ironmonger. In making out my estimates I put down a lump sum for that. In this case I estimated it at £8.
6575. The specification only required £5? They were to supply £5 worth, and to deduct £5 for it.
6576. Is it not that the Commissioner reserves to himself the right of providing the ironmongery? Just so, to the extent of £5, and deducting that from the contract money.
6577. Then you consider that if you shewed him an account which included nails in your ironmonger's bill, he could not deduct anything from the amount of your tender, if it exceeded £5? I consider he ought to have deducted what was actually provided by the Government.
6578. Did he so deduct it? No, he deducted nothing at all.
6579. Are you sure that Mr. Hall asked you to give him a cheque for £5 to pay for this £1 5s. 2d. worth? Quite sure.
6580. There is no mistake about it? No mistake whatever.
6581. What did you tell him? I said, "All right; we will not fall out about that; get me my certificate as soon as you can." I never said positively I would give it him, because I never intended to give it him.
6582. But you adopted this course because you thought he would give you some trouble before he would give you a certificate? Yes, I was very much afraid of it.
6583. In Mr. Hall's position, if he had refused you a certificate, could he not have put you to a great deal of trouble? Certainly.

Mr. A. Graham.

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6584.

- Mr. A. Graham.  
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6584. Was it not in his power to condemn your work altogether? Certainly, his power was absolute in that case.
6585. Is it not a fact that a person who has the supervision of works, particularly architectural works, can make a difference of from 20 to 25 per cent. in the manner in which the work is carried out? Yes, certainly he can.
6586. On the one hand, if he allows a contractor to scamp his work, he may save from 10 to 12 per cent.; and on the other, if he exacts that which he may have the power by law to exact, he can make it cost 10 per cent. more? Yes, decidedly he can.
6587. So that the manner in which an architect supervises his work may make a difference of fully 25 per cent. to the contractor? No doubt.
6588. Contractors being placed in that position, are very anxious to get their certificates the best way they can? I was not anxious to get mine the best way I could, but I was anxious to get it.
6589. That was the reason you made this answer to Mr. Hall—"Give me my certificate as soon as you can, and we will not fall out about it"? Yes.
6590. Did he give you a certificate in consequence? Not to me; he put it through the office.
6591. In the usual way? In the usual way, and with the usual delay.
6592. You received your money? Yes.
6593. Were there any extras? Yes; I did about £50 worth of extra work, and he did not pay me up within £30 of my extra work.
6594. Did he condemn it? No, he did not measure it sufficiently.
6595. What was the extra work? It consisted mostly of brick-work.
6596. That would be a very simple matter to measure? Yes; it was cube measurement—by the cube yard, and the excavation the same.
6597. Then they do not measure railway work by the rod? No, not the usual colonial measurement, but by the cube yard. I gave in a schedule price, so much per cube yard, and I should have been paid at that rate for the extra work. The extra work arose from the building being put down three or four feet lower than was intended, in order to get a good foundation. It caused more excavation and more brick-work; and he did not measure it up within the amount I have named. I also substituted box frames for common hardwood frames, at his request.
6598. Did he make you no allowance for the box frames? He made me no allowance; he said I had a right to do them.
6599. Did the specification say you were to do them? No.
6600. Was there any other alteration? No, no other material alteration.
6601. Were there jumps in the foundation? No, the foundation was level all round.
6602. Then by sinking a hole anywhere he could have got the proper depth? Yes, one hole would have given the proper depth.
6603. Or he might have sunk a dozen? Yes.
6604. Was it before or after this measuring up took place, that he asked you to give him a cheque for the £5 to pay for the ironmongery? Just at the time.
6605. Had he made up and given you your quantities before he asked you for this £5? No, he had not.
6606. Then after you promised to give him the £5, he did not make any alteration in the measurement of the work? I never asked him, not till after I got my money; I did not object to it, because I was not quite aware of it.
6607. Do you not think you had a right to make objection before you received your money? No, I was not quite aware of it; I did not measure the work myself at first.
6608. Did you afterwards? Afterwards I did.
6609. When you accepted the amount you gave a receipt in full? Yes, with the understanding that it was not a final receipt. When I saw what the amount was, I knew he had not measured my work properly, and I said to Mr. Moody, "Is this a final receipt?"; he said, "No, it is not." "Very well, then," I said, "I will sign it." He said I had more money coming to me.
6610. Did you sue the Government? Yes.
6611. Were you successful? No, I was nonsuited.
6612. For what reason? For the reason that I had signed this final receipt. The Judge said that had it not been for signing this receipt, he would have allowed me for some of the extras. This is a report of the case. (*Extract from newspaper handed in. Vide Appendix.*) It is a pretty correct report, except in reference to the witnesses disagreeing; it was the witnesses for the defence that disagreed, not my witnesses. Mr. Moody came up and denied he had ever said anything of the kind; and the Judge considered it a final certificate and receipt, and nonsuited me.
6613. Are you sure of the words made use of by Mr. Moody, when you asked him if it was a final receipt, that it was not a final receipt, and that there was more money coming to you? I am quite sure; I had my brother there, and took him as a witness.
6614. Did you produce him as a witness at the trial? I did; but Mr. Moody came in last, and the Judge said he considered it a final receipt, and therefore he could not allow me anything.
6615. Mr. Moody contradicted your statement? Yes, he denied it *in toto*.
6616. Then when you accepted the money, and when you promised Mr. Hall the £5, you were not aware that he was not paying you for the whole of the extras you had done? No, I was not aware; I left it entirely to himself; I took no part in the measurement.
6617. Have you ever seen Mr. Hall drinking at the station-house? Yes, I have. But perhaps I might just tell you how this talk about the £5 arose.

6618. If I have omitted to ask you anything, the Committee of course are very anxious for any correct information you can give us on this point, and if you make any statement we should thank you for it? The £5 arose in this way. It was the last day he was out there measuring up. He went over the building and took his items, but he did not make them up there; he made up his calculations in the office. After he had done measuring he said, "What about this £5 for ironmongery?—I shall have to deduct this from your contract;" said I, "You have not found £5 worth;" said he, "Never mind, it has to be deducted;" I said, "Had you not better give me the exact amount and I will pay it? deduct the exact amount; it is not fair to deduct £5 if you have only found £1 worth." "Well," he said, "I must deduct it." "Very well," I said, "Just do as you like about it." So after a while he said again, "What about this ironmongery?—you seem to be very dull of understanding." "What do you mean by that?" said I. "Well," he said, "Don't you know I have been at some expense coming out here?—don't you know I am not allowed travelling expenses?—it has cost me £3 10s. coming out here;" I said, "Is that what you mean?—if that is it, we will not fall out about it." "Well then," says he, "You give me a cheque for £5, and after that I will send a certificate up." We had some further conversation about his getting no travelling expenses; and on a Saturday morning I went to the office; he shewed me a memorandum of a certificate; I looked at it and was dissatisfied with it, but I said nothing, and I did not give him the cheque. I left the office, and did not see him any more till I got my money. After that I told him I would not give him the £5; he said he would get it; I said, "You may get it if you can; I am going to try to get £30 more against the Commissioner"; then he said he would urge the Government as much against me as he could. That was all I heard of the matter until he shewed a bill for £4 19s. to my brother for ironmongery.

6619. From Iredale's? I think it was from Iredale's he said. He told him that was what I owed. My brother said, "You know where he lives—you had better speak to him about it. Says Mr. Hall, "I shewed it to the Chief, and he said I ought to sue him"; my brother said, "That is just what you ought do."

6620. He did not sue you? He did not. It was that very thing that made me bring it out—to see whether he had laid out that amount in ironmongery—just a shilling less than ought to have been deducted? I knew very well he did not.

6621. Have you ever seen him drinking during the time he was inspecting your work? Yes.

6622. Where? On the works.

6623. During the usual working hours? Yes.

6624. At other times than luncheon-time? Yes, many times in the course of the day.

6625. Have you seen him the worse for drink? Yes, I have.

6626. So that he was not capable of performing his duties? I could not say I ever saw him incapable of performing his duties.

6627. Where have you seen him the worse for drink? I have seen him so at the Railway Station when he came from Penrith; then he was drunk.

6628. Had he been inspecting works then, do you know? He had been at Penrith—that is all I know. He had been there two or three days, because I had been waiting for him to get an advance of money.

6629. What time was this? When the last train came in—about 7 o'clock in the evening.

6630. Have you ever seen him drinking on the works at Burwood? I have seen him drinking in the public-house close by.

6631. Have you seen him visit that house often? Yes, very often. He stopped there about a fortnight when the works first commenced.

6632. Who laid out the foundation for you? He laid it out.

6633. How long did it take him? I suppose a couple of hours.

6634. What was he doing there for a fortnight? He said he was watching the works—watching the foundation; a great deal of it was underground.

6635. It was necessary some person should be there? Well, I should think not.

6636. Would an architect in private practice—Mr. Hume for instance—be there in a similar case? No, I should think not—not unless he got some special payment for it.

6637. There is no question that, if he was dissatisfied with the manner in which the foundation was done, by digging a hole a couple of feet long, he could have ascertained whether it was properly done—whether proper mortar and materials were used—There was no necessity for him to be there? I should think not.

6638. Have you ever seen an architect attend to a building in that way? Never in my life.

6639. How much do you suppose you have known him to drink in a day, or how many visits do you suppose you have seen him make to this public-house? A great number; he was there almost continually, either there or at the building.

6640. He had a right to be at the building? Between the building and the public-house his time was taken up.

6641. When you say he made a great number of visits, how many do you mean? I could not estimate.

6642. Did he go there ten times a day? I dare say some days he has; merely backwards and forwards; he was acquainted with the publican there.

6643. Of course you saw the plans and specifications? Yes.

6644. What do you think the plans and specifications, and the supervision of that work, cost the Government? I should think they could not have cost the Government under 40 per cent.

6645. 40 per cent. upon the cost of the building? Yes, if you take into consideration the cost of Mr. Hall's time, and the cost of the plans.

Mr. A.  
Graham:  
28 Jan., 1864.

- Mr. A. Graham.  
28 Jan., 1864.
6646. The cost of private architects is 5 per cent.? Yes.
6647. They draw the plans, supervise the construction, give certificates as the work proceeds, and also the final certificate, and their charge is 5 per cent.? Yes.
6648. And you think the plans and supervision of the Burwood Station cost 40 per cent.? Yes, I think so, from my observation.
6649. *By Mr. Garrett*: What was the total cost of the building? £500 18s. was the amount I received. That (*handing in a paper—vide Appendix*) was how I received my payments; and the last one being the largest amount, I was compelled to take it and lose £30.
6650. You were obliged to take it because you had £246 7s. 11d. coming to you, according to Mr. Hall's certificate? Yes.
6651. Did he condemn any of your work? No.
6652. Where do you take out the quantities when you go to tender? In the long drawing-room.
6653. Have you often been in that room? Yes, I have.
6654. Within what period? Well, I was in it the year before last, mostly from July to December.
6655. 1862? Yes.
6656. Did you ever see any drinking going on in the department? No, I cannot say I did.
6657. Do you remember seeing Mr. Hall there during that time? Yes, I have seen him there.
6658. All the contractors go there to take out quantities? Yes, I believe so.
6659. Did any of the draughtsmen ever give you the quantities? No, never.
6660. Were you the contractor for the Penrith Station? I was, for the Penrith goods warehouse.
6661. Was there not a mistake made in the drawings? Yes, there was.
6662. You ordered the timber according to the drawings or figures—which? According to the drawings; there were no distinct figures in this part.
6663. And when the timber was delivered, it was found to be too short? Yes.
6664. The engines and goods vans could not go in underneath? Just so; the doors would have been too low.
6665. To rectify the mistake, they had to raise the stone foundation? It was a concrete foundation.
6666. You had to raise it? No, the timber was got longer.
6667. The timber first brought was condemned? Yes.
6668. Whose loss was that? I stopped the job in consequence.
6669. Who finished it? My sureties finished it.
6670. You declined to go on with it in consequence of this blunder? Yes; my sureties preferred going on with it to going to law. I have an action now against the Government about it. I laid out £250, and I consider the mistake was on their side.
6671. Was there a scale put down on the plan? Yes.
6672. And you ordered your timber of lengths according to the plans? Yes.
6673. By the scale? Yes.
6674. And when the timber was cut and on the ground, it was found to be too short? Yes.
6675. Did they want you to go to the expense of raising the foundation? Yes, that was what they wanted. They drew out an amended plan, which would have made an additional expense to me of £100, and they were not going to pay me for it; so I stopped the works.
6676. You were compelled to give up the contract in consequence? Yes, the contract was taken out of my hands when the time was up—three months.
6677. Were you to perform the whole of the work in three months? Yes.
6678. Was it the goods warehouse only that you had? Yes.
6679. What was the contract? £1,380. The second contract has been a year in completion; it is only just now finished, in fact.
6680. Referring back to Mr. Iredale, you are certain you never went with Mr. Hall to any ironmonger, with reference to any iron? Quite certain. It is a gross falsehood. In fact I do not know that I have ever been in that Iredale's shop at all, opposite the Old Burying Ground.
6681. When Mr. Hall was speaking to you in reference to travelling expenses, were you under the impression that he wanted this £5 for himself? Most decidedly—the balance of it; he stated plainly he did want it for himself.
6682. *By Mr. Morris*: Did Mr. Hall certify that ironmongery to the amount of £5 had been supplied in accordance with the contract? Not that I am aware of.
6683. Then how was it £5 was not deducted from you, if he did not so certify? That I cannot tell.
6684. *By the Chairman*: Mr. Hall gave you the usual certificate that you had performed your work according to the plans and specifications? They do not give them to the contractors; they put them into the office. He gave the usual certificate.
6685. *By Mr. Morris*: You were aware the £5 would not be deducted from you by the Government? Yes, after Mr. Hall told me.
6686. When you first promised to give Mr. Hall the £5, did you fully intend so to do? So far as that goes, I would have had no objection to give him the £5, and made no secret of it either.
6687. Did you intend to give it him? If he had done me justice I would have given it him.
6688. Is this statement you made before Mr. Arnold or Mr. Whitton correct:—"I led Mr. Hall



Hall to suppose I would give him £5 at the completion of the work"? I do not think that is exactly correct. I led him no more than to believe I would consent.

Mr. A.  
Graham.

6689. Did you not sign that statement? I signed that. I led him to believe I would by appearing to consent to his proposal.

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6690. If you had found his certificate satisfactory to you, you would have given him this money? I would, and made no secret of it either.

6691. Were you aware that Mr. Hall had not selected, on behalf of the Government, ironmongery to the amount of £5? Yes, I was aware.

6692. Consequently you were aware Mr. Hall would pocket the difference in case you paid the £5 to him? Yes, I was well aware of it, at least from what he said.

6693. Were you aware that Mr. Hall was committing a gross breach of duty, not to say fraud, upon the Government, in certifying that £5 had been expended on account of ironmongery, when only something less than £2 had been expended? But he never certified that.

6694. He must have certified that? No, it was not mentioned in the certificate in any shape.

6695. Practically it was, inasmuch as no deduction was to be made from your contract for it? It would have been no fraud upon the Government at all if I had given Mr. Hall £5, and he had paid Mr. Iredale the amount due for ironmongery; it would only have been so much out of my pocket and in his.

6696. *By the Chairman*: Simply because you had put the quantity in the building that you were compelled to put? Yes.

6697. *By Mr. Morris*: Nevertheless the Government had not selected this ironmongery beyond the amount of £2? The ironmongery was to be found, not selected.

6698. In this particular case was not the Government to find you the ironmongery? Yes.

6699. How much did they find you? They found £1 5s. 2d. worth in my estimation; I have never seen any account of it.

6700. Consequently the Government were defrauded out of the difference between £5 and £1 5s. 2d.? No, there was no defraud on the Government at all. Mr. Hall has been defrauded in this case—if he has paid this money he has been the loser.

6701. Is this evidence of yours before Mr. Arnold correct: "This £5 was intended by the specification to be deducted for iron-work supplied, but only a portion of the iron-work was found, and no deduction was made"? Yes, that is quite true.

6702. Consequently £5 ought to have been deducted? That would have been £5 they would have got the better of me.

6703. That would have been your own fault in not conducting the matter in a business-like way?

6704. *By Mr. Dalgleish*: If the Government had found the ironmongery, they would then have been entitled to have stopped £5 only, although the ironmongery might have cost £7 or £10? No; the real meaning is that they were to find ironmongery to the value of £5, and deduct £5, or deduct the real value of what they found.

6705. *By Mr. Morris*: They were to deduct £5 in any case? No.

6706. *By the Chairman*: Your specification went to compel you to place £5 worth of ironmongery—or pay £5 for the ironmongery—in the building? No, that is not the meaning. The meaning is that they were to have the privilege of purchasing to that amount; anything above that amount I was to purchase myself.

6707. Then if you purchased £5 worth of ironmongery, and Mr. Hall was satisfied with that ironmongery, of course that was fulfilling that clause of the specification? Just so.

6708. *By Mr. Morris*: Suppose the whole of the ironmongery in the building had really cost only £3, the Government nevertheless would have been entitled to deduct £5 from you? No, I cannot see that.

6709. The fact, with regard to this £5, is, I apprehend, simply this, that Mr. Hall expected a bribe, and that you promised to give him one—is not that the long and short of it? I do not think there was any bribe in it, because he had measured up my work and had made as much as he would make of it.

6710. Nevertheless you expected he had measured it in a way satisfactory to you? Certainly, I expected he had measured it up justly.

6711. Was Mr. Hall entitled to £5 for any work he had done for the public, or you, in a legitimate way? He might have been. It is very easy for an architect to put £5 into a contractor's pocket without putting it out of any other person's.

6712. How is it possible to put 10 or 20 per cent. into the pocket of a contractor without taking it out of some one else's pocket? I will tell you. A troublesome architect can put a contractor about very much in many ways. He need not give him particular directions; and then when a thing is up, he may tell him to pull it down again; whereas, by first giving proper directions and seeing it put up right, of course there is a saving of money to the contractor without loss to any one.

6713. As a matter of fact, was not the job completed when you promised to give Mr. Hall this £5? Yes.

6714. But you had not got your certificate? No.

6715. When you found the certificate was not satisfactory to you, you would not pay Mr. Hall? No, I would not give it him.

6716. Did you represent this matter to the Railway Department, or the Commissioner? No, I did not; nor would I have done so now, if he had not shewn this bill for £4 19s. to my brother, and then I said I would write to Mr. Arnold to inquire the truth of it.

6717. *By Mr. Dalgleish*: Have you got that bill? No, he kept the bill; he merely shewed it to him. My brother told him he knew where I lived and he had better sue me.

6718.

- Mr. A. Graham. 6718. *By Mr. Morris* : With reference to the matter you had before the District Court, how could Mr. Moody say you had more money coming to you for this Burwood contract, if Mr. Hall had not certified for extras to an amount beyond what was paid you? That I cannot tell—all I can tell is that he did do it.
- 23 Jan., 1864. 6719. *By Mr. Dalgleish* : Were you employed in the Penrith Station yourself? I was the contractor for the goods warehouse.
6720. Have you seen Mr. Hall and Mr. Micklethwait up at Penrith? No, I do not know Mr. Micklethwait at all to my knowledge.
6721. Have you seen Mr. Hall the worse for liquor at Penrith? No, I was not very much up there—I may mention that they spent more money in defending the Burwood case than would have paid me, if their time was of any value. They had four men up there for two days.

Mr. Peter Graham called in and examined :—

- Mr. P. Graham. 6722. *By the Chairman* : You are a brother of Mr. Alexander Graham? Yes.
6723. Do you know Mr. Hall? I do.
- 25 Jan., 1864. 6724. Did he shew you a bill for ironmongery lately? Yes; not lately—a little before he was suspended.
6725. What was the amount of the bill? £4 19s. I had not the bill in my hand.
6726. How do you know it was £4 19s.? He told me so.
6727. He did not shew you the bill? He shewed it me in his hand, saying, "Here is a bill your brother owes me, £4 19s., for ironmongery I got for him." I told him I knew nothing about it—that is was no business of mine. He said, the Chief recommended me to sue him. I said, "It is the best thing you could do."
6728. Who did you understand him to mean by the Chief? The Engincer-in-Chief.
6729. You have no doubt about the amount he stated? No—£4 19s.
6730. Were you connected with your brother, in the building? No, but I have done the contract at Penrith.
6731. Was Mr. Hall often on the works at Penrith? He was once or twice there during my time.
6732. How long was he there—for what space of time? Generally about half an hour each time. Of course he was in the neighbourhood the whole day, from the fact that he could not get away; he came at 10, and left by the last train. There are only two trains—one to and one from Penrith.
6733. Although in the neighbourhood the whole day, he was on the building about half an hour? About half an hour.
6734. Did you see him the worse for drink? No, I never saw him the worse for drink.
6735. Did he condemn any of your material? He did; he was pretty bounceable; a very tyrannical man I thought.
6736. Not at all a pleasant man? By no means. I consider him very tyrannical to a contractor; the faults he found were what I should consider, as a tradesman, very childish.
6737. Frivolous? Yes, not substantial. It appeared to me as if he had made up his mind to find fault, which of course comes unpleasant to a contractor.
6738. Who was clerk of works up there? Mr. Robertson.
6739. Where is Mr. Robertson now? Well, I think he is at Penrith. I may safely say that, between Mr. Robertson and Mr. Hall, I was a very great loser, simply by their unnecessary interfering in matters and condemning material; for instance, they let in timber that I would not let in myself as a matter of conscience, and there was timber they condemned that I would consider was really first class.
6740. Do they know anything of timber? Well, I should think not.
6741. Do you think they know one timber from another? I think not.
6742. Then, I presume, they would pass a piece of turpentine wood, which is worthless, because it looks well, and object to a piece of ironbark? Exactly. I asked the inspector there the question. I entered into a contract with some sawyers there. It is a most difficult thing to get timber at Penrith. I had £500 worth of timber to get, and you cannot get that quantity in a day's time. I went to the expense of getting a lot, and the timber I got was blue gum, a good sample—indeed I may say, Halley and Clyde, who are good judges in these matters, pronounce it excellent timber, and a sawyer in Parramatta, King, a very old sawyer, and an experienced hand, said it was beautiful\* timber; and yet that timber was condemned on me.
6743. What timber did you at last use? I may say all sorts of stuff; I do not know what it was—a shrivelled sort of timber.
6744. Apple-tree? No, I never saw anything like it before; in fact the sawyers did not know what it was called.
6745. Was it as good as the other? By no means. I kept a sample of the timber he condemned.
6746. Did you keep a sample of the timber he passed? It was in the building. It was the means of my losing £100, by condemning the timber, and I had no redress. When this timber was condemned, I asked him what it was called, but he did not give it a name.
6747. What was his objection to it? When it was first brought, it was passed in a sense—he had no objection to it; but I fancied some rival sawyers put something in his head, that it was bad timber, and a few days after it was condemned. Indeed I had the timber partly worked. When it was laid on the ground I asked him would it do, and he said yes.
- 6748.

\* Revised :—good

6748. Your brother first had the contract? Yes.
6749. He threw it up in consequence of a mistake? He threw it up in consequence of a defect in the plan; when they came to work the plan it would not work.
6750. Could you shew me why? I can shew you distinctly why. I put the question to Mr. Hall, and he could not answer me. I may say, in putting up the building I was bound to go in direct opposition to all of them and the plans.
6751. *By Mr. Dalgleish*: The officers? Yes. I asked them which they would have—the figures or the scale—and they wanted me to take neither. As a matter of course, I was bound to take either one or the other.
6752. Were they both wrong? Yes, they are. (*Plan produced.*) This is drawn on an eighth scale. If you measure this, and take the figures that are here (*looking at the section of drawing No. 1, Goods Warehouse, Penrith*), from the bottom of the foundation to the bottom of the bottom plate is 1 ft. 6 in., and from that to the level of the line of the railway is 4 ft.; then 3 ft. 4 in. to the top of the stage, and from the top of the stage to the bottom of the tie-beam is 12 ft.
6753. *By the Chairman*: The plans are drawn to an eighth scale—now what does it measure? 19 ft. 6 in. by the scale.
6754. What are the figures? The figures added together would make 20 ft. 10 in., being 1 ft. 4 in. difference between the scale and the figures.
6755. And your brother ordering these studs according to the scale, when they came in they were sixteen inches short? Yes. When I came to work the studs, I asked which I should take—the scale or the figures. They said the figures. By using the figures the luffer work shewn on the plan does not come in over the gates; this gate, instead of being there (*pointing to the plan*) is tight up against the plates—there is an eighth of an inch instead of 1 ft. 9 in.
6756. *By Mr. Morris*: Did Mr. Hall ever appear to expect some gratuity or other —? Well, I thought so when he presented me that bill.

Mr. P.  
Graham.

28 Jan., 1864.

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Mr. Robert Iredale called in and examined:—

6757. *By the Chairman*: You keep an ironmongery establishment in George-street? Yes.
6758. Did you supply any ironmongery for any of the Government Railway Stations—the Picton Station and the Singleton Station? I believe we did.
6759. What was the amount of the bill? I have not had time, since receiving your summons, to go into particulars, but I have taken out the sum total. The Singleton Station is charged £30, and the Picton Station £18 17s. 6d.
6760. Have you received payment? Yes.
6761. How much? The whole.
6762. Did you receive a cheque for £55? I could not say.
6763. Was the amount paid by a cheque for £55? I cannot say. I see (*referring to a memorandum*) there is a small amount here. It strikes me forcibly there were some more items that I have not had time to go into, for the Burwood Station—a small amount.
6764. *By Mr. Dalgleish*: Whose name was the Burwood Station account in? Well, we put it down for the Railway.
6765. *By the Chairman*: No particular name? No.
6766. To whose was the £18 17s. 6d. charged? They are all down in the Railway account, with a marginal reference, I see, in our ledger, for the Singleton Station, and for the Picton Station.
6767. You supplied some for the Burwood Station? Yes.
6768. To what amount? £1 8s. 9d.; but it strikes me forcibly that there was something more. I have not the items—I have not had time to go into the matter particularly.
6769. The gentleman who performed the work as contractor for the Burwood Station has given us a list of the articles he received from your establishment; and not knowing the prices, he has valued the whole at £1 5s. 2d.? Well, I have it here £1 8s. 9d. I only took the memorandum out at the last moment, believing there was something more for the Burwood Station than that.
6770. *By Mr. Dalgleish*: Do you know Mr. Hall? Yes, I have known him many years.
6771. *By the Chairman*: Had he any private account with you? Yes, he has had a private account with us ever since he came to the Colony.
6772. You do not know how this money was paid—If I produced a cheque could you tell if it had passed through your hands? If you could shew the accounts, they could tell you perhaps.
6773. If I shewed you the cheque? A cheque would not do.
6774. *By Mr. Dalgleish*: If it was a crossed cheque? There are so many crossed cheques coming through our hands.
6775. *By the Chairman*: You have no doubt the goods supplied to Picton Station amounted to £18 17s. 6d., and no more? I have very little doubt of that. But, as I said before, I have not had time to go all through the account, to see if there are not some more small items.
6776. Do you know anything of that (*crossed cheque for £55, drawn by Matthew Jamieson, handed to witness*)? I cannot call it to mind.
6777. *By Mr. Morris*: Do you know the drawer of the cheque? I do not remember him personally, and yet it is possible I do know him. There are a number of individuals that I know, but do not know their names. I have not the least doubt I have spoken to Mr. Jamieson, but I cannot say I remember him by name. There is another individual who very often comes for goods—his name is Parkinson; he may be called Jamieson for all I know, but I always looked upon him as Parkinson. He has very often looked in on these accounts.

Mr. Robert  
Iredale.

28 Jan., 1864.

6778.

- Mr. Robert Iredale.  
28 Jan., 1864.
6778. *By the Chairman*: He has no connection with either the Singleton or Picton accounts. If any person came into your establishment to pay these bills for Singleton and Picton Stations, which amount to £48 17s. 6d. for the two, and presented you that cheque, I suppose you would give him the balance? Well, I should think so.
6779. And you have no doubt you did not accept the whole of that cheque for the payment of these two accounts? Not of these two accounts.
6780. You cannot say whether that cheque passed through your hands? No, it is quite possible it may have passed through my hands.
6781. And you cannot say who paid these accounts? Well, I think I could venture to say it came through Mr. Hall, but I would not take my oath on the subject.
6782. You have no doubt Mr. Hall presented you that cheque for the payment of these accounts, and you gave him the balance? It is quite possible Mr. Hall presented that cheque, and quite possible I gave him the balance; and it is quite possible I did not.
6783. There is no doubt you did not keep the full amount, £55, to pay £48 17s. 6d.? Not to pay £48 17s. 6d. certainly.
6784. Then of course the person who presented that cheque received the balance, either by cash or by credit, in some way or other? Well, as far as credit would go, I do not suppose he would receive it in credit. It is generally the case that, when a cheque is handed over for a larger amount than the account comes to, the difference is given in cash, or if cash has not been at hand I have known a cheque drawn for the balance.
6785. That is the usual course of business? Yes.
6786. And you can see no reason why there should be an exception in this case? No.
6787. *By Mr. Morris*: Is there any mark on that cheque by which you could ascertain whether it ever passed through your hands? No.
6788. Could you ascertain whether that cheque was ever credited to you? That I could do.
6789. Probably you would be kind enough to do that, and add it to your evidence? I will.\*
6790. Has Mr. Hall any account with you at present? I do not think there is any account standing between us at present—I am not sure. He has never had a very great deal to do with us—only a very pounds now and then. I did not look into his account to see whether there was any balance left.
6791. How long is it since Mr. Hall paid his own private account last? I will ascertain by the books.†
6792. Do you know a contractor of the name of Graham? I do not.
6793. *By the Chairman*: Have you been paid the amount for the Burwood Station, £1 8s. 9d.? I do not think I have; I am not sure, but I will let you know.‡
6794. *By Mr. Morris*: If it has not been paid, to whom do you look for payment? It will stand against the Railway Department, I suppose.
6795. *By the Chairman*: Who gave you instructions to supply these goods, do you know? Mr. Hall and the party described as the contractor.
6796. You do not know whether he was the contractor? The party described as the contractor. Mr. Hall would say, "This is Mr. So-and-so;" of course I spoke to them as Mr. Jamieson or Mr. Graham, or whoever they were.
6797. Do you know whether Mr. Alexander Graham, the contractor for the Burwood station, was ever in your place? It is possible he may have been; it is very possible my son has seen and spoken to him.
6798. I should like you to ascertain whether Mr. Graham has been there? I think my son and Mr. Graham have been in conversation together in regard to these contracts.
6799. Mr. Alexander Graham, you will remember, if you please, because there are two Messrs. Graham. This is Mr. Alexander Graham who says he never was in your establishment in his life? ———
6800. *By Mr. Dalgleish*: Have you ever allowed Mr. Hall any commission on orders which he has brought to the shop? Certainly not.
6801. It is usual to allow commission to persons who bring orders? It may be if I send a traveller out to go round the country; then I pay him a commission for his services; but an individual in a situation I never give a commission to in that way.
6802. Under any circumstances, you have not been in the habit of allowing Mr. Hall any commission? No.
6803. Are there any other contracts that you have supplied the iron-work for, on account of the railway authorities, besides those mentioned? We have supplied, I think, for the Penrith Station.
6804. Perhaps you will be kind enough to give us the particulars of the iron-work for the Penrith Station, and, if paid, by whom? I did not know that I can say who paid the accounts, because all we do is just to receipt the bill and enter the cash received in the book. §
6805. You hold the Government responsible? I hold the Government, or the authorities under the Government, responsible.
6806. You do not hold the contractors themselves responsible? It all depends upon whom they are. For instance, with regard to one of the Grahams—I do not know whether it was Alexander or not—there was a doubt expressed as to the propriety of giving him credit, and I did not feel at all comfortable in doing so.
6807. *By Mr. Morris*: How long ago is that? Some time ago. Whether it was for the Burwood Station or some other station I do not know.
6808. Will you be kind enough to ascertain whether it was Alexander Graham or his brother with regard to whose credit the doubt was expressed? I will.

6809.

\* ADDED (on revision):—Yes, we did receive a cheque for £55.

† ADDED (on revision):—There is still a small account standing against him.

‡ Revised:—No, we have not been paid.

§ ADDED (on revision):—The amount credit to the Penrith Station, £26 10s.

6809. Do you allow any discount on these railway accounts? No, I do not look upon it that the Government desires a discount; I make the same charge to the Government as to any ordinary person. We only allow discount to storekeepers, who take large quantities of goods, and have their profit to make upon them. I would charge the Government the same as I would a builder. Mr. Robert Iredale.  
28 Jan., 1864.
6810. Do you not allow builders a discount? No; I make the price to a builder as low as possible, and I treat the Government in precisely the same way, and always have done.
6811. Did any Government official ever ask for a discount on account of the Government? Not to my knowledge. I think you can take that as a positive answer. I do not know that any Government officer ever asked me for a discount, and I do not know that ever I have given one. We have supplied some large quantities for the Wollongong and Kiama Harbour Works—they are the principal items I have had to do with the Government, and I can solemnly say no party in that branch of the service ever had a farthing.
6812. *By Mr. Dalgleish:* If the account for the Burwood Station was put down to the Government or to the Railway Department, in what way would the solvency or insolvency of Mr. Graham affect you? I do not know that it should affect me.
6813. If you look to the Government for payment, the solvency or insolvency of the contractor could not affect you? No, but the Railway Department might refuse to pay it.
6814. I presume you have assured yourself as to whether you are right or wrong in supplying these things to the Railway? I have always been perfectly assured in supplying these matters, with the exception of that one instance of Mr. Graham; though if the contractors were to fail, and there were no funds in the Railway Department to meet these accounts, then we would have to do the same as with other parties—put up with the loss. I have not lost anything yet.
6815. Have you made any inquiry at the Railway Office, to see whether you were authorized in putting down these accounts to their debit? I did not see that it was necessary when Mr. Hall and the contractor came together.
6816. Do you know that Mr. Hall and the contractor did come together—the contractor denies it? All I can say is that I saw a party there, and Mr. Hall said, "This is Mr. So-and-so." If Mr. Jamieson was now before the Committee I would not know him.
6817. It is not Mr. Jamieson—it is Mr. Graham? Well, it is only that one instance I am alluding to. I could not tell now whether it was the Burwood Station or whether it was Alexander Graham; but my son came to me and spoke to me about a Mr. Graham.
6818. Do you know whether a person represented as Mr. Graham was in your shop at all? I am not positive, only through the communication made to me by my son.
6819. Has Mr. Hall been at your establishment within the last week or fortnight? I saw Mr. Hall last week or the week before.
6820. Did he make any reference to this matter? I just spoke to him and said, "How are you getting on?" He said, "They are still busy with me, but how it will turn out I cannot tell." I said, "I understood you were going home to England." He said, "Oh! no." It was a younger son of mine who gave me the information. I was surprised, and made inquiry of another party, who said he was not going.
6821. Did Mr. Hall make any mention of the probability of your being called before this Committee? No; I had no idea of it either, until I received your summons yesterday.

THURSDAY, 4 FEBRUARY, 1864.

Present:—

MR. DALGLEISH, | MR. STEWART.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. William Scott called in and examined:—

6822. *By the Chairman:* You are in the Government employ? Yes, as locomotive Mr. W. Scott. foreman. 4 Feb., 1864.
6823. Have you anything to do with the passenger carriages? Yes, with repairing them and so on—not with the traffic.
6824. Can you manufacture carriages in this country? I do not see why we could not.
6825. Do you remember the number of carriages imported here during the year 1861—five composite carriages and ten third class carriages? Yes.
6826. Would there be any difficulty in manufacturing carriages similar to those, in this country? I cannot see any difficulty.
6827. What do you think first class carriages would cost manufactured in this country? I could scarcely say without going into it; I have no doubt it would be a little over the cost of importing them.
6828. Could you not say within £50? No, it would be impossible to do that without going into it.
6829. Do you think they would cost £600? Well, it is impossible to say, without going into every item.
6830. Will you prepare this information for the Committee, that is to say, the cost of manufacturing the different descriptions of carriages in the Colony, with breaks and every-thing

- Mr. W. Scott. thing complete, including the cost of importing those portions of the carriages which cannot be conveniently manufactured in the Colony? Yes.\*
- 4 Feb., 1864. 6831. There are also thirteen low-sided wagons, and four passenger break vans? Yes.
6832. *By Mr. Dalgleish*: Could you manufacture locomotive engines in the Colony? I have no doubt but what we could; I do not see any difficulty in it; but not with the conveniences we have now.
6833. What additional conveniences would you require? We should want some large shops built.
6834. Have you ever expressed a desire to build engines in the Colony with the present conveniences? Not with the present conveniences—not without additional buildings; in fact we could not do it.
6835. If additional buildings were erected, and the necessary tools obtained, would there then be any difficulty? No, I cannot see any, unless the wheels, and I do not doubt but what we could overcome that.
6836. It is customary, even in large manufactories at home, to obtain wheels from regular wheel-makers? Yes, and axles the same. We have no difficulty in making axles now; we have made several; we have made no crank axles yet, but we are in a position to make them.
6837. That is since the large tilt-hammer has been taken from its position in the paddock and erected in the works? Yes, we have manufactured about fifteen axles since.
6838. Would there be any difficulty in your working up and rolling the old iron on the establishment, for tire-irons? I never saw that in practice to be of any use. It was tried at Wolverton with the steam hammer there. It would require a set of rolls.
6839. I said to roll it—not to hammer it? Well, I do not know; I have had no experience in that. It was tried at Wolverton, but did not succeed; they could do it, but it cost more than a new tire.
6840. That difficulty would not be experienced with rolls? I never had any experience with rolls.
6841. What engines have you on the line at present? Fourteen in all.
6842. Who are the makers? Nos. 1, 2, 3, and 4, are by Stephenson; No. 5 by Hawthorne; 6 and 7 by Fairbairn; and 8 to 14, by Manning, Wardell, & Co.
6843. Does that include the Northern Line? No.
6844. What engines are on the Northern Line? Seven—eight, I believe, with the one they have just purchased from Peto & Co.
6845. Who are the makers of those? The first four are by Fairbairn, and three by Manning, Wardell, & Co. The one purchased from Peto & Co. was made by their own firm at Birkenhead.
6846. Of course the whole of these engines have come under your supervision at different times? Yes.
6847. And you can give the Committee a correct idea of the relative merits of the makers of the engines, as exemplified by the engines under your control? Yes.
6848. Which engines have done the most work with the least repair—can you give it in the same order in which you have already named them? It is impossible to get at that without going through the books.
6849. I do not ask you to give it absolutely correct, but from your knowledge of the engines, you must have an idea which of them have done the most work with the least repair? I believe those engines of Stephenson's have given the most satisfaction —
6850. They are coupled engines? Yes, with the additional expense of making new boilers for them.
6851. How long did they work without wanting new boilers? From 1855 to 1861—six years.
6852. That is not very bad work for boilers? A boiler ought to last from ten to twelve years. These boilers were injured with bad water.
6853. Before they came under your control? Partly so. I was running one of them, No. 1, for some time; and it did more work, I believe, than any other engine on the line. We were not using bad water at that time with this particular engine.
6854. Was there any apparent cause for the damage to the boilers—was there galvanic action? Yes.
6855. Was it at the landings of the shell? Yes, particularly round the angle iron by the smoke box—it was completely cut through.
6856. What do you attribute that to? I do not know, unless it was from the action of the water.†
6857. Were there copper pipes in the boiler? Yes, and copper stays; where the stays have been fixed, the galvanic action going on is not so bad as on some other parts. The boilers are in the paddock now, and can be seen and examined.
6858. The boilers are as difficult to make as any other part of a locomotive? The boilers and wheels are the most difficult.

6859.

\* NOTE :—First class composite carriages, equal to those imported, could be manufactured in the Colony, including the cost of importing wheels, axles, and springs, at £528 each; the greater the number the cheaper they could be done. Third class, £374 11s. Horse-boxes, £209 3s. Wagons, £137.

† NOTE :—I attribute the cause from the action of the water on the iron, the continual expansion and contraction going on in the heating and cooling of the boiler; it was principally at the landings, and particularly all round the water space at the angle iron next to the smoke box, which was completely cut through; these are the parts where there is the least elasticity in, and must have opened the grain of the iron, and allowed the corrosive nature of the bad water to work into the plates at those parts.

6859. And you have already manufactured new boilers for these four engines? Yes, we Mr. W. Scott. have got the fourth in hand now, nearly finished.
6860. I presume the fitting up of new boilers almost necessitates the refitting of the engines? <sup>4 Feb., 1864.</sup> Yes.
6861. Have you made any material alterations in refitting them? Yes, we have made some; for instance, they formerly had indian-rubber springs, and we have taken the whole of them off and put on steel springs.
6862. You have put ordinary springs on them? Yes.
6863. Do you find that to be an advantage? Yes, a great advantage, both for the engine and the road.
6864. Which are the next best engines on the line, according to your experience? I do not see that there is any great difference between Fairbairn's and Manning, Wardell, and Co.'s—these last two we have had.
6865. I want you to go through them generally—not to make any exception in favour of only two engines. Has Manning, Wardell, and Co.'s work been satisfactory on the whole? It has been rather light, but that is the only objection. No. 13, which we have taken in now, has run 10,733 miles.
6866. *By the Chairman*: Without any repairs? With only slight repairs—she has had one set of new piston packing.
6867. *By Mr. Dalgleish*: What description of engines are Fairbairn's? They have three good engines at Newcastle, but the two we have here are very inferior; we have more trouble with them than with all the rest of the engines put together.
6868. What description of engines are they? They are outside cylinder, with a 5 ft. 6 in. driving wheel.
6869. Two wheels coupled? No, single wheels. We have more trouble and more complaints with these engines than with any other engines on the line.
6870. To what do you attribute that? One thing is, that the tubes are too small, and have great difficulty in generating steam.
6871. They were not constructed for burning coal? No, I do not think they were, and therefore they sooner choke up. They are badly fitted up on the slides—slide bars and slide blocks—too complicated altogether; the small ends of the connecting rods and slide blocks are too close to the leading wheels.
6872. Are they some of the recent patents? I never saw any engines of that description previously.
6873. Are the whole of Fairbairn's on the same principle? No.
6874. Then which of the engines are you alluding to now? Nos. 6 and 7 on the Sydney line. Manning and Wardell's engines are preferred far before them; in fact, if they can get Manning and Wardell's they will not run the others.
6875. The men on the line? Yes.
6876. Manning and Wardell's are the newest? Yes.
6877. That accounts for the preference probably? No, I think not. Nos. 8 and 9 are about five years imported.
6878. Are any of these engines fitted on the bogie principle? No.
6879. Have not Manning, Wardell, and Co.'s engines failed in the axle blocks? No, I have not had any broken these two years.
6880. Nor the cranks? We have had three axles broken—driving axles.
6881. Those of Manning, Wardell, & Co. have one driving wheel? Yes. Nos. 6 and 7 have had three of their axles broken as well.
6882. Which are 6 and 7? Those two of Fairbairn's. One duplicate wheel we had for them, and the whole of three axles to put in new.
6883. Do you know anything of the bogie engines just brought out from Manning, Wardell, & Co.'s, for the Northern Line? I have just seen them.
6884. Have you any notion what repairs they have had? We have been obliged to send up several sets of piston packing for them, and also axle boxes and bottom caps for axle boxes.
6885. They are nearly new engines? Yes, they are new engines.
6886. How old? I should say not above eighteen months.
6887. Is it usual for engines to require this new piston packing so frequently? There must be some cause for it. The pistons are rather heavy.
6888. Have the axle boxes for these engines failed? I believe they have had one or two broken; they have had one new set sent up.
6889. Is it usual, in engines proportionately fitted, for the axle boxes to give way so soon? The reason is that these are tank engines, and the whole weight is thrown on the bottom of the axle boxes. It would be much preferable to have the spring on the top of the box, where you can get at it, but in these you cannot, for the tank is all round.
6890. What is the weight of these tank engines? I do not know the exact weight, but I should say they are about 35 tons.
6891. There are no tenders to tank engines? No; the whole of the water is carried on the engine, and the whole weight suspended by these springs.
6892. Are you not too heavy in your estimate? I have here the correct weight of ours, which are about the same size of cylinder:—The engines weigh about 26 tons each, and the engine and tender about 42 tons.
6893. Engines of the same class as the bogie engines on the Northern Line? Yes, the same size of cylinder and wheels of the same size, but they are tender engines. The engines weigh 22 tons 16 cwt. 2 qrs. empty, and 26 tons 6 cwt. 2 qrs. loaded; and the tenders, empty, weigh 8 tons 13 cwt., and 14 tons 10 cwt. 3 qrs. full of water and coal; the engine and tender together, 40 tons 17 cwt. 1 qr.

- Mr. W. Scott. 6894. Do you think the tender would make 10 tons difference? Not quite so much—about 7 tons difference.
- 4 Feb., 1864. 6895. When loaded and full of water? Yes.
6896. Have you any tank engines on the Southern Line? Yes, two passenger engines.
6897. But not so heavy as those on the Northern Line? No.
6898. What is your estimate of the weight of the two bogie engines? I should say 7 tons added to the weight of the engines—about 31 tons\* altogether.
6899. That is not an unusual weight, is it? But you have got the whole of the strain dragging on to the axle-boxes; if these axle-boxes are allowed to knock at all, they are very apt to break. They are suspended from the axle-boxes with wrought iron straps cast in them to strengthen them.
6900. Are Manning, Wardell, and Co. considered the best makers in England? They were not in existence when I left England. They used to be the firm of Wilson, and used to turn out very good engines.
6901. They were very cheap makers? Yes, I dare say they were rather under Stephenson and Sharp.
6902. You have made various alterations to the engine works lately? Yes, we have made several alterations.
6903. You have done away with the open fires for heating tires? Yes.
6904. Do you find that to be a saving? A great saving.
6905. As well as giving greater safety? Yes, and there is no trouble with it; we can bend as many now in a couple of days as will last nearly six months.
6906. You can bend as many now in two days as you could formerly in as many weeks? Yes. There was a great waste of wood in heating tires in the open air.
6907. And a very great waste of time? Yes.
6908. Do you find any decided advantage from the erection of the tilt-hammer? Yes. At the present time, with the new boiler we are putting in for No. 2, we are making a new set of motion right through.
6909. About how much expenditure would be required to enable you to manufacture locomotives? I could scarcely tell.
6910. You could supply that information? I could make a rough estimate. It is out of my line.
6911. I do not speak of the buildings—*independent of the buildings.* You will supply it? Yes, as near as I can.†
6912. Do you know a person of the name of Hall? I know him by sight.
6913. Has he been employed where you have had an opportunity of seeing him? He merely came to make a sketch of the addition we had made there lately; he made the drawings for it. That was the only opportunity I had of seeing him.
6914. What time of the day did you see him? The first time I saw him he came round with Mr. Whitton about 10 or 11 o'clock.
6915. Was he there by himself at all? He was, afterwards.
6916. Was he employed there the whole day? No, he came about 10 or 11 o'clock, and was making measurements till about 2, I dare say it would be; and once or twice afterwards he came for a short time.
6917. Was he always sober when you saw him? Yes.
6918. Have you been brought in contact with Mr. Micklethwait? No; I know him by sight, and that is all—merely passing up and down the line.
6919. You have not been brought much in contact with either of these officers? No.
6920. Do you know if the orders have been sent home direct to Manning, Wardell, & Co., for these engines? No, I do not know anything at all about that.
6921. It is out of your department? Yes.
6922. You have had a machine brought out for weighing engines? Yes.
6923. Is that an expensive machine? Not very expensive—cost, in England, £150.
6924. Is it very useful? Very useful for adjusting the weight on the wheels; you can take the weight on each separate wheel, and put any required weight on the driving wheel. It enables you to adjust the springs.
6925. Are you aware that in Victoria they are building their own engines? I am not; I have heard they have been building some carriages, but I have not heard of their building locomotives; I have generally understood that they have a great number in hand, more than they actually require.
6926. You have not heard that they are building locomotives for the New Zealand line there? No, I have not.
6927. What additional expense, if any, would it be to build the engines here instead of importing them? That I could hardly say, but I should say they could be built at a little over what they could be imported for, taking a number of them.
6928. Could you not give us an estimate as to what it would cost to build here engines similar to those imported, distinguishing the different descriptions of locomotive? I will as near as I can.‡
6929. There have been some engines lately imported for the Windsor line? Yes.
6930. Are those expensive engines? No, they are very simple. There is a very good class of work in them, light, but very simple.

6931.

\* Revised:—33 tons.

† NOTE:—The additional tools that would be required to manufacture to any extent would cost £1,000.

‡ NOTE:—By manufacturing, say not less than six, I would undertake to build them at £2,700 each.



6931. Could you not have manufactured these engines at the works, with the conveniences you then had? We might have made shift to make these two, but it might have cost more than importing them, making only these two. Mr. W. Scott.  
4 Feb., 1864.
6932. You have an engine called the "Governor General"? Yes.
6933. You have not any other engine like her at present? No, she is the only one of that class.
6934. You are doing some extensive repairs to that engine? We have been obliged to make patterns for new cylinders.
6935. Does not that virtually involve the remanufacture of the engine? Yes; we must make two patterns—the right and left sides, and we can get a couple of dozen cast from the same patterns.
6936. When you have the drawings and templets made for one set of cylinders, they will do for a large number? Yes.
6937. And every one you make you could manufacture more cheaply than the first? Yes, by making a number of them.
6938. So that the reconstruction of this engine will almost cost as much as a new engine? No, only the cylinders.
6939. Who is the manufacturer of that engine? Hawthorne.
6940. Has it come to your knowledge that patterns were made expressly for that engine? No, although I have the man that was employed putting it together in Hawthorne's shop, and who was sent for by Mr. Randle to superintend its erection. I have heard him say that she has a 12-inch stroke, whereas those engines generally have only 11-inch stroke, so that it is quite possible they may have had to make a new pattern.
6941. You know the Menangle Viaduct? Yes.
6942. Have you had much experience of railway bridges in England? None at all.
6943. Then you could not give the Committee any opinion whether that bridge is heavier than is generally the case? No, I could not.
6944. *By Mr. Stewart:* In reference to building railway carriages, would there be any difficulty in procuring workmen competent to do the mechanical part of it? No, there are plenty of good workmen in the Colony at present.
6945. Do you recollect some first class carriages being damaged a few years ago, coming out? Yes.
6946. Could not the workmanship of those carriages be performed in the Colony at that time? I have no doubt they could with additional buildings.
6947. I speak now of individuals competent to perform the work? There is plenty of mechanical labour.
6948. Quite equal to any part of the work in those carriages? All, with the exception, say, of the wheels and springs.
6949. Then if a coachbuilder stated that there was only one man in the Colony equal even to repair those carriages, that would not be correct? No, I am sorry to say there are too many men out of employment.
6950. Do you think the bodies of those carriages could not have been built here at a less rate than the cost and freight and expenses? I believe so.
6951. With the exception of the mountings that are not usually produced at the place where those carriages are manufactured? Yes.
6952. With that exception they could have been produced here, with the labour then available, at a price not much, if any, over cost, freight, and expenses? Yes, I believe they could.
6953. There is no deficiency of mechanical skill for any part of the work required? No, there are always more hands requiring employment than there is employment for.
6954. Then all that would be necessary is to extend your appliances? Yes.
6955. *By Mr. Dalgleish:* Do you give the highest rate of wages at your establishment? I do not know that we give the highest rate, but I think we have about the best men that are to be got; they are all paid very well.
6956. Do the workmen in other establishments not get higher wages? That I cannot say.
6957. Do you find any difficulty in obtaining mechanics at all? None at all.
6958. Are there not always a great number of persons applying for employment? Yes.
6959. Do not men prefer to work in your shop, in consequence of there being some idea of its being permanent, for less wages than what they are willing to work for in other establishments? Yes, there is not the least doubt of that. There have been parties applying from several establishments whenever there has been a vacancy, but Mr. Whitton has always objected to take men from any private firm unless their employers give them permission to go.
6960. *By Mr. Stewart:* What is the rate of wages you give? One blacksmith is paid 16s. a day; he works the tilt-hammer, which is very heavy work.
6961. *By Mr. Dalgleish:* In England do not some of the men that work the tilt-hammer get double wages? Yes, where there is full employment for the tilt-hammer.
6962. And they generally get so much a pound as well? Yes.
6963. Do you give any commission? No.
6964. Then the man you have is actually under-paid? There is not constant work for the tilt-hammer here; it may perhaps be only at work one week in three months. We have another at 14s., another at 12s. Amongst the fitters the best paid has 13s. The average wages are about 12s. 6d.
6965. *By Mr. Stewart:* What is the rate for men working in wood? About 10s. in the carriage department.
6966. That would be about the highest wages you are paying? Yes, with the exception of the foreman.

Mr. W. Scott. 6967. And for these wages you have no difficulty in supplying yourself with the best class of workmen? No, we have got some very good workmen, and have never had any difficulty

4 Feb., 1864. in finding them as yet.

6968. Would the necessary expense of increasing the workshop accommodation be very considerable? Yes, it would require very extensive premises.

6969. *By Mr. Dalgleish*: There is plenty of room there? Yes.

6970. *By the Chairman*: Perhaps you would inform the Committee what you suppose it would cost to make the necessary improvements to put you in a position to manufacture everything required for locomotives? It would be merely guess-work on my part with regard to the buildings. As for tools, we should not require a great many more tools than we have at present.

6971. What do you suppose the buildings would cost? I should say, including the necessary buildings for the manufacture of engines and carriages, tools and roads, and other things, it would cost £20,000 altogether to put us in a position to make our own engines and carriages.

6972. *By Mr. Dalgleish*: Was there not a sum of £10,000 voted for sheds—was that ever expended? I do not think it was.

6973. The expenditure of £20,000 would put you in a position to manufacture carriages and locomotives, and to do all the work in the Colony required for the railways? Yes.

6974. *By Mr. Stewart*: You are aware that the expense of freight and other charges is more than the original cost of the carriages—second class especially? Yes, so I understand; that is on account of their being such bulky packages.

6975. Looking at it in that way, do you not think it would be more economical to make them here? Yes. We should have a better article, at all events, manufactured on the spot, because when once put together it would be ready for use.

6976. *By the Chairman*: As regards the imported carriages—after they have put them together in England, they have to take them all to pieces to pack them? Yes.

6977. That does not benefit them? No.

6978. But has rather a contrary effect? Yes.

6979. If manufactured in New South Wales they would be put together once for all? Yes.

6980. *By Mr. Dalgleish*: You have made trucks here? Yes.

6981. Would there be any difficulty whatever in manufacturing springs, by having a few appliances? No, we have to manufacture them now.

6982. By having a few tools obtained for special purposes, could you not manufacture almost as cheap as you can import them? No, I do not know that we could. Even in England they can buy springs manufactured cheaper than they can get the steel and make their own springs, for this reason, that where they manufacture bars there are a deal of waste pieces of steel, and they can work them up into springs almost as cheap as they can send the steel to you.

6983. *By Mr. Stewart*: Then, even in large establishments in England, a great deal of the work is obtained from other places? Yes.

6984. I suppose you are aware that in England the Railway Companies do not often manufacture their own carriages? No, they are generally supplied by manufacturing firms that do nothing else but make these things.

6985. *By Mr. Dalgleish*: Do not some of the Companies make their own? Yes, some of them do.

6986. *By Mr. Stewart*: Can you inform us what time it would take up to put a carriage in a state to run on the line, after its arrival here, from the time of its being landed on the Circular Quay? Yes, it may be done in six days.

6987. *By Mr. Dalgleish*: You have made horse-boxes here? Yes.

6988. And cattle-trucks? No.

6989. *By the Chairman*: Will you furnish the Committee with the cost of those horse-boxes? I dare say I can get it, but they were not manufactured in my time.

6990. *By Mr. Dalgleish*: What is the name of the carriage foreman? Bingham.

6991. He was employed by Mr. Wright, the great carriage manufacturer? Yes, he was one of Wright's first-class hands.

6992. This information you will obtain from Mr. Bingham? ———

6993. *By the Chairman*: On the whole, do you consider these carriages of first class workmanship? They are very fair work—not finished off so well as the first carriages were, but still they are good strong work.

6994. Quite good enough? Yes.

6995. The workmanship is sound and good? Yes.

6996. *By Mr. Stewart*: A large proportion of the work in building these carriages is of the lowest class of coach-building work? Yes.

6997. It is merely the finishing that requires a better class of workmen? Yes. In place of rounding the mouldings off they were left square, which made them look much plainer than the first imported.

6998. *By the Chairman*: But they are sounder and better for that? Yes; in fact, Bingham says they are better than the first lot.

6999. *By Mr. Dalgleish*: Are you speaking of imported carriages, or carriages manufactured here? Imported carriages.

7000. A great deal of the work is done by machinery? Yes.

7001. And, I presume, if the carriages were manufactured here the machinery would be imported for the purpose? Yes.

7002. *By the Chairman*: The machines required are all simple and inexpensive? Yes.

7003. And any carpenter who can finish up a panel can do any of the work required? Yes.

FRIDAY, 5 FEBRUARY, 1864.

Present:—

MR. DALGLEISH, | MR. GARRETT,  
MR. STEWART.

JOHN LUCAS, ESQ., IN THE CHAIR.

John Whitton, Esq., Engineer-in-Chief for Railways, called in and examined:—

7004. *By the Chairman:* In your evidence, when before the Committee before, you said you had some documentary evidence as to the character of Mr. Martin Gardiner? I merely said I had papers from Melbourne stating that Mr. Gardiner was dismissed from the public service there.

J. Whitton,  
Esq.  
5 Feb., 1864.

7005. The Committee wish to have these papers before they examine Mr. Gardiner, as otherwise they might have to summon Mr. Gardiner again after you have given your evidence? I ordered them to be copied this morning, and I expect them to be here in ten minutes. I will forward them in immediately.

Mr. William George Ainsworth called in and examined:—

7006. *By the Chairman:* You are in the iron trade in the city of Sydney? Yes.

7007. You are also a shareholder in the Fitz Roy Iron Mines? I am.

7008. Do you remember Mr. Moody proceeding to your mines? Yes.

7009. Do you remember the time? He left Sydney on the 25th October, 1862.

7010. Was it at your invitation, or at the invitation of the directors of the mines, that he went? No.

Mr. W. G.  
Ainsworth.  
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7011. Do you know at whose instance it was? Perhaps I had better explain the matter. We were at that time in treaty with Messrs. Mort, Smith, and Smart, for the purpose of getting an advance of money for proceeding with the works. In our first arrangement with them there was nothing said about their seeing the works, but afterwards they wished to view the property, and they made an arrangement to meet us there on the Tuesday—that would be on the 28th October. We were given to understand then that Mr. Moody was going up to look over the property on their behalf.

7012. It was arranged that Mr. Moody and these gentlemen should meet you there on Tuesday, the 28th October? Yes.

7013. Did you, after that, hear that they were going up on the Saturday previous? We did.

7014. Did they give you notice of their intention to do so? I believe Mr. Chalder met one of them casually on the Saturday, and was told by him that they were going that evening, which deranged our arrangements.

7015. That would enable them to get there before the time appointed to meet the directors? Yes.

7016. Did you start at once for the mine when you heard this? We did; we left on the Saturday evening, and arrived there on the Sunday morning, about 3 o'clock. We stopped at Ford's "Fitzroy Inn," and Mr. Chalder and I went to bed. We had to get a letter sent to Mr. Davy, to tell him that an alteration had been made in the time, and to get him to come up.

7017. The alteration was made unknown to you? We knew nothing of it till mid-day on Saturday. At Ford's, where we were sleeping, I got up early, and hearing some one asking for Mr. Hughes, I went out and saw Mr. Moody.

7018. Do you know anything of a letter that was sent to Mr. Hughes by Mr. Moody? When Mr. Hughes came Mr. Moody spoke to him, asking if he had got a letter he had sent him; Mr. Hughes said he had not. Mr. Moody then said to me that he wanted to have a little conversation with Mr. Hughes. After they had been over the works, and Mr. Moody had returned to where he was stopping, at "Rush's Inn," the mail from Berrima brought a letter addressed to Mr. Hughes, which was delivered to Mr. Hughes that evening—Sunday evening. Mr. Hughes did not shew it to either of the others, but handed it across to me.

7019. What was the purport of that letter? Is it necessary for me to tell that?

7020. Certainly? The purport was, that he (Mr. Moody) should like to have an interview with Mr. Hughes before Mr. Hughes saw the directors.

7021. Mr. Hughes was your manager at the time? He was acting on our behalf at the time. That letter is in existence, and I have not the least doubt it could be produced, if wanted.

7022. Then Mr. Moody wanted surreptitiously to get an interview with Mr. Hughes before he saw the directors? Yes, that was the purport of the letter.

7023. And taking that circumstance into consideration, with the fact that they started from Sydney on Saturday instead of Monday, it tended to make the directors believe —? I considered it was not a proper plan of carrying out such an arrangement as that which had been entered into.

7024. Mr. Moody went over the works? Yes. Mr. Davy came up on Sunday afternoon, and Messrs. Mort, Smart, and Smith went over the works that afternoon, and on the Monday following we went again over the works, and went into the coal measures. They were stopping at Rush's—not at Ford's with us. After Mr. Mort had seen the place on Monday, he said it was not worth anything like what we had said, and they went away, the whole of them apparently rather annoyed at the appearance of the property. We were sinking a shaft  
at

Mr. W. G.  
Ainsworth.

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at the time, for the purpose of getting specimens of coal. I remained there till the Tuesday evening, when I came away, leaving Mr. Moody there. I believe he remained until the following Friday or Saturday. I am pretty positive I had a letter from Mr. Chalder, written on the Wednesday, in which he stated that Mr. Moody and Mr. Davy had been over to Mr. Oxley's on the Wednesday, and were waiting to get a specimen of the other seam of coals. We had a specimen of the anthracite, but not a specimen of the lower seam. The whole of them were back on the Sunday following.

7025. So that Mr. Moody was away from Sydney from Saturday till —? I am pretty sure he was there till Friday, and I believe they all came down together.

7026. After their return Mr. Moody gave in a report to Mr. Mort? I should say something like six or seven days elapsed after he returned before the report was given.

7027. Then from the day he left Sydney till the report was given in, something like a fortnight must have passed? Yes; I would not say exactly.

7028. Was not the estimated cost of bringing the mines into effective operation something like £60,000 odd, according to Mr. Moody's report? £64,000.

7029. Was not that four times as much as it will actually cost the Company? It will not cost £14,000 to develop what they have done. I may tell you that Mr. Hughes, our manager, gave in his report that it would cost £15,000, while Mr. Moody said it would be £64,000. When I saw Mr. Mort again on the subject, he said he had no opinion of Mr. Hughes, and could not put any confidence in what he said, because Mr. Moody's estimate was £64,000, while Mr. Hughes' was only 15,000. I said perhaps there was some difference in what was proposed to be done in the two reports—that perhaps Mr. Moody proposed to do a great deal more than was at all necessary for developing the work—and asked if he would give us a copy of the report, but he declined to do so. I think either Mr. Smart or Mr. Smith was in the room, and said he did not see that they ought to give a copy of the report—it was their report, and they had paid for it, but we were welcome to look at it.

7030. What inference did you draw from that? There was no other inference to be drawn, but that they had paid Mr. Moody for it.

7031. Did not the directors think it was a cooked report, intended to prevent them from going on with the mines—was not that the feeling of the directors? It was the feeling of myself individually, and I believe the others expressed a similar feeling, but not so strongly as I did myself. My impression is, that the amount was made so heavy for the purpose of making us sell our property at less than its value.

7032. You were not backward in expressing that opinion, I believe? Not at all. I read the report through, and there were a lot of things introduced into it that were not at all necessary for developing the iron mines for instance, it proposed that 100 houses should be built, a schoolhouse, a library, and other matters—all for the purpose of swelling up the amount.

7033. You have no doubt of the reason why it was swelled out to that amount? No doubt in my own mind, but I could not of course say what was the reason. When I had read the report, I told Mr. Mort I was more than ever convinced that we were correct, because I could see that it was made up for the purpose of making it appear that we had misled them.

7034. Your feeling was also the feeling of the other directors? Yes, in a measure. They looked on it that there were a lot of things introduced that were quite unnecessary.

7035. Did you ever hear anything about the amount Mr. Moody received for this report? That was a thing I was told by some one, that Mr. Moody received £100, but whether he did or not I cannot say. I cannot recollect who told me.

7036. You have no doubt you did hear that Mr. Moody received £100 for it? Yes.

7037. Did you ever hear that Mr. Dean paid him another £50? Yes, I heard that Mr. Dean had a copy of the report. Messrs. Mort & Co. made some other proposition which we declined; and after that we went to Dean & Co., and Mr. Dean, I am told, gave £50 to Mr. Moody for a copy of the report. I have not the least doubt it is correct, but who told me I cannot say.

7038. You know Mr. Nicholas Trengrouse—he is a countryman of yours? Yes.

7039. You come from the same place? Yes.

7040. You have been often in conversation with Mr. Trengrouse? Yes, he occasionally comes over to my place after office hours—once a month perhaps.

7041. During the time he has been in your store, has the question of the Fitzroy Mines been talked of? Yes. Coming from the same town, we ask one another how things are getting on; and these Fitzroy works have been brought up, and I may have told him what I have told you now.

7042. You have no doubt you told him you heard that Mr. Moody received £100 from Mort & Co. and £50 from Mr. Dean? I perfectly recollect that I have told him, but it would not be at one conversation. It is very possible the first conversation was just after Mr. Moody had returned.

7043. And you may also have told him the feeling you had as to the intention of Mr. Moody in swelling out the cost? I have expressed myself in this way, that Mr. Moody had introduced a lot of unnecessary items, and that that was the means of breaking off the arrangement.

7044. Did you ever say to him that you thought it was done for the purpose of getting the property into the hands of those gentlemen who were in treaty with you? I might have done so. I felt very strong on the subject with regard to those gentlemen; I felt that they were attempting to get our property at much less than its value, knowing our position, and that we were in debt.

7045. Did you ever hear from any person that any gentleman connected with the Works Department wanted a share or interest in these mines? I was up at Mr. Moody's office one day,

day, and Mr. Moody seemed to imply that we did not do right—that we ought to have given somebody something to have pushed the matter ahead for us; but he did not mention names.

7046. Who did you think it was? I had my own private opinion, but I must decline to answer that question. Mr. Moody said we ought to have made our arrangements very differently, and we should never go ahead unless something of the sort was done.

7047. You understood him to mean that you ought to have given some person something? That we ought to let a certain person have something very cheap. I drew that inference.

7048. You are now carrying on the mines with an expenditure of about £14,000, I believe? Since we were in treaty with Mr. Dean, we have leased the mines to a person of the name of Lattin, from Melbourne, to carry on the mines, giving him the right of working them for twelve months, in consideration of his putting the works in proper order, so as to be capable of producing a certain amount of iron per week from the ore; and if at the conclusion he succeeds, we are to give him 2,000 of our paid-up shares, but if he does not succeed he is to get nothing. From a conversation I had with him, I believe he will spend from £12,000 to £13,000.

7049. And that is all that is required for the development of the mines and bringing them into the necessary working order? Just so.

7050. Have you ever had any further conversation with Mr. Moody? No; this was some time since—soon after Mr. Lattin had to do with the matter.

7051. Did you ever hear how it came about that Mr. Moody, being a Government officer, should be selected to report upon these mines? I cannot understand it. It rather astonished us at the time. Some of us thought at first the Government was very kind and paternal, and willing to do all they could to assist us.

7052. Did you think so after you had seen his report? No.

7053. Did you ever hear it hinted in such a manner that you would mention it again—without requiring proof of the matter—that any gentleman in the Works Department felt an interest in these mines, or wished to have an interest in them? No, I only heard it at that time. He was just like a great number—saying we should not succeed and so forth, and ought to do so-and-so, and ought to have had some persons of influence who were willing to go into the matter. I do not believe he meant Mr. Mort and those gentlemen.

7054. Who do you think he meant? I have my own impression, but I should not like to say what it is.

7055. Was it your impression that it was anybody connected with the Works Department? My impression was that Mr. Arnold was meant.

7056. Did ever you mention this conversation to Mr. Trengrouse? No, not this last conversation. I have no recollection that I ever said a word about this last conversation.

7057. *By Mr. Stewart:* You understood Mr. Moody to suggest that some persons in a station that would enable them to bring the mines into notice should be interested? Yes.

7058. You had no hint at names? No, I have given you almost exactly word for word what he stated; what Mr. Moody's meaning was I cannot tell.

7059. Did you think Mr. Moody's valuing of your property at that high rate, a matter that was influenced by some person beyond a fair valuation? He did not value our property; he stated that it would cost so much to put it in working order. It made a vast difference to us, for we had made an arrangement with Messrs. Mort & Co. to advance us £20,000—£5,000 to pay the debt, and £15,000 to carry on the work; but when Mr. Moody reported that it would cost £64,000, these gentlemen immediately withdrew that offer. They made us a subsequent offer, which I would not listen to myself.

7060. *By the Chairman:* After they received Mr. Moody's report, they made you other offers which would have enabled them eventually to get three-fourths of your property into their hands? Yes.

7061. *By Mr. Stewart:* Was any feeling of doubt created in your mind, in consequence of the peculiar mode of communicating with your agent or representative there? Well, I thought it extraordinary that Mr. Moody should wish to see Mr. Hughes before Mr. Hughes should see the directors; I thought it was not exactly what it ought to be.

7062. *By Mr. Garrett:* When Mr. Moody asked Mr. Hughes whether he had received a letter from him, were you present? Yes. I have not the least doubt the letter can be produced, if necessary. The reason that the letter did not reach Mr. Hughes sooner was that Mr. Moody had directed it to Mittagong, and the Mittagong letters go on to Berrima and come back in the evening.

7063. *By the Chairman:* Will you append that letter, or a copy of it, to your evidence, if you can obtain it? I will.\*

Mr. Thomas Richardson Iredale called in and examined:—

7064. *By the Chairman:* You are connected with the firm of Robert Iredale & Co.? Yes.

7065. Do you remember supplying some ironmongery for the Burwood Station? I do.

7066. Do you remember Mr. Hall bringing a gentleman to your shop, whom he introduced as Mr. Graham, the contractor for that station? I remember Mr. Hall bringing a party into the shop; I am not exactly certain he said his name was Graham. He brought a party in, saying he wanted some goods for the Burwood Station. Then I understood from him afterwards, they were to be charged to the Railway.

7067. Nevertheless he led you to suppose that was Mr. Graham? I cannot exactly say that.

7068. You see the gentleman sitting beside you (Mr. Peter Graham)? Yes.

7069. Was he in your establishment the other day? Yes, yesterday morning. 7070.

\* NOTE (on revision):—Mr. Hughes has mislaid the letter, but will send a copy from memory. As soon as I receive it I will forward it.

Mr. W. G. Ainsworth.

5 Feb., 1864.

Mr. T. R. Iredale.

5 Feb., 1864.

Mr. T. R.  
Iredale.

5 Feb., 1864.

7070. Had he another young man with him? Three of them came—two first, and the other afterwards.

7071. This gentleman was present at the time? Yes.

7072. Was either of the three then present, the person who came into your establishment with Mr. Hall at the time he said there was some ironmongery wanted for the Burwood Station? I could not say; I do not know either of the three.

7073. Do you think either of those three was the person? I could not say positively; it is so long ago, and I did not take particular notice.

7074. I thought you said he was an elderly person? The one I referred to at the time was an elderly person. It was neither of those three that came into the shop yesterday.

7075. *By Mr. Dalgleish*: Was not Mr. Graham's name put down in your books? I have not turned up the entry, but I believe if I did I would find it charged to the Railway Department.

7076. Was there no entry made to shew that Mr. Graham was connected with it? I could not say; I have not looked to the books, and it is so long ago that it has escaped my memory.

7077. Will you be kind enough to give that information, when you return your evidence? Yes, I will turn the book up and see how it was charged.\*

7078. Are you certain it was not charged to Mr. Hall? That I cannot say.

7079. Was Mr. Hall in the habit of bringing persons to your establishment as customers? Only for the Railway.

7080. How many persons has he brought to your establishment as customers for the Railway? I think only another party, Mr. Jamieson and his partner—I do not know what his partner's name was. It was when he had the Singleton Station.

7081. Was the ironmongery obtained for the stations they were at work on, put down to them or to the Railway Department? To the Railway.

7082. Not to Mr. Hall? I cannot exactly say.

7083. Will you fill in that information as well? Yes.†

7084. Have you any remembrance of Mr. Jamieson's account being settled? No, I do not receive any money at all for any account.

7085. Who does receive the money at your establishment? It is generally paid in the office, sometimes in the shop.

7086. Is there a cashier? No regular cashier.

7087. No one who takes that sole duty? No.

7088. *By Mr. Garrett*: Do you recollect what Mr. Hall said when he brought this person? No, I have no recollection of it.

7089. *By Mr. Dalgleish*: Did you say you would not trust Mr. Graham? I told him I would not trust Mr. Graham, but I did not say which Mr. Graham.

7090. Did he ask you to trust Mr. Graham? I cannot exactly say. He may have asked the question—would I put the goods down to Mr. Graham or would I charge them to the Railway Department; I am not certain.

7091. Has Mr. Hall had any conversation with you relative to this inquiry? No, I have not seen him for some time; I have seen him certainly in the street, but not to talk to him about this matter.

7092. Mr. Hall has a private account with you? Yes, he had one; I believe it is settled.

7093. Long ago? I am not positive whether it is settled or not; that is done in the office.

7094. Was it an extensive account? I could not say; I do not know the amount of his account.

7095. Was he in the habit of letting his account run for a length of time? I could not say that either.

7096. Will you furnish that information to the Committee? I will.

7097. Do you know any other contractor in Sydney of the name of Graham? This party was not a contractor—the one I mean; he used to do work, and I thought perhaps he would become a contractor. I did not know the man; I knew the name well enough at one time.

7098. Who do you mean? The Graham I refer to.

7099. What is he? I do not know what he is now; he was a carpenter.

7100. Working on his own account? That I could not say; he used to get goods from us.

7101. From you or from Mr. Lassetter? From the old firm.

7102. Did he pay you? I cannot remember just now; I know there was some noise about it.

7103. *By Mr. Garrett*: Did you know that the person whom Mr. Hall brought was named Graham? No, I did not.

7104. *By Mr. Dalgleish*: Do you know whether Mr. Hall brought you the same person of the name of Graham that you knew before very well? No, it was not the same party, nor either of those three gentlemen, that came yesterday.

Mr. Peter Graham further examined:—

Mr. P.  
Graham.

5 Feb., 1864.

7105. *By the Chairman*: You were examined here the other day? Yes.

7106. You were at Messrs. Robert Iredale & Co.'s yesterday? Yesterday morning.

7107. With two of your brothers? No, one—Alexander.

7108. Mr. Alexander Graham, the contractor for the Burwood Station? Yes.

7109. You went there to see if either of you was the person that went with Mr. Hall at the time he ordered these goods? Yes.

7110.

\* NOTE (on revision):—It is charged to the Railway.

† NOTE (on revision):—It is charged to the Railway.

7110. What did Mr. Iredale say? First I went in, and he said I was not the person; then my brother came in, and he said he was not the person, but the person that was introduced to him was a much older man. I think he said he never saw either of us before. I may just state that I am positive that there is not another Graham that has had a contract under the Railway Department but me and my brother, and I do not think there is another contractor of the name in Sydney.

Mr. P.  
Graham.

5 Feb., 1864.

7111. You do not know another Graham? I do not.

7112. You are sure there has been no other Graham a contractor under the Railway Department, within the last two or three years? Yes. I have something additional to state about the plans, if necessary, and that is, that the amended plan for the goods warehouse at Penrith would not work, and that the building has not been put up to either plan.

7113. You are speaking of the Penrith goods warehouse? Yes.

7114. Would it have been impossible to erect the building according to the plans? It would be impossible to erect it according to the first plan.

7115. Would it be impossible according to the amended one? Not exactly impossible, but there would be a difference; it would be impossible within a few inches.

7116. That was the fault of the person who drew the plans? I imagine so.

7117. At least they found it so when they paid you the contract money? Yes.

7118. They found you had done all you could to carry out these plans? I had to do all I could in a practical way, and shut my eyes to the plans.

7119. *By Mr. Dalgleish*: Was the amended plan to scale or figures? Both.

7120. And it will not work either way? It would not work by the figures.

7121. Would it work by scale? It would not work by scale either.

7122. *By the Chairman*: Looking over these plans (*Penrith passenger station and goods warehouse*)—you see there are eight of them—do you think all these plans are required for buildings of this nature? I think not.

7123. If Mr. Hume, or any other architect in the Colony, had the drawing of plans for that building, would he give half the drawings, or is it necessary to give half the drawings produced in these plans? Not within my experience.

7124. Do you not believe that, with many of our colonial contractors, a good deal of this drawing would tend rather to confuse than to explain? Yes; a man requires a good deal of knowledge to arrive at the meaning of a plan of that description.

7125. Would Mr. Hume, or any person else, give a full sized window on a plan of this description? Not within my experience.

7126. Take these following doors and the mouldings shewn upon this plan;—could not the whole of these have been given much better and much clearer, and better understood, in the specification? In my opinion they could.

7127. And save a great deal of expense? Yes, and be more convenient to the contractor, both in tendering and performing.

7128. These plans tend to confuse rather than clear up the matter for the contractor? They do.

7129. Is it not usual and much better to give in a specification in two lines, what it would take two days to shew on the plans? Yes, and the contractor would understand it better. After all said and done, this goods-shed is but a common building—a common rough construction.

7130. All that was necessary for it could have been shewn on one sheet? Yes.

7131. Instead of which it is now shewn on four sheets? Two—the goods warehouse.

7132. It could be shewn on one plain sheet of half the size? Yes.

7133. You merely want the elevation and ground plan? Yes, and a cross section.

7134. Take this sketch, shewing the roof joistings;—do you not think a great deal of time was unnecessarily wasted on this plan? I do.

7135. Is it required at all by builders? No.

7136. Does it give as much information as could be given on one sheet of foolscap in a specification? By no means.

7137. Would not that tend to confuse most contractors? Yes, I think it would.

7138. Does it in any way protect the Government? Not in my opinion in any way; because, when a roof is described in the specification and a plan of section, a builder who understands his business will always take his own lines and work independent of all this. I took my own lines for goods warehouse, Penrith.

7139. By describing the roof in a specification, you can shew as much on half a sheet of foolscap as it has cost days to shew on this drawing? Yes, Mr. Bibb, Mr. Hume, Mr. Hilly, Mr. Mansfield, and other architects, describe it in a general way; and it is found very convenient, and works well.

7140. You never saw anything of this kind from them? No.

7141. And they try to protect their constituents as well as a Government officer? They do, and more so; they have generally an agreeable settlement.

7142. Do not all these elaborate plans tend to confuse contractors, and cause them to tender higher than they would do under an ordinary specification? They do. In building this goods warehouse, I may say I took very little notice of these plans in a practical way. I may further say that, in putting up the gates, I could not take my size off the plans to get the gates made, but had to wait till I prepared my openings, because the gates were figured 13 ft. 4 in. on the plan, and I had to make them 13 ft. 7 in.; so that if I had made them according to the figures I should have had to make them again.

7143. Here is another portion of the plans—plan of the roof timbers and floor;—is this necessary? I think not. The detailed skeleton is not, I consider; I am pretty certain I did not put them in according to that.

Mr. P.  
Graham.  
5 Feb., 1864.

7144. And the surveyor passed them as you put them in, knowing you could not follow out the plan? Yes.

7145. What do you see upon this plan that is necessary (*referring to drawing No. 1, goods station, Penrith*)? As a rough building I would consider that the ground plan and the external walls shewing the openings would be all that would be necessary; that is, for the ground plan. Then the plan of the timbers and floor I would also consider is necessary to shew the tressels.

7146. *By Mr. Dalgleish*: Could not the floor and the tressels, as you have termed them, have been shewn on the ground plan equally effectively? They could.

7147. *By the Chairman*: Can you see any occasion for the plan of the roof timbers at all? I can see no occasion for it whatever.

7148. *By Mr. Dalgleish*: The studding could be given on the ground plan? Yes.

7149. And the openings on the ground plan? Yes, you might say it could be all embodied on the ground plan.

7150. Even if it had been necessary to have given all this information, could it not all have been shown on the ground plan? It might. All you want is the section and the ground plan, and generally an elevation is given for effect.

7151. *By the Chairman*: Not because it is wanted? No.

7152. That is all you can see on this plan that is really required? And perhaps this detailed section of the eaves and framing of the roof.

7153. Then the remainder of the plan is perfectly worthless? I consider it is. I may say that such plans as these of the goods warehouse were the means of putting me to a great expense in copying them—I was bound to copy them all.

7154. *By Mr. Dalgleish*: When you were here before, you said that timber had been used in the building at the Penrith Station that you considered to be wholly unfit for the purpose? Yes.

7155. Who was it that condemned or approved the timber for that building? The Inspector of Works, Mr. Robertson.

7156. Did Mr. Hall at any time interfere with regard to the quality of the materials, or direct Mr. Robertson in any way? I think he did once, but I am not positive; he was there such a short time that he had not much opportunity of seeing much about the timber.

7157. Do you consider that timber was put in the building which is rotten? I do consider it the worst timber I ever saw; if the building had been left to my own discretion I would not have put it in.

7158. Did any other builders of reputation see this timber? Mr. Sutherland, the Member, was passing, and he saw it.

7159. Is he a practical man? Yes.

7160. What was his opinion of the timber? His opinion was, that the timber that was put in the building was bad, and that that was rejected was good. I referred, in my former evidence, to Messrs. Halley and Clyde, and to an old experienced sawyer at Parramatta.

7161. Have you any samples of that timber by you? I have of the timber that was condemned—two 19-foot pieces, 8 by 8, at Penrith.

7162. Have you any samples of the timber put into the building which you consider so bad? It is there to speak for itself in the building.

7163. How long do you think it will last in the building? I thought it was pretty near done before it went in. The timber that is in the building can be seen, because it is a skeleton building.

7164. Is Mr. Robertson a tradesman? I should think not from his manner.

7165. *By Mr. Stewart*: What was the reason given for condemning the timber? Only that he did not approve of it. In working out this plan there were an immense lot of things I had to do that were not shewn, and in the settlement they would not pay me for it.

7166. *By the Chairman*: In consequence of not being shewn on the plan? Their argument was that it was all necessary; but I should say that what is not distinctly shewn on the plan and specification, the contractor has a right to be paid for. When I make a tender I take what is on the plan and specification; I do not pretend to plan or specify when tendering; and if a door is put in 6 feet, and it is necessary afterwards to make it 7 feet, I think I ought to be paid for it. It cost me £6 or £7 to make copies of these plans.

7167. *By Mr. Dalgleish*: Did you copy them yourself? I did.

7168. Could you have done it for £6 or £7 if you had had to do it for any one else? I do not know that I could; but I copied them at night and any time that I could spare.

7169. Do you think £12 would have paid you to copy the whole of these plans, working regular hours? I do not think it would.

7170. *By the Chairman*: It is only latterly they have adopted the plan of making the contractor copy the plans for himself? I am not aware.

7171. *By Mr. Stewart*: What was the cost of this building, according to the contract? £1,380.

7172. Is it not usual for an architect who condemns wood to give you the reasons why? It is generally; but the power of these people has been such that they give a contractor no reason.

7173. Is that calculated to prevent contractors giving in contracts? It would prevent me, so much so that I would sooner go and sell cabbages almost than do a contract under the same surveyors. When I came to make the studs I asked which would I take, the figures or the plan; none of them answered which; I was in a fix to know which I should take.

7174. *By Mr. Dalgleish*: Do you know at what rate your brother took the Burwood Station? From his accounts, I believe, he earned about £8 a week at it.

7175. What was the amount of his tender? I do not know exactly—something like £450.\*

7176.

\* Revised:—£500.



7176. Do you know the amount of the Government estimate? I think it was £100 or £150 in excess. Mr. P. Graham.
7177. Did your brother lose money by that contract? By no means.
7178. Do you think he would be very glad to take another at the same price? I believe he would. I had particular opportunity of knowing about that contract, because I was assisting him a little at the time. I have no doubt if he had finished the Penrith contract he might have lost a little by it; but I know that, as to the Burwood Station, he made about £8 a week by it, after paying all expenses; and of course that is not bad pay. 5 Feb., 1864.
7179. Out of a £450\* job? Yes.
7180. How long did he occupy on the job? I think about three months—I really do not know exactly.

WEDNESDAY, 10 FEBRUARY, 1864.

Present:—

MR. DALGLEISH, | MR. STEWART,

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. William Forde called in and examined:—

7181. *By the Chairman:* You are engaged in the Works Department? In the Railway Branch. Mr. W. Forde.
7182. You know Mr. Moody? Yes. 10 Feb., 1864.
7183. Do you remember him paying a visit to the Fitz Roy Mines? Yes.
7184. You were in the office at that time? I was.
7185. Were you engaged in his room with him? No.
7186. Who is your superior officer? Mr. Moody.
7187. Do you remember him coming back? I do.
7188. Do you remember he prepared a report in the office on the state of the Fitz Roy Mines, after he came back? No, he did not prepare it in the office.
7189. Are you sure of that? Positive.
7190. Had you anything to do with the preparation of that report? I wrote out the report myself from his draft.
7191. Where did you write it? In the office, after office hours; I wrote from 5 till 7 o'clock—it took me two hours.
7192. Did you do the whole of it in two hours? I did.
7193. You are sure you did not do any of it during office hours? Positive.
7194. Who paid you for it? Nobody.
7195. Did you do it at the request of Mr. Moody? Yes.
7196. Do you know how Mr. Moody prepared the draft—where he prepared it? He prepared it, I think, from his own experience.
7197. Where did he prepare it? At home, I believe. He brought it to me in the afternoon. We had been very busy all day—if I remember rightly it was a mail day.
7198. Are you sure Mr. Moody did not prepare that report in his office? I am almost certain—I can safely say he did not; I do not think he wrote a word of it in the office. He is a very particular man in that respect.
7199. Do you know how long it was after he returned from the Fitz Roy Mines that you copied that report? I think it was two or three days afterwards.
7200. Are you sure it did not exceed a week after? I am almost positive it did not.

Mr. Martin Gardiner called in and examined:—

7201. *By the Chairman:* Are you a civil engineer? Yes. Mr. M. Gardiner.
7202. Where did you learn your profession? In Ireland. I took out my diploma from the Queen's University, as a civil engineer. 10 Feb., 1864.
7203. Under whom did you study? Under Professor Blood.
7204. Have you the diploma with you? Yes.
7205. Will you produce it? (*The witness produced the original, and handed in the following copy*):—

“QUEEN'S UNIVERSITY IN IRELAND.

“(*Queen's College, Galway.*)

“WE, the President and Council of the Queen's College, Galway, hereby certify that Mr. Martin Gardiner has diligently pursued the course of study prescribed in the Queen's University in Ireland and is duly qualified to act as Assistant Civil Engineer.

“EDWARD BERWICK, President.

“J. P. O'TOOLE, D.D., Vice-President.

“WILLIAM NESBIT, { Dean of Faculty and Member  
of the College Council.

“JOHN MULCAHY, { Dean of Faculty and Member  
of the College Council.

“HUGH LAW, { Dean of Faculty and Member  
of the College Council.

“W. B. BLOOD, C.E., &c.” This

\* NOTE (*on revision*):—the £450 should be £500.

Mr. M.  
Gardiner.  
10 Feb., 1864.

This was the first diploma of the kind that was ever given from the University—I was the first student that completed the Civil Engineering course—and a special meeting was called to give it me, or it would have been on parchment; I was going to America at the time—getting a position there, and therefore they called a special meeting to give it me. Before being there I studied in other engineering schools, one of which was Mr. Fox's engineering school at Castle Pollard.

7206. How long were you there? Two years.

7207. I see in this diploma it says you were duly qualified to act as assistant engineer? Yes, it was necessary that I should be two years with an engineer, and send in a certificate to the University, before they would regard me as a thorough engineer. I did send such a certificate from America, from Mr. Gzowski, to have my name registered as a man that followed his profession as a civil engineer.

7208. Was Professor Blood a professor of mathematics? No, a professor of civil engineering. He is Engineer to the Queen's University in Ireland. He has the power of entering on all works constructed in Ireland and explaining them to the students. While in Galway, I had access to the docks building there, railways, canals, and everything else. We did the work on the ground, and made our plans and surveys. It was full practice—in fact such practice as no man can ever have on works.

7209. And you completed all the necessary — ? I completed all the course of study. I may mention that I commenced studying engineering, to be an engineer, when I was about ten years of age.

7210. Were you acquainted with manipulations of the theodolite and levels? Yes, at Mr. Fox's school we had the use of instruments. There were instruments there that cost £120.

7211. Did you confine your studies exclusively to engineering? Entirely to engineering, although I competed and took prizes in other subjects.

7212. What was the first engineering work you were engaged on professionally? On the St. Lawrence and Atlantic Railway, Canada.

7213. Was that railway constructed by the Canadian Government? No, when I went out there first, it was under construction by the St. Lawrence and Atlantic Railway Company.

7214. Had not the Government anything to do with it? Not then.

7215. Afterwards? Yes, afterwards the Government made advances of money.

7216. Did you remain on that railway until it was opened for traffic? Yes, I remained stationed at Sherbrooke until the opening through my section, and until the track was laid entirely to Portland. The permanent way was being ballasted when I left.

7217. Were you not employed by Sir Morton Peto & Co., as Engineer on the railways under their construction in Canada? Yes; during the time I was Assistant Engineer on the St. Lawrence and Atlantic Railway, I received a letter from the agent of Peto & Co., requesting me to become an Engineer on the railways that were being constructed by them, and I took that offer. I have the letter with me. (*Letter read as follows*):—

“ QUEBEC AND RICHMOND RAILWAY.

“ Contractor's Office,  
“ Danville, 25th June, 1853.

“ My dear Sir,

“ I am in receipt of a letter from my friend, Mr. Blackie, C.E., who makes “ favourable mention of you to fill a situation as assistant on our works.

“ I think you would be qualified to undertake the duties I wish you to perform.

“ If convenient, I should be glad to meet you at Richmond on Tuesday next, when I “ would explain to you fully what I require, and think there would be every probability of “ our effecting an arrangement, which I trust would be mutually satisfactory.

“ I shall be in Richmond on Tuesday, by 12 or 1 o'clock as near as I can say, or “ probably earlier, so that you could return to Lennoxville same evening if you desired to “ do so.

“ I am &c.,

“ JOSEPH B. MOORE.

“ Mr. Gardiner, C.E.,  
“ Lennoxville.”

I was then stationed at Lennoxville, a short way above Sherbrooke.

7218. Then you did not seek employment under that firm? No.

7219. Did not Sir Morton Peto bring out a large engineering staff from England to carry on his railways in Canada? Yes, a very large staff, but the greater number of the engineers were found to be incapable when they were put to work.

7220. In what way were they found to be incapable? Incapable as bushmen. They were chiefly draughtsmen that he brought out, and put them in such positions as they had never filled before. They brought out about seventy, according to report in the papers at the time,\*

7221. *By Mr. Dalgleish*: Do you know they brought out seventy? No, unless through report in the papers. I know they brought out a large staff.

7222. *By the Chairman*: Did you see it mentioned in the papers that they brought out a staff of seventy? Yes, seventy, between clerks, surveyors, engineers, and other assistants.

7223. Do you think it was possible for Sir Morton Peto to get a staff in England competent to carry on the railways they undertook? Yes, but I dare say from where they were recommended they could not well have refused to take them, for they came from Brunel's office and

\* Including agents, engineers, draughtsmen, clerks, &c.

and other places, which made it the interest of the firm to take them. I saw letters recommending several of them. Some were put on as engineers that I know did not know how to use the theodolite, for I had to lend the instrument until they got taught the use of it.

Mr. M.  
Gardiner.

7224. Who was it that made the drawings for the works under your charge in Canada? <sup>10 Feb., 1864.</sup> The general drawings came from England, but I had to make all the detail drawings for the works under my charge, such as drawings for piers of bridges and culverts, but the iron-work was done in England, and the drawings came out with the work.

7225. The same as they do to this country? No, not the same as they do here.

7226. Where is the difference? In this country there is a nominal supervision of the iron when it comes, and of the kind ordered; but there, there was none—they were allowed to do as they liked.

7227. In Canada? In Canada they had it all in their own hands.

7228. What portion of the Grand Trunk Railway were you employed upon? Quebec and Richmond.

7229. Until its final completion? Until its final completion.

7230. Have you any documentary evidence to that effect? Yes; this is from the Chief Agent of the Canadian Railways. (*Letter read as follows*):—

“ GRAND TRUNK RAILWAY OF CANADA.

“ *Contractor's Department,*

“ *Tibbet's Cove,*

“ *Quebec, 23 December, 1854.*

“ Dear Sir,

“ The bearer, Mr. Gardiner, has been acting as Assistant Engineer on the first and fourth districts of the Quebec and Richmond section, and is now thrown out of employment by the completion of that line.

“ I have always found him diligent and attentive on the works under his charge, and if you have anything for him to do in your district, I have every reason to believe you will be well pleased with his conduct.

“ Yours truly,

“ JAMES RECKIE.

“ J. Hodges, Esq.”

This was written with the intention of getting me to be Assistant Engineer on the Victoria Bridge that was building at Montreal, but the gentleman that was written to was gone to England when I arrived in Montreal; he had gone about a fortnight before, so I went to Upper Canada to Mr. Gzowski again.

7231. Were you engaged there any length of time? Yes, to complete the two years for my certificate to the Queen's University. I spent part of my time with Mr. Gzowski, and he gave me permission to go to Peto & Co., and then I came back to him for the time required to complete the two years.

7232. Did you do anything else in Canada? Yes. The railway works were at that time stopped all through Canada, and I undertook to survey a township in Upper Canada, along with the Provincial Surveyor, and to lay out a large village in the township of Artemisia.

7233. *By Mr. Dalgleish*: Why were the railways stopped? On account of the Crimean war. They could not raise money under 15 per cent. I may mention that before I left Peto & Co., I was appointed as Engineer on the Troispistoles Railway. I was appointed Division Engineer there over three others, and was written to to go on to the works.

7234. *By the Chairman*: Have you that letter? No, I lost it in Victoria.

7235. Where were you next employed? When I got to Quebec the works were stopped, so I continued in the office working as a draughtsman for about two months, until I found the works were not likely to start, and then I went to Upper Canada to Mr. Gzowski.

7236. *By Mr. Dalgleish*: What do you mean by lost in Victoria? I lost some of my letters there by sending them round to different persons, applying for situations, and I never got them back; I really do not know where that letter was lost.

7237. *By the Chairman*: Where were you next employed? In Victoria.

7238. How long were you in Victoria? I think I was about three years in Victoria altogether.

7239. When did you come to this country? I came to Victoria in 1857, and to this Colony in 1860.

7240. What position did you hold in Victoria? First I applied for a position as assistant engineer on railway works, and I was told there was no chance for any stranger, for they had more men than they wanted. I requested to have my name put upon the books, so as when a vacancy might occur I would get an appointment, but the Engineer-in-Chief would not permit my name to be put on the books. I then got some other person to speak in my favour, and the name was put on, whether he wished it or not, by Capt. Clarke.

7241. How were you employed? After having this done, I got temporary employment in the Roads Department, as superintendent or inspecting overseer of roads, and I remained in that employment until I got a letter, stating that I had an appointment in the Railway Department as draughtsman.

7242. Did you give satisfaction in your professional capacity? Yes, in the Roads Department.

7243. And also as draughtsman? And also as draughtsman. I was plan draughtsman in Victoria.

7244. How long were you in that department? I think about a year in the Railway Department.

7245. Did you plot work from the surveyors' books? Yes.

7246.

Mr. M.  
Gardiner.  
10 Feb., 1864.

7246. Did you do that satisfactorily? Yes, very.

7247. Were the plans done in Victoria as well as plans are done in this Colony? They were done far more accurately. We calculated all the work the surveyors sent in, and projected it on to a base line, so that there could be no mistake.

7248. That is not done in this Colony? No, it is not done in a proper manner here.

7249. Did you find the surveyors' work properly done there? Not always; I often had to send their work back to have it corrected or checked, or lines run, so that I could guarantee its correctness; I should not say often—sometimes; it did not happen very often.

7250. When you sent it back, did you do so on your own responsibility? No; I went to the Engineer-in-Chief and told him, and he at once said I was to write to the surveyor and tell him what to do. So then I wrote to the surveyor stating what I required measured, so as to check his work.

7251. You went to the Engineer-in-Chief for Railways? Yes.

7252. *By Mr. Dalgleish*: What was his name? Mr. Darbyshire.

7253. *By the Chairman*: Was he a qualified engineer? He was not an engineer at all, but he was a good surveyor—a practical and scientific surveyor.

7254. Did he understand the science necessary to judge of the abilities of railway surveyors? Yes.

7255. Did he approve of your work? Yes.

7256. How do you know? I got two advances of £50 each in less than a year, so that was a sign my work was approved of.

7257. What salary did you enter at? £200—a lower salary than I had when in the Roads Department. I gave up the higher salary to take the lower on account of having had experience as a railway engineer, and I felt confident I should rise in course of time to a higher position than I could on the Roads.

7258. Was it through the influence of the Engineer-in-Chief that you obtained these increases? No, against his will; because he refused even to enter my name on the list to be called on.

7259. Who was it interested themselves for you? I met a gentleman in Victoria that told me to apply to Mrs. Caroline Chisholm, as she had great influence with Capt. Clarke. I did so, and she went to Capt. Clarke and spoke for me; and Capt. Clarke had my name put down in the book. Were it not for that I would not have got employment there, nor do I think Mr. Darbyshire would have any man that had experience.

7260. Why? The most of the men he appointed had very little experience. I know I was teaching some of them, and got a guinea a lesson for teaching them during the time they were assistant engineers.

7261. Did you get an opportunity of shewing your abilities as a constructive engineer? No, though I wrote to the Engineer-in-Chief asking permission to do so.

7262. Had you practice as a plan drawer or plotter, before you entered that department? Never, unless at college.

7263. Then you were really put at work that would not be so beneficial to the Colony? It was work such as should be given to inferior men—plotting from surveyors' books.

7264. Did you tell the Engineer-in-Chief you were more a constructive engineer than a plan drawer? I did.

7265. Did he ever promise to give you any higher kind of work? No, he never made any verbal promise to me; in fact, he as much as told me he would not.

7266. In consequence, you were dissatisfied with your position? Yes.

7267. That was the cause of your coming to this Colony? No, that was not the cause.

7268. *By Mr. Dalgleish*: What was the cause of your leaving the Government employment in Victoria? I did not leave the Railway Department in Melbourne; I was put out unjustly by Mr. Darbyshire afterwards.

7269. What do you mean by unjustly? Without reason.

7270. Will you explain to the Committee? Before explaining that, I may mention that after I wrote the letter to Mr. Darbyshire, asking to be employed in a capacity where I might have a chance of shewing my engineering ability, I wrote another letter concerning railway curves. Mr. Darbyshire himself published a small work on "railway curves" when in England, but the system he advocated was the old system, and not at all adapted to the requirements of new Colonies such as Victoria or New South Wales; and I wrote him a long letter, shewing him the improvements that might be made on his system. He never answered that letter. That was a very short time before I was put out of the Railway Department. After writing this letter, I found that two or three persons, who were in the same room working with me, commenced to act as my enemies without any reason; and an employé in the Railway Department told me he had heard that the person in charge of the room where I worked had reported something against me to Mr. Darbyshire, in a letter. He never let me know he reported anything concerning me, and as he and I were good friends at the time, I went into the room and asked him did he do so, and he said yes, and that he would do it whenever he liked. I asked him what he did say, or what it related to, and he told me to find that out—that he would not tell me. I told him that such conduct was very wrong on his part, and that I would try and get removed from the room, as I did not consider my position safe where he had charge; so I went to the chief draughtsman, Mr. Adams, who had then entire control of the office, and I asked him to change me from that room into another. Mr. Adams did so; he changed me as I desired. I told him my reason for wishing to be changed, and he changed me as I desired. After working in the other room until the following Monday—that was two or three days—from Thursday till Monday—Mr. Darbyshire entered the room where I was at work, and at once demanded of me why I was there, or what I was doing. I told him that I got changed from the other room into that

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by Mr. Adams. He asked what reason had I for getting changed. I told him that Mr. Martin's conduct was such that it was far better that he and I should not be in the same room —

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7271. Mr. Martin was the man you have said had charge of the room? Yes. He said, "Go back directly," and he walked out of the room. I went back directly to the old room, and when I entered there I found Mr. Martin, as usual, discussing, I think, something about Swedenborg with the others, and very noisy in the room, and he commenced laughing at me when I went back. So I requested him to have silence in the room, and to permit me to work; as he took it upon himself to report my conduct, I would expect he should conduct himself properly in the room. He said no, he would talk as he liked, and as long as he liked, and of anything he liked; and worked himself into such a passion that he commenced jumping on the little platform where he was standing —

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7272. Was this person right in his head? No, I believe not.

7273. *By the Chairman*: Do you know that he was not? Yes.

7274. *By Mr. Dalgleish*: Has he ever been in a lunatic asylum? Yes.

7275. Where? In England.

7276. *By the Chairman*: How do you know? He told me so himself, and shewed me papers that would prove it.

7277. *By Mr. Dalgleish*: What was it that he held peculiar views about? Chiefly about religion and bomb-shells—those were the things he was on constantly, but religion chiefly. He was a great believer in Swedenborg, and Williams, of America, and was always fighting, he said, with the Rev. John Reid—I do not know whether it is the Rev. John Reid that is here or not; but we heard many days how he took down the Rev. John Reid, and shewed him up as a humbug. He said he had been dead for two hours—that his spirit was in the other world, and that his spirit came back again. I consider that no man without some monomania would have such ideas; but on other points he was very logical.

7278. What about the bomb-shells? No matter what came on the *tapis* he would improve it, and when the Armstrong guns came out, he would insist that I should make calculations concerning bullets he was making, with ramrods on the top of them and exploding material inside. He wrote to General Macarthur concerning them, and General Macarthur, to humour him, gave him an interview, but of course it came to nothing, for there was nothing in it that was not known dozens of years. And when I refused to make these calculations he became excited —

7279. Was that before he reported you? Yes, immediately before.

7280. *By the Chairman*: Had you not better go on with your statement? Returning to the statement: After he said he would not quit his noise, and would speak as long as he liked, and whatever he wished, no matter how I would like it, I told him I would complain to Mr. Darbyshire, and have it stopped. He told me to do my best; so I went out, and entered Mr. Darbyshire's room, and explained the matter to him, and requested him to come and speak to Mr. Martin. I told him that I did not want to give any annoyance in the office, and that it was my wish to be removed out of that room; but if I was compelled to stop there, the result certainly would be annoyance to myself and to Mr. Martin, and the whole office, as I certainly would not suffer him to act in such a manner, when at the same time he was reporting my conduct, which was unblamable. Mr. Darbyshire said he would not interfere—to go back to the room, and he would give me no satisfaction—in fact he laughed into my face, and told me he would not interfere with private quarrels. I went back to the room as desired, and when I entered, Mr. Martin was speaking of these cannon balls, explaining them to a person that came from another room—I forget his name—I think he was a young man that came from Tasmania; and when he saw me coming in, he became louder in his explanations, and made as much noise as possible. I went to work, and I found, from his cutting remarks, that I could not be sure of the work I was doing, so I requested him again to drop them and let us have peace in the room. He said he would not—what satisfaction did I get from my complaint? I told him I would certainly report the office to the Minister for Works if he did not drop it, and not only that, but I would report the scandalous charges made in that office concerning Mr. Gavan Duffy, who was then on a sick bed, given over by the doctors, and shew the state of the office—that I was not going to be injured by him when I was doing nothing wrong. He said if there was anything said against Mr. Duffy I said it myself, and to do as I liked—what did he care about me? So I went to Mr. Darbyshire again and went into his room, and asked him to interfere or to change me out of the room. \*(Mr. Martin became so violent that he had his hands up as high as his head and clenched, although not making a stroke at me—in fact he was foaming at the mouth, and working himself either into a mock passion or a real passion, I could not say which.) Mr. Darbyshire refused to interfere, nor would he change me out of the room. After coming out I wrote in a note to him, asking permission to absent myself that half-day so that I might report the matter to the Deputy Minister for Works, Mr. Horne, the Minister for Works being sick. He would not answer my note, but sent out a verbal message that I was to find my own time to do it. I felt so annoyed at such treatment that I became unwell and excited, so much so that I knew if I went back to the room the result would be a quarrel, if I were attacked in the same manner; and I knew the regulations in the Government service in Victoria are such, that any person who strikes a blow in any department is put out—in fact both parties are put out, and knowing *that*, I did not wish to enter the room again, seeing that I was irritated and all these men inside were irritated because I was reporting their conduct; so I made a minute that remains there still on the office book, stating that I was too unwell and excited to work for the remainder of

\* NOTE (on revision):—This part, within parentheses, was in reply to a remark made, and not in answer to the question.

Mr. M. Gardiner. of that day, and that I would absent myself for the afternoon. I then went to the Minister for Works and made a complaint, and for doing that I was dismissed the department. They called it insubordination.

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7281. Was the charge of insubordination made against you? Yes.

7282. Will you look at these documents (*documents from Victoria with reference to the dismissal of Mr. Gardiner—Vide Appendix to Mr. Whitton's evidence*)? The latter part of this charge was never preferred against me:—"As Mr. Gardiner has thus set an example of insubordination which cannot be permitted to go unpunished, and as he has on other occasions exhibited a want of industry and general inattention to business, I have the honor to suggest that his services may at once be dispensed with." The latter part of the charge must have been what was reported against me by Mr. Martin; and, as my work would have clearly shewn, I was ten times more attentive than Mr. Martin himself, and of course upset the charge altogether; it was not preferred against me or one word said about it.

7283. Look at your own letter;—is that a true statement of what occurred? Yes; it was written closer to the time than what I have stated at present, and therefore is likely to be more minute.

7284. Did Mr. Hodgkinson make any inquiry into the matter? Yes; but the report he gave in was not exactly the same, perhaps, as he gave afterwards verbally to another Minister for Works.

7285. You have read those documents;—was there any further investigation into this case of yours afterwards? Yes.

7286. What was the nature of the investigation? When Mr. Francis came into power (another Minister for Works), I appealed to him for justice. I got Mr. Robert Stirling Anderson, a Member of the House, to speak to Mr. Francis concerning the matter, and I went to Mr. Hodgkinson himself to ask him what report he made concerning me. He said he never recommended my dismissal.

7287. He has here—(*referring to the documents last mentioned*)? No; he only says my conduct was such, &c. Perhaps he was compelled to say it, because he told me a different story.\* They might have transferred me from that to a different department, or have done many things they did to other men.†

7288. *By Mr. Dalgleish*: Did Mr. Hodgkinson ever give you a letter of character? Not of character, but of engineering ability.

7289. *By the Chairman*: There was no question about your abilities? No, because my work was all thoroughly checked, and found to be well done.

7290. Do you not consider this sentence tantamount to recommending your dismissal:—"I have arrived at the conclusion that, on the 7th March, Mr. Gardiner left the railway office before noon without leave, under circumstances not only calculated, if tolerated, to impair the authority of the Engineer-in-Chief, but to render the maintenance of discipline among his professional subordinates impossible"? I do not consider that should have caused my dismissal from the public service, but that they should have had me transferred to another department, perhaps.

*Mr. Dalgleish here interposed an objection to the line of examination.*

7291. Do you not think that sentence tantamount to recommending your dismissal? It may be on the paper, but Mr. Hodgkinson had another opinion that he expressed to me.

7292. Mr. Hodgkinson could not have dismissed you? He would have the power of recommending my dismissal.

7293. Mr. Hodgkinson was only appointed by the Minister for Works to inquire into the charge made against you? I never denied the charge of leaving the office; I never said I did not do so.

*Mr. Dalgleish again objected to the line of examination. Witness withdrew. Committee deliberated. Witness recalled.*

7294. You said you thought this was not tantamount to recommending your dismissal, but that you might have been removed to another department? Yes, that might have been done.

7295. You were going on to state about some subsequent examination or inquiry? I got Mr. Anderson, who was Member for Emerald Hill, to speak to Mr. Francis, when he was Minister for Works; and he did speak, and I went to Mr. Hodgkinson to ask him what kind of a report he made against me, or how it was I got dismissed on such a case as that. He told me I might refer the Minister to him—that he thought my conduct, under the circumstances, was highly creditable.

7296. Was it from information you gave him that he thought it was creditable? No; but that he thought I had done nothing wrong in the department, that should have had me dismissed. So I did speak to Mr. Anderson, and tell him to have Mr. Francis speak to Mr. Hodgkinson, and Mr. Francis did speak to Mr. Hodgkinson, and called for the papers and read them over, and made a minute in my favour.

7297. How do you know? He told me himself.

7298. Did you ever hear any person else speak of that minute? No, not unless Mr. Francis; but of course he would not tell anything but the truth about it. Mr. Francis, when he told me he made the minute in my favour, told me to call on him again in about a week or so; I called on him as he desired, and he told me he would speak to Mr. Higginbotham about having me put back in the department. Mr. Higginbotham was then Engineer-in-Chief, Mr. Darbyshire having been compelled to resign on various charges. Mr. Darbyshire was accused of being more intimate than he should be with the contractor, Mr. Bruce.

7299. Has that anything to do with your affair? No; I merely state it to shew that Mr. Darbyshire was put out, and that Mr. Higginbotham was Engineer-in-Chief at the second time I called on Mr. Francis.

7300.

\* NOTE (*on revision*):—This latter portion was in reply to a question asked by Mr. Dalgleish.  
† Revised:—Done for other persons.

7300. Just keep to what has reference to your own case. You have no doubt there is a minute——? He said he made a minute in my favour; and the second time I called, he said he was going to speak to Mr. Higginbotham to have me reinstated. At this time I was in correspondence with Capt. Martindale, having seen advertisements in the papers calling for competent men to come up to the Railway Department here. When I saw these advertisements I wrote up here, and I got a letter in reply, about the day I saw Mr. Francis last, stating that if I would come up at my own risk and expense and stand a creditable examination, I would be recommended for an appointment here. I consulted with my friends, and they advised me to come up here, to avoid all trouble with the department in Melbourne, as they did not treat me well before. I took that choice, or I would have been back that week.

7301. *By Mr. Dalgleish*: How do you know? Because Mr. Francis told me he was going to speak to Mr. Higginbotham to have me put back. I may mention another fact about Mr. Francis: that while speaking with Mr. Francis about my case the first time, Mr. Darbyshire entered the room, and Mr. Francis called him and asked had he anything to say against me, and he said he knew nothing about the case but just as he had been told. Mr. Francis told him to repeat his words, and I think he wrote them down. I know Mr. Francis told Mr. Anderson, the Member for Emerald Hill, that in Mr. Darbyshire's conduct towards me he had acted with great duplicity.

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7302. *By the Chairman*: How do you know that? Mr. Anderson told me himself.

7303. You entered into correspondence with the Railway Department here? Yes, I saw advertisements of theirs in the Melbourne papers, calling upon competent men to send in applications for the positions of draughtsmen and surveyors, and I wrote up, asking the terms, and received a letter back which said nothing at all about temporary employment, nor did the advertisements speak of temporary employment, for if they did I would never have come.

7304. Will you read the letter you received? (*Letter read as follows*):—

“ Railway Branch,  
“ Department of Internal Communication,  
“ Sydney, 31 May, 1860.

“ Sir,

“ Referring to your letter of the 22nd instant, offering yourself as a candidate for an appointment as a railway surveyor and draughtsman, in pursuance of an advertisement in the daily papers inviting applications to be made to this Government for appointments of that character by duly qualified persons, I am directed to inform you, all gentlemen desirous of entering the scientific branches of the department of Internal Communication, have to undergo an examination before they are recommended for appointments. If you, therefore, choose to visit Sydney at your own risk and expense at once, and should you pass a favourable examination, you will be recommended for an appointment in the capacity referred to.

“ I have, &c.,  
“ R. MOODY,  
“ Chief Clerk.”

I wrote a letter in answer to that, of which the only copy I have is one I made from memory; whether it is absolutely correct or not I cannot say, but it is as to the sense, and most probably as to the words. (*Letter read as follows*):—

“ Corner of Dryburgh and Victoria Streets,  
“ North Melbourne, 6 June, 1860.

“ Sir,

“ I have just received your letter, informing me of the preliminary examination which must be passed by candidates for employment in the scientific branches of the Department of Internal Communication.

“ I shall endeavour to be in the next steamer, as I feel confident of making a creditable examination both in the theoretical and practical branches of my profession.

“ R. Moody, Esq.,  
“ Chief Clerk, &c.”

“ I have, &c.,  
“ MARTIN GARDINER.

7305. Did you visit Sydney? Yes, with the understanding that I was to undergo an examination, and that if I made a creditable one I would get an appointment of course.

7306. Who examined you? Mr. Whitton.

7307. Did you make a creditable examination? Yes, in every respect. He told me so; and he went to his drawer and pulled out a list, shewing me the salaries voted for the year, and that the highest salary was £400, with £280 expenses if in the field. He said he would give me that, and that he was very sorry he had not it in his power to give me higher; that I should get a good deal higher in course of time, and that he would take the first opportunity of recommending me for a higher salary at the next Estimates. I never knew it was temporary at the time, or I would not have accepted it.

7308. What was the nature of the examination? He asked me for my certificates and I shewed them, taking care to keep back the scientific ones, as I had found them act against me elsewhere. He asked me was I an engineer; I said I was. He asked for my diploma; I shewed it him, and he said it was a formidable document; I said it was a creditable document. He then took out a small model of a bridge and asked my opinion of it; I told him my opinion of it was, that it was very good for spans of 15 or 20 feet, and heights of 20 feet or so, but that if the bridge was a large one it would require bracing—for small bridges it was a good serviceable bridge, and would last a long time. Then he asked me, was I a mathematician; I said, yes. He asked did I understand railway curves;

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curves; I said, yes. He asked me:—Given the radius of a curve, and the angle that the two tangents make with each other, to calculate the length of the tangent; and of course I did it at once for him—without logarithms, by a simple multiplication—without opening a log book at all. He said, I could not do it without logs. I said, yes, I could. He said, “It is impossible, but you have the right answer at any rate; how you got it I don’t know.” I told him I could work out two such questions by my method while he would be looking for his logs. Then he said, “You are a first class mathematician.” I said, yes, I thought I was. He said, “Are you sure you are?” I told him it was my own opinion, but men’s opinions of themselves were not always correct. “Well,” he said, “I think you are; and I will recommend you for so-and-so;” and he said he would rise me as soon as he could. He never spoke the word *temporary*. If he did at the time, I would have sued the Government for my expenses.

7309. Did he make any observations about the nature of the work he wanted you to do? He said he did not want a surveyor or draughtsman—it was a civil engineer he wanted. He asked me if I understood getting out bridges. I told him, “Yes; bridges of iron, wood, or stone.” He said he would put me to getting out some bridges—that he was in a great hurry, and that if I would work hard, and have the work done in time, he would recommend me.

7310. Did you tell Mr. Whitton that you had written any papers on railway curves? No, I took very good care I did not.

7311. Why? Because I found it acts against a man if he knows anything of science. I found out from Mr. Whitton’s own examination before the House, or a Committee—I bought it in a printed paper at the Government Printing Office—that he was no scientific man, and therefore I did not shew him any papers.

7312. Do you think they would have acted against you? I believe it would. If I had shewn him these papers, it is my firm belief I would never have got an appointment.

7313. That is merely your opinion? I have had good reason for it since.

7314. What reason? Because as long as he thought I was not a scientific man, he was a great friend of mine; but when he found I was, he was not so great a friend, and my services were soon dispensed with.

7315. Did you form any opinion of Mr. Whitton’s professional attainments, during the examination you underwent? I was convinced he was not anything of a mathematician, from his observations, and he told me, in fact, himself, that he did not read the higher branches necessary for those calculations.

7316. Under whose directions did you work? The only directions I got were the spans of the bridges and the sections to plot from, but no other directions worth speaking of.

7317. What was the nature and extent of the works you were engaged at, during your first appointment? I did a great deal of work during my first appointment. I got out sketches and estimated the bridges and viaducts, for the three extensions then contemplated, for first class railways.

7318. Did you make any drawings or detail of iron-work? Yes, I made those drawings, although I knew Mr. Whitton did not wish I should make them. He came and told me he wanted the weights of the iron got out. I told him I could not take out those weights without making sketches of the details. He told me if it was possible to do so, to try and get them. I told him these were not in any books I had, and I could not do it without making the sketches. He then said, “Make them as rough and as fast as you can.” He was down generally once a day, every day I was in the office, getting out these bridges, and always stood over me and was asking questions concerning the work I was doing.

7319. Did he ever give you any instructions concerning angle irons, or anything of that kind? No; I asked him one day—he was civiler to me at that time than to any other in the room—what strain he wished for the working load on the iron; whether it should be greater here than in England; he seemed not to understand what I meant. I asked him whether he would have  $4\frac{1}{2}$  or 5 tons for the greatest working strain that could come on the bridge. He considered a while and asked me what I would think. I told him, to be on the sure side, I would have only  $4\frac{1}{2}$  tons, because one fourth of the bearing strain is generally considered the greatest working strain. He seemed to be entirely unconscious of that, became a little red in the face, stammered out something, and told me to do as I liked. So then I calculated  $4\frac{1}{2}$  tons as the greatest strain.

7320. You are aware that Mr. Whitton denies that you got out any details of drawings of iron girder bridges? He may deny it, but the evidence is clear that he was aware of it, because he was down there every day. I saw one of those drawings on the table here, furnished by the Railway Department I suppose.

7321. Is there any manner in which you could prove your statement to be true? The dimensions of the bridges that came out from England are entirely different to the dimensions I have used. Mine are not half the weight of his, and they are as strong.

7322. Could you point that out to the Committee? I will explain the matter. In iron girder work the rivetting is always the weak part in bridges. The rivets for the bridges that came out from England are the same as the rivets I used in the bridges I designed there; the rivet bearing is no stronger, and the surplus iron that is in the Menangle Bridge, for instance, is of no use whatever; in fact, it is detrimental, for it acts as a dead weight straining the rivets. If I take two pieces of cast-iron and put them on supports 3 feet apart, and connect them in the middle with two small rivets and put a weight on top, with these small rivets, they may not bear a pound; but if I put two weaker pieces of iron and the same rivets I have a stronger bridge, and perhaps ten times as light. The deflection of a bridge has nothing whatever to do with its strength. Deflection and stiffness are two different things. I have no doubt the Menangle Bridge is stiffer than what I have got out, and than such as are used in India and elsewhere, but it is no stronger and it is more costly.

In



In consequence of the extra weight of iron in the Menangle Bridge alone, if my design for the 150 feet span were used, it would save £20,000, at Mr. Whitton's prices, for the iron.

7323. And your bridge would have been as durable and as strong? It would have been as durable and as strong, and as strong as those on the Indian Railways, and they are found to be strong enough.

7324. They have been in existence for some time? Yes, for a number of years.

7325. Did Mr. Whitton supply you with any sketch of the works during that time? Never with a sketch of any iron-work. I think he supplied me once with a sketch of an abutment of one of the stone viaducts—a little rough sketch—the only thing he ever gave me. It is on one of the papers somewhere; I saw it on one of those sketches of my own. It is not worth mentioning—just what a child would do—merely that he was making a remark and drew a pencil sketch across one of them.

7326. *By Mr. Dalgleish*: Perhaps it would be as well if you pointed out to the Committee what portion of the work is yours? All of it is mine; and this (*referring to a number of drawings*) is only a small part of what I have done there—at least I do not see all I have done in the Railway Department.

7327. *By the Chairman*: Do you mean to say all the sketches you have drawn for the extension of the lines are not here? I think the most of them are not here—there were fully double the quantity. About half of them are here. I miss a great many; and I think, from the numbers, that these belong to the Western Line alone. I do not see the Southern ones at all.

7328. Did you complete the estimates for the stone-work and iron-work for the first class railways? Yes; I plotted the ground work, made the calculations, and everything else, and was never checked.

7329. And estimated the cost of the work? It would not take five minutes to estimate the cost at so much a yard or ton. I gave them the exact quantities.

7330. Did you have the bridges completed long before your services were dispensed with? Yes, some time; I think I had them done in about five months. I did the earth-works afterwards, and made a reduced copy from Mr. Woore's railway section.

7331. Are we to understand that Mr. Woore's surveys were made use of in the Railway Department? Yes.

7332. How did you know they were Mr. Woore's work? Because they were marked as Mr. Woore's.

7333. Were they of much use to the department? They would be of great use in getting the best line. Of course a section over any part of a country would facilitate finding out the best line; because a man, before setting to work to do his own survey, would know how much ground he had to trace\* in a certain length. Whether they adopted Mr. Woore's exact line I cannot say; but it must have been of great service, and they made use of it.

7334. Are you aware Mr. Barton denies having made use of Mr. Woore's surveys? I heard he denied having them at all in the office.

7335. You know they have made use of them? Yes.

7336. And that they have been of great service? They must have been of great service.

7337. *By Mr. Stewart*: If it is denied, it is an incorrect statement? Certainly.

7338. *By the Chairman*: Did you do any other kind of work? With the exception of calculating the earth-works after Mr. Campbell's services were dispensed with—his services were dispensed with a few weeks before mine. He was getting a less salary than I was getting then. I was put to finish up the earth-works after getting up the masonry and iron-work.

7339. Did you receive a notice previous to your services being dispensed with? I received a notice, about a month before the time, that at the end of the year my services would be dispensed with; and two or three others received the same notice; Mr. Deering was one—he entered the Lands Department, I think, as a licensed surveyor.

7340. I think you stated in one of your letters to the *Empire*, that you obtained the opinion of counsel as to whether you could enforce the conditions mentioned by Mr. Whitton? Yes. After I received this letter I went to Mr. Whitton and asked how it was I was going to be got rid of now, after being so serviceable and working so hard—and I put him in mind of his promise to me. He pretended† to have forgotten his promise altogether; but as I was going out of the room, he called me back and said he would recommend me the first opportunity, but that at present they were going to reduce the staff, and that it was not in his power to hold me on. Then I went to Mr. Martin, who was then after setting up to be a Member, and was beaten at the election; he told me I could not carry out my case in law, because I did not protest in the beginning, but that if I got a Member to bring it into the House it would be the best plan, and he would advise me to do it.

7341. Did you complain to Capt. Martindale about the manner in which you were treated by Mr. Whitton? I did; I went first to Sir William Denison, and complained to him, and he gave me a letter of introduction to Capt. Martindale. Capt. Martindale said it was very unfair, but that he would do what he could; and that he would recommend me for a position in the Roads Department.

7342. Did you receive any appointment? No.

7343. Did you get an appointment to make some surveys before you had finished in the Railway Department? Yes.

7344. Who recommended you for that appointment? Mr. Whitton.

7345. Did he recommend you verbally, or in writing? In writing.

Mr. M.  
Gardiner.

10 Feb., 1864.

THURSDAY,

\* Revised:—ascend or descend.

† Revised:—seemed

THURSDAY, 11 FEBRUARY, 1864.

Present:—

MR. DALGLEISH, | MR. GARRETT.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Martin Gardiner called in and again examined:—

Mr. M.  
Gardiner.  
11 Feb., 1864.

7346. *By the Chairman:* I think the last question I asked you was whether you did not get an appointment to make some survey before you finished in the Railway Department? Yes, a survey of Cherry Tree Hill.

7347. Who recommended you for that appointment? Mr. Whitton.

7348. Did he recommend you verbally, or in writing? I saw the minute.

7349. Did not Mr. Arnold make a statement in reference to that in the House? Yes, he said that Mr. Whitton told him that he did not recommend me, and that I gave no satisfaction when I was there; but he made that statement on Mr. Whitton's authority—not on his own.

7350. But he said so? Yes; that "Mr. Whitton had assured him on his word of honour" that that was the fact.

7351. Did Mr. Arnold make any other statement on the authority of Mr. Whitton? Yes, I think all the statements he made were on the authority of Mr. Whitton; he could not know anything of the circumstances but what he was told.

7352. Those statements were prejudicial to your character? Yes, very; so much so that I have not a chance of getting an appointment outside the Colony unless these things are cleared up.

7353. Will you enumerate them? He said I did not give satisfaction at first—that Mr. Whitton did not know the work I was engaged on, as he very seldom visited the office, and only knew of me by hearsay, from what inferior officers told him. Mr. Arnold said Mr. Whitton assured him of that; and I did not contradict him, because I did not know whether he did so or not.

7354. Did he not impute to you dishonesty in regard to money lodged to your account? Yes, but I think he partly drew back out of that statement when I published my explanation in the *Empire*.

7355. What is your explanation? The whole of it has been published in the *Empire*, and it states all concerning that transaction. I can get the letter if you think it necessary.

7356. Could you not give to the Committee a short statement of the facts? Yes. After making a survey of Cherry Tree Hill, and a rough traverse along the Mudgee Road, I came to town to give up the appointment; but Mr. Collett requested me to make a survey along the Goulburn Road, and I went up to Goulburn. Just as the survey was started I received a telegram from Mr. Collett, the Commissioner for Roads, stating that money to the amount of £98 and upwards had been paid by mistake to my account, and requesting that I would send him a cheque to that amount. The moment I got this telegram I drew out a cheque for the amount demanded, and posted it that evening. The next day, however, I went to Goulburn and telegraphed to him to know when it was that this money was lodged to my account.

7357. To whom? To Mr. Collett. I waited in Goulburn for a reply, but received none. On that day or the next, I cannot say which, I sent a second telegram, again inquiring how it was this money was lodged to my account, or whether it was lodged before a certain period, because, if so lodged before the time I mentioned, it would appear upon my bank book, which was made up to a certain date. I wished therefore to know whether he was not in error, and stated that I awaited a reply. I received no reply to my telegrams. I then telegraphed to the bank to stop payment of the cheque until further orders from me. After I sent this telegram to the bank I used no more cheques for the payment of anything. I continued on the survey as far as Gunning, as I agreed to do. But before then I wrote to Mr. Collett, stating that I was only to proceed as far as Gunning; and when I had done to Gunning I wrote a letter, stating that I resigned, and that I would hold on the men if he wished to send another surveyor in my place, as it would save expense to the Government. I brought my men back to Goulburn on foot, and I went to the Manager of the Commercial Bank; I shewed him Mr. Collett's order on me for £98, and told him I did not know what amount I had in the bank; I said I did not wish to pay my men in cheques under the circumstances, and I asked him for the loan of £20 to pay the men. He said I was a stranger, but that I was so candid in shewing him the difficulties of my position, and in telling him that I was going down to town to resign, that he would give me £20 on his own responsibility, as he could not be deceived in me—that I was honest—although it was a thing that he would not do for other persons that applied to him. I do not know the Manager's name, but of course he can be appealed to. I paid the men out of that £20; came to town and resigned. I went to the bank and found that there was some extra money paid in to my account, but that the £98 was not paid in to my account; some was held back.

7358. From the £98? Yes; I went up to the office and found that the Roads Department had not lodged my pay up to a certain date; I was then about £22 short. The extra money lodged to my account had been lodged by the Survey Department, I having been transferred previously from the Survey Department into the Roads Department. I at once called upon the Surveyor General, Mr. McLean, and gave him a cheque to the full amount.

7359. Of what had been paid in to your credit? To the full amount paid in to my credit.

7360. How long was this after you received the telegram from Mr. Collett? It might have been a month.

7361. It was the first opportunity you had? Of seeing my bank account and paying this money. If I had got an answer from Mr. Collett, to the telegram I sent to him, I would not have disputed the payment; but I had good reason to be cautious in the matter, because, on a previous occasion, money that should have been paid to my account by the Survey Department was not paid up to date, and I overdraw my account in the bank through that; but the Surveyor General, Mr. McLean, when he heard of the matter, had the money at once lodged to my account.

Mr. M.  
Gardiner.

11 Feb., 1864.

7362. The telegrams you sent from Goulburn must be in possession of the Works Department? Yes, they are Government telegrams; I know I did not pay for the last of them.

7363. Then there was no foundation for the charge of dishonesty in connection with this transaction? None. It was the reverse; I put myself in difficulties; I went borrowing money so that not the least shadow of doubt should exist; I did not pay my men in cheques, as I had previously done.\*

7364. Is there not a person of the name of Kennedy in the Railway Department? I saw a person once whose name was said to be Kennedy, but I do not know him.

7365. Do you know that he and another person have been making inquiries as to your character and proceedings on the roads? I have heard so.

7366. Do you owe any money to any person on the Mudgee Road? No.

7367. You made a survey of that road in 1861. Yes, I made a rough traverse.

7368. Was it not immediately after that, that the new road over Cherry Tree Hill was made? Yes, after. There was a complete survey of Cherry Tree Hill.

7369. Do you know any person of the name of Moore? Yes, beyond Cherry Tree Hill.

7370. Do you owe him money? No, not that I am aware of.

7371. Did you owe him any money at the time you were engaged in the neighbourhood? No, not that I am aware of. If the men owed for anything in the shape of supplies, I would not pay them (the men) until their bills were paid.

7372.

\* ADDED (on revision):—The letter which I inserted in the *Empire* is as follows:—

(A.)

“THE WORKS DEPARTMENT.

“To the Editor of the ‘*Empire*.’

“Sir,

“As I consider my character impugned by a statement made by Mr. Arnold (as reported in the columns of your paper), during a debate on a petition which I presented to the House of Assembly, I request you will permit me to explain the matter in your columns.

“I went to Goulburn in 1861, to take a traverse and levels of the road from Goulburn towards Albury. While camped near Goulburn I received a command from Mr. Collett, the Commissioner for Roads, to transmit him a cheque for upwards of £90, as money to such amount had been lodged to my credit in the Bank of New South Wales, through some misunderstanding between the Survey and Roads Departments. The same hour I received that command I wrote out the cheque for the full amount, and sent the foreman to post it for Mr. Collett. When the foreman returned to camp from the Post Office in Goulburn, he reminded me of cheques I sent when the money I counted on was not lodged to my credit until after their presentation. The next morning I went to the Telegraph Office, and sent a telegram to Mr. Collett, asking to be informed as to how it happened that I was overpaid, and (I think) stating that I awaited a reply. I awaited some hours, and then sent a long telegram (charged to the Government account by the telegraph clerk), asking was the money paid into the bank before or after the date of the latest settlement of my bank book, and stating that I awaited a reply. I got no reply to either telegram, and it was then, and *not until then*, I telegraphed to the bank to stop payment of the cheque. And I received no answer from the bank, and remained, until my arrival in Sydney, under the impression that the bank authorities disregarded my warning. However, immediately, after this my health commenced to fail, and I wrote to Mr. Collett, stating that such was the case, and requesting him to send another surveyor in my stead, as I would do no further than Gunning. I then traversed and levelled the road to Gunning, and returned, with all my men, to Goulburn.

“I considered that my account at the bank (after receiving Mr. Collett’s command) did not warrant me to pay the men, as I usually did, by means of cheques; so as there was no branch of the Bank of New South Wales in Goulburn, I went to the Commercial Bank, and explained the position. I was in, to the Manager. I shewed him Mr. Collett’s command; I told him the Bank of New South Wales did not answer my telegram; I told him I was going to Sydney, to resign my position or appointment as road surveyor; and I requested him to advance me £20, so as to enable me to carry out my intentions.

“The Manager of the bank (whose name I do not know) then said that, under the circumstances, he would not advance money to a perfect stranger, but that I having acted with such candour in shewing him the difficulties of my position, he would, on his own responsibility, give me the £20. I got the £20; I paid the men; I came to Sydney, and handed my banking account to Mr. Collett, so that he might see reason for my telegrams. I went the next day the bank opened, and found that some £20 or £23 less than the stated surplus was to my account. I made inquiries, and was told it would not be lodged until I gave the cheque for the £98. I then drew out a cheque to the full amount demanded in favour of Mr. McLean, the Surveyor General, and I sent it to him. I may also mention that when I arrived in Sydney, Mr. Collett expressed surprise at my presence, and said he sent me a letter (which I never received) telling me to continue on the survey. I resigned my position, and told him I would not continue under him.

“The other statement made by Mr. Arnold, viz., that I said myself and family “*were starving*,” is false. I never said such to any man, nor would I state such if it were to procure me a higher salary than is now paid to Mr. Arnold himself. I told him that I was not able to procure employment, and that all my money was spent; and that I saw no prospect of being able to hold out until Mr. Whitton should recommend me. I told Mr. Whitton the same thing. But I would rather die than disgrace myself by making the statement attributed to me by Mr. Arnold. The rest of what Mr. Arnold states of the interview is true; but not the whole truth, as I will soon clearly prove. However, I will here state that I did then believe Mr. Arnold was sincere in wishing to forward my promotion; and I still believe he was then well disposed towards me; but he is now most unreasonably false in his statements; I do not say he is designedly false.

“As to my ability as a civil engineer, I will soon demonstrate that to the people of this Colony.

“I am, Sir,

“Yours truly,

“MARTIN GARDINER, C.E.

“July 29th, 1863.”

- Mr. M. Gardiner.  
11 Feb., 1864.
7372. Did the party of men under your charge conduct themselves properly? Yes, those on Cherry Tree Hill.
7373. Did not the others do so? No, I had to discharge some of them for drunkenness and insubordination. It was wet weather, and I could not get them to work more than two days in a week. During the idle time, when there was wet weather, they would go to the taverns, to drink. When sober I had no trouble with them; but when they were drunk (and sometimes they would be drinking for weeks), I could not get them to work.
7374. There were some complaints of errors having been made in the survey, I believe? They were errors of chainage, which arose from sickness on my part, as I was disabled from rheumatism, and could not stand over the men when they were chaining. I had therefore to depend upon their returns. Although they both brought a tally on paper, they must have combined to make them the same in order to deceive me. They were not always drunk.
7375. It was owing to their conduct that the errors arose in the chainage? As much as to my sickness. But however they conducted themselves, if I had not been sick I would have seen that the chainage was right. I told Mr. Collett that I had no check of the work. He said this was unsatisfactory. I said it was his own fault, as I had asked him for permission to run check-lines. He said it was unnecessary, as he intended to send a leveller over the work.
7376. Did you certify to the correctness of the chainage? No, I refused.
7377. Were you asked to do so? Yes, by Mr. Collett, and I refused.
7378. Did you give any reason for your refusal? Yes, that the survey was not done according to the principles I held to be correct.
7379. The work on Cherry Tree Hill was correct? Yes, because \* I estimated the cuttings and did everything else necessary. It was a piece of engineering, and I had to find the best road. The other was a mere traverse.
7380. It was a more difficult work than that in which the errors of chainage occurred? Yes, such work as traversing could be done by a boy.
7381. Was it difficult to find the best road over Cherry Tree Hill? It was comparatively difficult.
7382. Do you consider that you found the best possible road? I am convinced of it. I made the survey, checked the work, and guaranteed its accuracy.
7383. Was not that work which Mr. Whitton had recommended you to perform? Yes, the work over Cherry Tree Hill.
7384. That was after your services were dispensed with in the Railway Department? Yes.
7385. What reason was given for dispensing with your services in the Railway Department? That the Government refused to carry on the first class railways as fast as it had been thought they would have done.
7386. Did the Engineer in Chief of Roads approve of the road you surveyed? No, but he had not his own way in the matter. Mr. Collett approved of mine in preference to his.
7387. That is, in preference to the road of the Engineer-in-Chief for Roads? Yes.
7388. Do you know the reason why Mr. Collett adopted your road in preference to that laid out by Mr. Beazeley? Yes. The Parliament voted only £2,000 for the making of this road over the mountain, and Mr. Beazeley assured Mr. Collett it could not be done under £8,000, and that my estimate was only guess-work. Mr. Collett asked me if I could do it for £2,000. I said for less, and do it well. He told me to cross-section it, and he would come up and see it. I did so. He saw it, and approved of it highly. It was done for £1,600 or £1,700.
7389. Although the Engineer-in-Chief for Roads said it could not be done under £8,000? Yes, and not then done well.
7390. Had you any dispute about this road? I had not, but Mr. Collett and Mr. Beazeley had a very hot dispute.
7391. Did you interfere in the quarrel in any way? No, not a word.
7392. And the Engineer-in-Chief and the Commissioner settled the matter by adopting your recommendation? Yes, my work.
7393. Did the Engineer-in-Chief inspect the road before calling for contracts? Yes.
7394. That is, after you had laid it out? Yes, after I had completed it.
7395. Was the Commissioner a civil engineer? Not a professional engineer; he has a good knowledge of works.
7396. Do you believe in his engineering capacity? As far as roads are concerned; but I do not think he understands engineering † as well as Mr. Beazeley.
7397. When were you dismissed from the Works Department? I think about the 14th July, 1863.
7398. What reason was given for your dismissal? No reason that I am aware of. I did not get a letter stating the reason; I merely got one stating that I was dismissed.
7399. And no reasons were given? No reasons were given.
7400. How long was it from the first time you heard that you were to be dismissed until the time when you were dismissed? I think Mr. Whitton's minute recommending my dismissal was on the 14th July, 1863; and I got no official account concerning the dismissal until late in August.
7401. What was the first communication—by letter? No.
7402. Verbally? I wrote to Mr. Whitton that I was sick and had a pain in my face, so that I could not stoop, and asked for permission to absent myself for a day or so.
7403. When was this? About the time I was dismissed. That letter was not answered. I went to Mr. Quodling, the clerk, and he brought out Mr. Drewett's minute paper, and it had

\* INSERTED (on revision):—I was empowered to use my own judgment in the survey of Cherry Tree Hill.

† Revised:—surveying.

had a minute of Mr. Whitton's upon it, stating that he suspended me and recommended my dismissal. I think, as nearly as I can recollect it, Mr. Quodling said, "*that was enough for me.*" I said, no, I would expect to get an official letter, stating that I was suspended; it would not do for me to leave the office on being shewn a minute like that. I then went up to my room, expecting to receive a letter. On going next day to the office, I wrote to Mr. Whitton in order to get an official letter concerning the matter. He sent me back my former letter with his minute upon it—"Mr. Gardiner is well aware that he has been suspended, and that he has no business in the office.—J.W." The letter upon which this was written was this:—

Mr. M.  
Gardiner.

11 Feb., 1864.

" *Railway Department,*  
" *July 15, 1863.*

" Sir,  
" Being incapacitated for work, owing to a pain in the face when in a stooping position, I beg to report that I must be absent from the office during this day.

" I have, &c.,  
" MARTIN GARDINER."

It was addressed to J. Whitton, Esq. Then the next day I wrote him this:—

" *Department of Public Works,*  
" *Railway Branch, Engineer's Office,*  
" *Sydney, July 16, 1863.*

" Sir,  
" I have seen your minute suspending me and recommending my dismissal. "Mr. Quodling, when he shewed that minute, said '*that it was enough for me,*' and that " I required no answer to my note asking for leave of absence. I respectfully request that " you will inform me *officially* whether I am suspended or dismissed.

" I have, &c.,  
" MARTIN GARDINER."

It was addressed to J. Whitton, Esq., Engineer-in-Chief for Railways. In answer to this he sent me back the minute I have referred to, but it was written on the face of my former letter. 7404. You received back your former note, asking for leave of absence, and there appeared this minute upon it? Yes; after this I heard no more of the matter until August. On the 5th of that month I wrote a letter, of which this is a copy:—

" *Ivy-street, Shepherd's Paddocks,*  
" *August 5, 1863.*

" Sir,  
" Mr. Whitton's minute of the 15th July, informed me that I was suspended " from the temporary position I held in the Railway Department. I have awaited since then " for an official notice as to whether his minute, advising my dismissal, has been finally " decided upon, but I have received no such notice. As I abstain from seeking any other " employment until officially notified of my dismissal, I think it right to inform you, that I " will expect to be paid my salary up to the date of such notice. My address is already " known to the department.

" I have, &c.,  
" MARTIN GARDINER."

" To the Commissioner for Railways."

7405. Did you receive any answer to that? Yes, I received this:—

" *Department of Public Works,*  
" *Railway Branch, Sydney,*  
" *6 August, 1863.*

" Sir,  
" In reply to your letter of the 5th instant, relative to your suspension from the " duties temporarily performed by you in this department, I am directed by the Commis- " sioner to inform you, that a letter, a copy of which is enclosed herewith, was posted in due " course on the 18th ultimo, and which contains the notice you require.

" I have, &c.,  
" R. MOODY,  
" Chief Clerk.  
" Martin Gardiner, Esq.,  
" Ivy-street, Shepherd's Paddock,  
" Sydney."

They sent it to me first, and not to my address, although they had my address in the office on the books. The letter, a copy of which was enclosed in the one I have just read, was as follows:—

" *Department of Public Works,*  
" *Sydney, 18 July, 1863.*

" Sir,  
" The Engineer-in-Chief for Railways having reported that he suspended you " from the performance of duty, on the 14th instant, and submitted to the Secretary for " Public Works the circumstances under which he had conceived it to be his duty to adopt " that course,—I am directed to inform you, that the Secretary for Public Works, having " given the matter his consideration, has approved of the course pursued by Mr. Whitton, " and has recommended to His Excellency the Governor and the Executive Council, that " your services as temporary draughtsman in the Railway Branch be dispensed with from " the date of your suspension."

This is signed "JOHN RAE." It remained in the Post Office for some time, and the envelope is marked "Not known by the letter carriers."

- Mr. M. Gardiner.  
11 Feb., 1864.
7406. Why did you not bring that envelope? I did not think of it.  
7407. The letter you produce and read, is the one conveying your dismissal? Yes,\* I find I was dismissed on the 15th August.  
7408. What was the nature of the letter that was to go through the Post Office? The letter informing me of my dismissal.†  
7409. But you did not receive this until after the 6th of August? No.  
7410. How did you receive it—did you call at the Post Office for it? I called at the Post Office for the one lying there for me.  
7411. And then you received this? Of course I did; but I received a copy of it before that, on the 6th of August.  
7412. They had written letters to you previous to that, and had sent them to your address? Yes; I gave my address to Mr. Quodling, the clerk.  
7413. And they had written letters to you and sent them to your address previously? I cannot be certain,‡ but I know they had my address. When I first went to the office, Mr. Whitton told me to give my address to Mr. Quodling, to put on the books.  
7414. They wrote to you to your address, previous to posting this letter for you? Yes.  
7415. And you lived in the same place? Yes; I had this letter delivered to me at my address:—

*“ Department of Public Works,  
“ Sydney, 1 July, 1862.*

“ Sir,

“ In acknowledging the receipt of your letter of the 12th ultimo, offering your services as a Superintendent of Permanent Way and Works, I am directed to inform you that appointments to these situations have now been made.

“ I have, &c.,

“ JOHN RAE.

“ Mr. Martin Gardiner,  
“ Ivy-street,  
“ Sheppard’s Paddocks.”

7416. You received the letter informing you of that appointment, at your own address, but the one to dismiss you they sent to the Post Office? They sent to give me notice that the thing was left to the Executive.  
7417. What other correspondence had you? Some time after, I got a letter stating that I was dismissed.  
7418. By the Executive Council? Yes; this is it:—

*“ Department of Public Works,  
“ Sydney, 11 August, 1863.*

“ Sir,

“ Referring to my letter of the 18th ultimo, I am now directed to inform you, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of your services, as temporary draughtsman in the Railway Branch of this Department, being dispensed with, from the date of your suspension from duty by the Engineer-in-Chief for Railways, viz., the 14th ultimo; and Mr. Secretary Arnold desires me to add, that your services are dispensed with accordingly.”

7419. Where does it come from? From John Rae. It is dated the 11th August, and I received it a few days after.  
7420. They never informed you of the reason for your dismissal? Never informed me of the reason why I was dismissed.  
7421. Did you read any papers before the Philosophical Society? Yes, immediately before Mr. Whitton recommended my dismissal. I had advertisements in the papers, stating that I was about to read a paper on the best way of laying out railway curves.  
7422. Before reading this paper, or advertising that you were about to read it, was any complaint made against you? I never heard of the like. I think I never gave occasion.  
7423. No fault was found with the work you performed in the office? I never heard of it.  
7424. Did you perform your work to the satisfaction of your superior officers? They always expressed satisfaction at what I did.  
7425. You made some complaint, in reporting the conduct of some of the officers of the department to Mr. Whitton? Yes, in January, 1863.  
7426. How long was it after this that you proposed reading these papers? Perhaps five or six months.  
7427. Were the whole of the statements you made in that report of the conduct of these gentlemen true, about them drinking and neglecting their work? Yes, and there were many other things I might mention, but I did not wish to do so. I have a copy of the report I sent to Mr. Whitton here. It is as follows:—

*“ Railway Department,  
“ 5 January, 1863.*

“ To the Engineer-in-Chief for Railways:—

“ Sir,

“ I have the honor to call your attention to the disorderly conduct of two of the officers of your department, who have endeavoured to create pugilistic rows in the office; I refer to Mr. Hall and Mr. Micklethwait. Some three weeks have now passed since

“ Mr.

\* Revised:—No.

† Revised:—suspension.

‡ Revised:—I am certain of it.

" Mr. Hall offered to distinguish himself by a fight with any weapons, but particularly with fists, because he was an 'Englishman'; and, as this has been followed up on last Wednesday by offensive threats from Mr. Micklethwait, I think it only due to my own character and to that of the department, to request that a stop may be put to such conduct. I have not the least doubt that these discreditable acts, as well as many others I do not mention, are entirely owing to the intoxicating drinks in which these gentlemen constantly indulge during office hours."

Mr. M.  
Gardiner.  
11 Feb., 1864.

" I have, &c.,  
" MARTIN GARDINER."

7428. Have you anything to add? There may be other things, but I do not wish to mention them.

7429. Did you give evidence before Mr. Arnold? I sent in written evidence.

7430. The whole of the statements you made were correct? All correct. But one thing requires correction. Writing about Mr. Micklethwait, I should have mentioned that he was a day or two absent from the office before he returned. I say in paragraph 9, "The next day after this happened, Mr. Micklethwait threatened to assault me." I should have said, "The next day after this happened, that he came to the office," because he was one or two days absent. That is the only thing I have to correct.

7431. You produced a number of certificates to Mr. Whitton when you were first engaged? Yes.

7432. I see Mr. Arnold says in his speech in the House, "In the first place, he was employed because he believed, from his certificates, that he was competent to do the work entrusted to him; but when he was found incompetent —;"—Were you ever found incompetent? No; I have Mr. Whitton's certificate to prove that I gave *every satisfaction*. This is it, dated the 14th December, 1860:—"Sir,—In reply to your letter of the 11th instant, I have to state that you have been employed in this department for upwards of five months, principally in making drawings for bridges and viaducts for the proposed railway extensions. During this period you have given every satisfaction; and I regret that, in consequence of the work upon which you were engaged having been completed, your services cannot be retained in this department." This is signed by John Whitton.

7433. Were you not then engaged in designing bridges and viaducts for superior railways? Yes, and to calculate their contents.

7434. They were considered too expensive a class of works for this Colony? According to my ideas and knowledge of engineering, I know that, if carried out, it would have cost £50,000 a mile over the Western Road.

7435. You performed those duties at the request of Mr. Whitton? At his request.

7436. *By Mr. Dalgleish*: Do you say you received this certificate whilst you were engaged in the Railway Department? Yes, but I had received notice to leave before I wrote to him, and was suspended. When he promised to put me on as permanent engineer, I required a certificate, and this was the answer to my application.

7437. *By the Chairman*: That was after you heard your services were to be dispensed with? Yes.

7438. *By Mr. Dalgleish*: Have you got the letter you sent to Mr. Whitton? No; it was after seeing him about his verbal agreement with me, that I wrote the letter, as he seemed offended that I should ask him to stand to his word. He could not deny that I gave satisfaction. I wish to make this observation: that after standing my examination with Mr. Whitton, I would not have accepted the letter\* had I been put to surveying, or put to making plans or sections. I got this letter as a matter of form. By his certificate it is shewn that I had been employed as engineer,† and I had the following, stating that I was a trial surveyor:—

" Railway Branch,  
" Department of Internal Communication,  
" Sydney, 28 June, 1860.

" Sir,

" I am directed by the Commissioner to inform you, that you have been appointed a Surveyor in the Trial Survey Branch of the Department, on trial, with salary at the rate of £400 per annum, and £280 allowance while engaged in the field, on the understanding that the appointment is temporary and liable to be cancelled without notice."

This is signed by Mr. R. Moody, the Chief Clerk, and addressed to myself. I thought it would always be proof that the employment ‡ I took was a merely formal thing to enable me to obtain a salary, as no salary was voted for the work I performed.§ When I shewed this to Mr. Martin, the lawyer I consulted, he said my case would not be so good in law as it would be in the House. If I had known I should be treated as I was, I would have sued the Government, and have gone back to Victoria, where I had a position, instead of remaining here.

7439. You produce the original of that letter? Yes, and hand in a copy.

7440. Then Mr. Arnold goes on to say—"But being found incompetent also for this work, he was entrusted with still more inferior work, and at a smaller rate of remuneration"? The work on Cherry Tree Hill was not much inferior, as it required the services of a civil engineer.

7441.

\* NOTE (on revision):—of appointment as a trial surveyor in temporary employment,

† Revised:—designing engineer for bridges and viaducts,

‡ Revised:—Mr. Whitton told me that this letter which

§ INSERTED (on revision):—and that he was sorry it was not in his power to get me a higher one then.

- Mr. M. Gardiner.  
11 Feb., 1864.
7441. Whilst they give their opinion that you were incompetent, Mr. Whitton gives you a certificate that you were competent? Yes.
7442. *By Mr. Garrett*: What was the work at Cherry Tree Hill? To survey it and find the best road over it. I had to cross section the road and give an estimate concerning it.
7443. *By Mr. Dalgleish*: You have a copy of your instructions with you;—will you read it? Yes, my instructions were as follows:—“Your first duty will be the measurement of trial sections at and in the vicinity of Cherry Tree Hill, which forms the greatest obstruction to traffic between the Main Western Road and Mudjee; and on the number and extent of these sections, which should embrace the principal existing tracks, you will be left to the exercise of your own discretion, being at liberty, however, to make a provisional report and apply for further instructions at any period. Having arrived, from your sections, at a conclusion as to which of the lines which you may survey are most promising, it will be necessary that you should take cross sections of these at such intervals as the lie of the ground may appear to render desirable; and you should then prepare a contoured plan of the country so sectioned, on a scale of four inches to one mile (vertical scale of 40 ft. to 1 inch), and transmit them to me with a full report on the subject in question. Ere the completion of this duty, you will receive further instructions in regard to the general survey of the road; and as early as practicable, instructions for working plans and sections of Cherry Tree Hill. You will report to me, at the end of each month, on the enclosed form, your rate of progress.” This is signed “A. G. McLEAN.”
7444. *By the Chairman*: You performed that work to the satisfaction of the Commissioner of Roads, and the road was adopted? Yes, and it was adopted.
7445. Mr. Arnold says—“He was entrusted with still more inferior work, and at a smaller rate of remuneration; and after Mr. Gardiner had been found incompetent, his services were dispensed with in this Colony, and he went again to Melbourne”? I gave satisfaction in tracing too.
7446. Until you received this notice of suspension, no fault was found with your work? No fault. I told Mr. Collett I would not guarantee the chainage on the Mudjee Road. I was right in that case. Errors have been found in the chainage, which however could not have escaped us—a man was going over the work as I was leaving. I would not have done that traverse, and wished to come down to town to give up surveying altogether, as I was suffering from acute rheumatism, were it not that Mr. Collett insisted on having me do it, as he was in a great hurry to proclaim the road, to appease the clamour of the Mudjee people.
7447. Previous to your leaving the office, and after making a report of the conduct of some of the officers, was not this plan, with the errors in the chainage marked upon it, placed on your board? It was brought up by Mr. Drewett. A tracing was made, and these errors marked in blazing red letters. Mr. Drewett pitched the tracing on the table just as I looked at him. I knew what was being done before that, Mr. Doherty having come up to me and told me that they were making tracings of my survey and marking the errors, and that Mr. Fearnside and Mackay had put other papers over them so that he might not see them. When I went to the place where they were at work, they also put their papers over these tracings, so as not to let me see what they were doing. I took the papers off, and seeing no errors but those of chainage, I did not care. I knew what was doing; it was intended as an insult to me. I did not say anything about it, and when Mr. Drewett left them on the table, I merely went out and asked him why he did it. I did not see any great harm in the errors.
7448. What did Mr. Drewett say? He was kind to me, and always was so. He said it was not his fault—that he had to do many dirty little things he did not wish to do, and told me to ask Mr. Barton about it. I thanked him, went away, and told Mr. Doherty that it was not Mr. Drewett’s fault.
7449. What had Mr. Drewett or Mr. Barton to do with it? Mr. Drewett had nothing to do with plans of this kind.
7450. But what had Mr. Barton to do with them in the performance of his duty? The levels having been taken by another surveyor after I made the traverse, if he had a section it would help him in traversing the country to ascertain the heights, because I believe the levels were taken from the railway at Bowenfells. These errors could not have affected him at all, because it was a rough traverse. It is never considered correct until checked and guaranteed; and this work was never checked. It was checked by the leveller in the chainage afterwards. I would, if asked, have made a correct copy of the traverse without charging anything for it. It has nothing to do with a man’s incompetency. I was sick. It is work that a boy could perform. All the instrument work I guarantee correct.
7451. Mr. Arnold says, in reference to Mr. Whitton:—“Mr. Whitton said it was impossible in an examination to do more than satisfy himself up to a certain point, and that he could not absolutely certify as to his qualifications”? \*I could examine any man twice as good as myself, and find out whether he is a good man† even in half an hour’s examination.
7452. Mr. Arnold also says:—“Mr. Whitton did not employ Mr. Gardiner in the field. Mr. Whitton had reason to believe that Mr. Gardiner would be more suitably employed on some other service required at that time”? Mr. Whitton had reasons to the contrary; because my certificates shew that I was best in the field, and that I had not been employed so much in the office as in the field. Here is a certificate from Clement Hodgkinson, Deputy Surveyor General of Victoria, in which he says:—“Dear Sir,—As you state that you are about to proceed to Sydney with a view to employment as a railway surveyor, I beg to assure you that, in my humble opinion, your qualifications for such employment are  
“ of

\* INSERTED (on revision):—Mr. Whitton might find it impossible, but  
† Revised:—competent person,



“ of the very highest order. As a member of the Royal Society of Victoria you have not only contributed to the ‘ Transactions ’ of that Society some valuable information on professional subjects, but also some papers displaying profound knowledge of the higher branches of mathematics and great originality and genius.” This letter is signed—“ CLEMENT HODGKINSON, Deputy Surveyor General and Member of the Board of Science of Victoria.”

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7453. Have you any other certificates you wish to put in? Yes. This is a certificate I forgot to mention yesterday, from Francis Bell, Engineer-in-Chief to the Melbourne and Essenden Railway. It states:—“ Mr. Martin Gardiner, while with me, made survey and several trial sections of the extension of the Melbourne and Essenden Railway, from Essenden to Donnybrooke—a distance of eighteen miles. I have much pleasure in testifying to his ability in the field, as well as to his neatness and accuracy in making his plans, and have great confidence in recommending him as fully qualified to undertake such duties.” I made a survey of that railway up to Donnybrooke, but funds being short the road has not been made since. This is another certificate which I wish to hand in; it is from Mr. Dibbs, and reads as follows:—“ As trustee in the assigned estate of the late A. C. Davison, contractor, of Newcastle, I had occasion to engage Mr. Martin Gardiner, C.E., to survey the Red Head Railway, and to measure the works done by the contractor. It affords me much pleasure to testify to the satisfactory manner in which Mr. Gardiner performed his work as a railway surveyor. In the trial relating to these works (the Assignee in Davison Estate v. the Newcastle Copper Company), held in the Supreme Court, in Sydney, in August, 1862, Mr. Gardiner shewed his thorough practical knowledge in railway matters; and I may add, that it was chiefly owing to his professional services that the contractor was enabled to prove the justness of his claims.”

7454. Who is Mr. Dibbs? He is a merchant, and brother to the Manager of one of the banks—the Hon. Mr. Robey's son-in-law.

7455. *By Mr. Dalgleish*: And was trade assignee to the estate? Yes.

7456. *By the Chairman*: And he employed you? Yes.

7457. Have you any other certificate of your competency? Most of my certificates are for high science, and it is of no use handing them in.

7458. Mr. Arnold also, in his speech, went on to say—“ He hardly remembered on what data he arrived at the conclusion that it would be undesirable to employ Mr. Gardiner where the services required great accuracy”;—do you know of any person being employed to do the work you could not do? A man who can calculate and check his work must be more correct than one guided by mere measurement.\* I gave up the traverse of the Mudgee Road, which I did not finish or check,† but I never gave up work from inability to complete it with accuracy.

7459. *By Mr. Dalgleish*: Did you give up the work on the Mudgee Road? ‡ I did not wish to do that work—I wished to resign after doing Cherry Tree Hill; and Mr. Collett said he was in a great hurry with the traverse of the Mudgee Road; he wished to have it proclaimed, and told me to get a rough traverse of part of it. He said I need not take levels, and said, “ Give me a rough traverse to tell what lands it runs through, and you need not on that account be careful to check or remeasure.” He determined afterwards on having it levelled, but I would not level it for him, because he did not allow me to do so at first. § I was after coming to town to give up altogether, and he said I might as well do the Goulburn Road. I said the weather was so rainy that I appeared to have taken a long time to do the work I had been on, but that I was ill. I said, however, that I would undertake the line from Goulburn to Gunning. The reason that I did not certify to the traverse of the Mudgee Road was, because I had not his instructions || The following is my appointment for the Southern Road, between Goulburn and Albury,¶

“ Department of Public Works, Road Branch,  
“ Sydney, 19 September, 1861.

“ Sir,

“ I am directed by the Commissioner to inform you, that the Secretary for Public Works has been pleased to appoint you as Surveyor on the Southern Road, between Goulburn and Albury, at a salary of £580 per annum, including equipment allowance; and I am to request that you will attend at this office to-morrow, Friday, the 20th instant, for the purpose of receiving the Commissioner's instructions.”

It is signed, “ S. G. SHAIRP, Chief Clerk.” With regard to the Mudgee \*\* Road also, the Commissioner gave me no instructions. He wished me to take verbal instructions. I asked him and pressed him for written instructions, because I wanted to work exactly by orders as in the case of Cherry Tree Hill, but he refused. He did not give me written but verbal instructions; and when this letter in my hand was written, Mr. Collett knew I was half-way up to Goulburn, and he sent the letter to my address in Sydney when I was

was

\* INSERTED (on revision):—and I can both calculate and plot work geometrically.

† INSERTED (on revision):—although I done as much of the traverse as Mr. Collett asked me to perform.

‡ INSERTED (on revision):—No; I done as much of it as I agreed to do.

§ NOTE (on revision):—What I meant to say is, that I would not have returned to level it if he asked me, but he did not ask me to do so, because the levels had to be carried from the railway at the other end near Bowenfells, and were carried by the surveyor working from Bowenfells towards Mudgee. The levels are not necessary in proclaiming a road, although the levels chainage is a check on the traverse chainage.

|| Revised:—I had his instructions not to check it, and that rheumatism hindered me from superintending the chainmen.

¶ INSERTED (on revision):—which shews that Mr. Collett was well aware that it was owing to his own mismanagement that I could not certify to the accuracy of the chainage on the Mudgee Road traverse.

\*\* Revised:—Goulburn.

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was gone. That was one of the reasons why I resigned\* after doing to Gunning. I might have continued on up to Albury but for his telegram about the money. The rheumatism also took me when I went up, and being unwell, I was unable to eat damper and meat; I wrote down stating this, and resigning.†

7460. *By Mr. Garrett*: Have you a copy of the letter in which you resigned? No,‡ Mr. Collett, when I came to town, said he never expected to see me. He said he had written a letter to me; I said I had not seen it. I think he was displeased with me about the telegrams, and in such case,§ the sooner a man resigns the better.

7461. *By the Chairman*: You performed that work satisfactorily? It was rough work; I made the traverse and took the levels as Mr. Collett ordered; but his system is not such as I would approve of.

7462. Is it not—the drawing of bridges and viaducts, and calculating the quantities—a most important work? Yes.

7463. Mr. Arnold says—“He was put to work of an inferior kind—drawing bridges and calculating quantities”? That was the work Mr. Whitton said he was sorry he could not give me a higher salary for. This work is generally done, elsewhere, by the Engineer-in-Chief.

7464. And you were selected to do the work? Yes.

7465. And you did it correctly? I did it correctly. It requires a knowledge of the integral calculus and of mechanics to draw iron-work in detail; that I possessed, which many civil engineers do not, although they may be good in other points.

7466. A letter was read in the House, by Mr. Arnold, from the Superintendent of Roads, stating that the plan and section prepared by Mr. Gardiner, for practical purposes, were not worth the paper on which they were drawn? They may not be worth so much to such men as the Superintendent of Roads, but they would be worth it to such as knew how to use them. Superintendents do not know how to use the instruments, and plans and sections are of no use to them. When I met the Superintendent he would not speak to me at Goulburn, because Mr. Beazeley was my enemy, as Mr. Collett, at an ulterior period, adopted my work in preference to his.

7467. Mr. Arnold also says—“The Hon. Member (Mr. Dalgleish) seemed to place great reliance upon a certificate, in favour of Mr. Gardiner, from the Queen’s College, Galway, “which he could not produce”? I did produce it, and I saw it in Mr. Arnold’s hands in the House.

7468. He held the document in his hand, although he said you could not produce it? Yes.

7469. Mr. Arnold says you told him that you were desirous of pursuing scientific studies, and were quite willing to accept a very inferior position, and do work in the office in any capacity in which your services could be made available, and that you would rather have a small salary for work of this kind, in order that you might have your evenings to yourself in the neighbourhood of the libraries? I may explain that matter. I did go to Mr. Arnold, and said I preferred having half the salary I got when in the field, if I could be in the office until I had revised some scientific papers of mine, which were being printed in Melbourne. he did not state the reason which I gave—it was to superintend the printing of my papers.

7470. Mr. Arnold continues—“Notwithstanding all that, he had the position he desired, and then made himself so obnoxious in the office that the higher officers would have no communication with him”? That is not true; they were all kind to me—Mr. Barton, Mr. Mason, Mr. Drewett. They never refused to do their official duty on my account, and had no reason to do so.

7471. Then you have nothing further to add, with reference to the evidence you sent in to Mr. Arnold as to the disorganized state of the department. No; I had a clearer knowledge then of what occurred than I could have now, so that I have nothing further to add.

7472. Have you been engaged in your profession since the 11th August? No.

7473. Did you receive any pay from the day you were first informed that you were suspended, until the day you received the letter from John Rae, informing you that the Government had dismissed you? No, Mr. Rae said I had no right to it, and I said, “If so, I do not ask for it.”

7474. You have done no work since then? I did not wish to look for work, being accused of dishonesty and incompetency. It is useless for me to look for work until these things are settled.

7475. *By Mr. Garrett*: With regard to the resignation of the work on the Mudgee Road, you returned from the work and gave it up? No; the other surveyor was on the other end of the line when I had the traverse of half of it done; he came on with his traverse and got instruments to level over mine. I told Mr. Collett to have the level over mine to check it,|| so that Mr. Collett was not left in the dark, as to the probability of errors being made in the chainage whilst I was suffering from rheumatism.

7476. You considered the work completed then? No, I had to do that to please Mr. Collett. If I had had my own way, or had influence in the office, I would have objected to make such a traverse, but I could not do so; and Mr. Collett being in a hurry to have the road proclaimed,

\* *Revised*:—persisted in my resolution of resigning.

† *Revised*:—I might have continued on up to Albury but for his telegram about the money, and that the rheumatism also retook me when I went up the country; and being unwell I was unable to eat damper and salt junk, and I wrote down to Mr. Collett stating this, and resigning.

‡ *INSERTED (on revision)*:—but the letter is an official one, and must be in the Roads Department; and I may state, that I wrote it before I moved my camp from Goulburn; so that I gave long notice of my intentions.

§ *INSERTED (on revision)*:—when an irresponsible head of a department becomes an enemy.

|| *Revised*:—I told Mr. Collett that the chainage, which I would not certify to, could be checked when the levels were being carried over it,

claimed, I made the traverse as he ordered it. When I was down, after making the new road over Cherry Tree Hill, seeing that surveying did not agree with me, that I was bad from rheumatism, and that I would prefer a situation in town,\* I saw Captain Martindale, and he promised me one. He asked me about the scientific papers, which he gave to Mr. Arnold, and Mr. Arnold acknowledged the receipt of them from the Governor on my account; but I never asked him whether he did it to serve me.† Before making this traverse of the Mudgee Road, I attempted to get rid of the surveying; but as I did not get a permanent position,‡ I was compelled to take up the traverse work. This is the Governor's letter, in answer to one which he ordered me to write to him:—

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Gardiner.

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“ April 30th, 1861.

“ Sir,

“ I am desired by His Excellency to acknowledge the receipt of your communication of date April 26th, and to state, in reply, that he has mentioned your wish to the Secretary for Works; more than this His Excellency cannot do, as he has no power over the patronage of places, which rests entirely with the Colonial Ministers. His Excellency wishes you all success in the publication of your work.”

It is signed “ F. TURVILLE, Private Secretary.” Then I received the following letter from Mr. Arnold, through Mr. Rae:—

“ Department of Public Works,  
“ Sydney, 8 May, 1861.

“ Sir,

“ I am directed by the Secretary for Public Works to acknowledge the receipt of your letter of the 26th ultimo, to His Excellency the Administrator of the Government, and to thank you for the book enclosed therein, of which you are the author, entitled “ Improvements in Fundamental Ideas and Elementary Theorems of Geometry.” Signed “ JOHN RAE.”

Some time after I got that letter, I wrote to Mr. Arnold, asking him to give me such employment as might enable me to superintend these scientific papers; and he wrote me a letter back, telling me that he did not see what connection Apollonius had with his department, as much as saying that he did not want geometrical science in his department. The work of his department, however, without it, is but guess-work and quackery; it is the back-bone of such work as surveying and engineering.§

7477. *By Mr. Dalgleish:* In giving evidence yesterday you spoke of Mr. Darbyshire—you said that he was not a civil engineer? Not a professional engineer—not trained in a College of Engineers, or brought up as a professional civil engineer.

7478. Was he competent to perform the work he took in hand? I should say he was.

7479. As competent as many of those who might be regarded as more scientific engineers? Very likely.||

7480. Was he a good mathematician? A tolerably good one.

7481. You spoke of railway curves made by him;—were there errors in them? They were not correctly laid down.

7482. You said he never made you false verbal promises? He never did.

7483. Did he make false promises to you at all? He wrote me one letter which I consider a false promise.

7484. Have you got that letter now? It was in answer to a letter to him, asking him if he would recommend me; and he wrote back, implying that he would recommend me the first time after that when they required the services of a competent engineer in Victoria. Well, when I had an opportunity of obtaining an appointment of that kind, I appealed to Mr. Darbyshire, and he refused to give a favourable report concerning me. I wrote to the Roads Department to ask how it was I did not get the position, and I was informed that Mr. Darbyshire did not give a favourable report of me. That letter also is in the department. I sent these letters in to the Minister for Works, to shew how Mr. Darbyshire had treated me.

7485. Were you employed in any other than Government Railway works in Victoria? I was employed on the Essenden works, by Mr. Bell.

7486. Is it a private company? Yes; but like some others in Victoria, it broke down.

7487. Did you give satisfaction when engaged on that line? Yes; Mr. Bell is here, and can state that for himself.

7488. Have you any document to prove it? Yes, I have Mr. Bell's certificate, which states that “ Mr. Martin Gardiner, while with me, made survey and several trial sections of “ the

\* *Revised:*—I got an interview with the Governor-in-Chief, and made a request that he would interpose his authority, and presented him with some scientific papers, &c.

† *Revised:*—but I never asked the Governor to present Mr. Arnold with the papers.

‡ *INSERTED (on revision):*—promised by Mr. Whitton,

§ *NOTE (on revision):*—This is Mr. Arnold's letter:—

“ Department of Public Works,  
“ Sydney, 22 August, 1861.

“ Sir,

“ In acknowledging the receipt of your letter of the 17th instant, applying for such employment in this department as may afford you opportunity of revising the proof sheets of the first part of your various restorations of the works of Apollonius, now about to be published, I am directed to inform you that, as that celebrated geometer of the Greek school has no apparent special connection with this department, the Secretary for Public Works cannot, in his official capacity, recognize the importance of the work in which you are engaged.

“ I have, &c.,

“ JOHN RAE.

“ Martin Gardiner, Esq.,

“ 4, Hill's-terrace, Riley-street.”

¶ *Revised:*—Yes, he is a more competent engineer than any Member of the Institute of Civil Engineers whom I am acquainted with.

- Mr. M. Gardiner.  
11 Feb., 1864.
- “ the extension of the Melbourne and Essenden Railway, from Essenden to Donnybrooke—  
“ a distance of eighteen miles. I have much pleasure in testifying to his ability in the  
“ field, as well as to his neatness and accuracy in making his plans, and have great confidence  
“ in recommending him as fully qualified to undertake such duties.”
7489. The reason why your services were not retained on the Melbourne and Essenden line was, that the works were given up? The company became bankrupt, and did not extend the line over the extension survey which I made, and which was approved of.
7490. You adhere to your evidence given before Mr. Arnold, as to the drunkenness and fighting in the department? Yes, to every part of it.
7491. Have you nothing further to add in respect of those statements? I may add to it, but I think what I gave in includes enough.
7492. You will be prepared to swear to the truth of the statements you have made? Yes, every one of them. As far as I can judge, they are correct; others might differ in opinion with me upon some of the matters.
7493. These things are matters of fact, known to you from your own observation? Yes, and all are true. These are copies of the minutes that transpired between Mr. Drewett and Mr. Whitton, and I thought it was connected with my dismissal. Mr. Drewett writes :—  
“ Sir,—I beg to report to you the conduct of Mr. Martin Gardiner, who came into  
“ my office this morning in a very excited manner, and asked me why certain notes of errors  
“ had been made on the tracings of a survey made by him for the Roads Department. I  
“ told him I had nothing whatever to do with it, but was merely carrying out my instructions,  
“ at the same time referring him to yourself or Mr. Barton. He also, in a very threatening  
“ manner, told me that he had made notes of what he termed my errors from the office plans,  
“ and which he intended to publish in the public press. After such conduct, I respectfully  
“ request that I may be relieved from giving Mr. Gardiner any further instructions.”  
This was written to Mr. Whitton, and Mr. Whitton sent it to me for my answer. This is my reply :—“ Sir,—In answer to Mr. Drewett’s letter, I have to state that I did go to speak  
“ to him, concerning the manner in which the *tracings of traverses* of roads made by me  
“ have been marked. I said I did not wonder at errors of chainage, as I had no check  
“ on the chainmen, but that I certainly did not consider it was right to mark ‘error,’ where  
“ it was well known I sketched by sight. He then said it was not by his orders these  
“ things were done, but by Mr. Barton’s; and after further excusing himself, he added the  
“ words: ‘ My position often compels me to do many little dirty things I don’t like to do.’  
“ I then thanked him, and said that if I was only empowered to mark ‘errors’ on  
“ the plans in this office, I could cover them over with big red letters, for that I was well  
“ aware of such errors, and that I would soon call Mr. Arnold’s attention to the matter. I  
“ then left the room. I was not excited, nor did I speak or act in any other than a pleasing  
“ manner.—I have, &c., MARTIN GARDINER.” Now, with regard to these minutes, I  
would wish to make a few observations. Mr. Drewett states that I said I knew of errors on plans made by him. Now he made no such plans at all in the office, and I was well aware of it; so that I could not have spoken of *that*. There is incorrectness on the face of that statement, and he must have been excited when he wrote it. I did not mention about publishing in the press, for I had at the time a letter written to Mr. Arnold about curves and other things.
7494. Will you, if you find that letter, hand it in as an appendix? Yes; I had it written two or three days before that. The first advertisement, about my reading the paper to the Philosophical Society, was on the 8th July, and this transaction was on the 13th July, and two or three advertisements appeared before that occurred. I knew of nothing wrong in his work. The only thing I found wrong was the projection of a bridge, which I corrected at his request.
7495. Do you know Charles Brown? Yes.
7496. What is he? A surveyor. I did not know him to speak to, although he came up to speak to me as I was standing near the *Empire* Office. He told me of Mr. Micklethwait’s drinking, and borrowing, and spending the men’s money; and he said he would prove this if I would call him.
7497. Did he tell you that he informed me of the fact? Yes, I heard him promise to give you letters, stating all about Micklethwait’s drunken and gambling habits.
7498. Did he not promise to substantiate all he said, in writing? Yes.
7499. Did you hear me tell him that I would not take any notice of what he said, unless he did so? Yes.
7500. Mr. Brown urged me to make statements in the House on his work at that time? Yes, and you told him to furnish you with them in writing, and sign his name to them.\* I put a letter in the paper to see what he was going to do, and he denied that he ever stated the

\* INSERTED (on revision) :—And you told me so likewise when I requested you to make the statements relating to the conduct in the office. This I have already made known in the following letter published in the *Empire* :—

“ THE DISORGANIZED STATE OF THE WORKS DEPARTMENT.

“ To the Editor of the *Empire*.

“ Sir,

“ As Mr. Arnold has characterized the speech made by Mr. Dalgleish, on Tuesday night, as  
“ ‘ a complete tissue of misrepresentations from beginning to end,’ I think it due to Mr. Dalgleish, as  
“ an honorable gentleman and a Member of the House of Assembly, to state that I supplied him, in  
“ writing, with all the facts comprising the substance of his statements as respects the officers of the  
“ Railway Department, and their conduct during office hours; and I re-assert that these statements are  
“ all true, and that they will, if necessary, be proved too on oath by more than one witness.

“ But, sir, I am sorry to be compelled to say—and my honor and conscience compel me to say it—  
“ that it is Mr. Arnold’s own speech that is truly an unwarrantable tissue of wilful misrepresentations.

“ Mr. Arnold stated that I only discovered the misdeeds in his department after I was dismissed

the like. However, his letter in reply will shew I was right, because he speaks about the money he lent, and that it was a year after he lent it that he got the money from Mr. Micklethwait.

Mr. M.  
Gardiner.

7501. Did you hear him state that Mr. Micklethwait was so far gone from the effects of 11 Feb., 1864.  
drink as not to perform his work? He told me that week after week he was drunk.

7502. Did you hear him make some statements to me? Yes, in answer to some question, I heard him say Mr. Micklethwait was drunk and unable to work.

7503. And that is the statement I asked him to put in writing, and sign his name to it? Yes.

7504. Did you see Mr. Brown and Mr. Fowler in my house one morning? When I went in, they were just going out of the door; and you said if I had been there one minute sooner I should have found Brown and Fowler there, and that Brown told you something about Mr. Micklethwait in the field, which I did not know of.

7505.

"from the public service. My answer is, I appeal to Mr. Bennett, of the *Empire*, to whom I communicated the facts immediately after their occurrence, and who advised me not to take any step in the matter at that time, but to wait the opening of Parliament and get a *Member* to bring the matter before the House, for inquiry.

"Mr. Arnold asks how it happened that I have been unable to retain a *permanent* situation in the University of Melbourne? My answer is—I have never had a situation there.

"Mr. Arnold asks why I did not retain a *permanent* situation under the great Engineers in England? My answer is—I was never employed in England.

"Mr. Arnold asks why I did not retain a *permanent* situation on the Grand Trunk Railway of Canada? My answer is—he has asked this question in defiance of my certificates, *which were read before him*, testifying that I held my appointment to the completion of the lines on which I was engaged as Engineer; and with the knowledge that Jackson, Brassy, Peto, and Betts had no *permanent* appointments to give away, such as are at the disposal of the Government of this Colony.

"Mr. Arnold stated that when Mr. Whitton first violated his promises to me, I did not remonstrate.

"My answer is—I did remonstrate. I complained of it to Mr. Arnold himself, and got no redress. I complained of it to Sir William Denison, the Governor General, and he said no better could be expected from the 'incapable' Engineer for Railways. I went to the present Honorable Member for Orange, and asked his opinion as to whether I could enforce the agreement in the Law Courts, and got advised to bring it into the House of Assembly; and it was only after a renewal of Mr. Whitton's promises I refrained from presenting my petition at the subsequent opening of Parliament.

"Mr. Arnold stated that it was before proceeding to Melbourne I obtained the certificate from Mr. Whitton; but he took care not to mention the true facts, viz., that it was nearly a year after receiving it that I went to superintend the printing of scientific papers; and that it was immediately after Mr. Whitton again reassured me that on my return I should be recommended for an appointment as Assistant Engineer on the Railway works. And I told the Honorable Secretary of the Royal Society of Victoria (Dr. Macadam), that I had a place before me on my return to Sydney, and that nothing brought me to Melbourne but to superintend the printing of my papers read before the Royal Society.

"Mr. Arnold stated that Mr. Whitton told him, that during the time I was making drawings and estimating *the entire* masonry and iron-work of the three first-class railway extensions then contemplated, that he (Mr. Whitton) never saw me. I answer by stating that it can be clearly proved, by more than one witness, that during the whole time I was at that important work, Mr. Whitton came down to the room in which I worked (when not absent from the department) at least three times each week, and conversed with me about the work on which I was engaged.

"Mr. Arnold stated that after Mr. Whitton 'got rid' of me he did not recommend me for other work. I state that he did, and that it was through his recommendation I got under Mr. M'Lean; and there is a minute paper relating to this matter.

"Mr. Arnold stated that I was found incompetent to perform the work I was first appointed to discharge, and that it was on this account I was put to work of an *inferior* kind—'that of making drawings for bridges and calculating quantities.' His statement in this matter is also at utter variance with fact. I was never tried as a railway surveyor; but, after passing the burlesque of an examination, where the principal question was,—'Did you ever know an honest contractor?' I was offered my choice of going direct on to the railway works under construction, as Assistant Engineer or Superintendent, or, if working in the office, as *the sole framer and estimator of the bridges and viaducts*. And I chose the latter position, because it was of far higher grade than a 'Railway Surveyor' or 'Superintendent,' and that in a well regulated office it would be considered the next position to that of Engineer-in-Chief.

"And I refer the Minister for Works to the detail drawings (in pencil) I made for iron tubular girder bridges, of spans of 200, 150, 120, and 100 feet, and to those of plain I girders for 60, 40, and 20 feet, where all the thicknesses and sizes of plates, angle-irons, &c., are exhibited; and I request him to compare my designs (made according to the principles laid down by Professor Rankine, President of the Institute of Civil Engineers in Scotland) for openings of 150 feet, with that of Mr. John Fowler, for the Menangle Bridge, and see how much superior my design is, as respects strength and lightness, though it would be upwards of ten thousand pounds (£10,000) cheaper than Mr. Fowler's.

"Mr. Arnold states, on the representations of Mr. Whitton, and his late subordinate, Mr. Bennett, and of their favourites, that I am incapable as a railway surveyor and as draughtsman, and even as a tracer of plans.

"My answer is—I am prepared, at one hour's notice, to compete against Mr. Whitton and Mr. Bennett as a railway surveyor, or to compete against any one of the staff Mr. Whitton brought from England; and I challenge these gentlemen to meet me at the next meeting of the Philosophical Society, at which I am to read a paper, entitled—"The correct scientific method of forming railway curves and railways, with an exposition of the injurious effects of the system now adopted in this Colony."

"And if Mr. Arnold wishes to prove my ability as a draughtsman, I sincerely request of him that he will permit me to replot *from the surveyor's books*, the plans of the first and second contracts on the extensions of the Great Western Railway (which I will perform without pay or recompense of any kind), so that I may *prove* myself superior to every man in his office as a correct and neat draughtsman.

"Mr. Arnold stated that Mr. Whitton gave him an assurance, 'upon his word of honor,' he never saw either Mr. Hall or Mr. Micklethwait in the slightest degree affected by drink; but I assure him, on my word as a *gentleman*, who considers honesty and truth the only claims to the *title*, that independent of my testimony, there can be clear proof brought forward on every point on which I have accused them.

"Mr. Arnold stated that I said my family 'were starving'—that I wrung a certificate from Mr. Whitton through dishonorable means, and used it dishonorably—that I acted dishonestly concerning money lodged by mistake in the Bank of New South Wales. I refer Mr. Arnold to my statement in the *Empire* of the 30th July, and I ask him to act as a true gentleman *would* act under the circumstances—to publicly retract those cruel and unjust slanders.

"I remain, Sir,

"Yours truly,

"MARTIN GARDINER, C.E."

"July 31st.

- Mr. M. Gardiner.  
11 Feb., 1864.
7505. Did not Mr. Brown expect a Government situation when he contradicted your letter? Yes, I think so. He told me he had got one, and was going to work soon. I found, on inquiry, that he had not got one. He came up to me, when I was near the *Empire* office, and asked me to do a surveying problem for him which he was unable to do, and I did it on the spot for him. He then told me about Micklethwait.
7506. As to the fight between Hall and Deering—did you see it? Yes; and may observe, when the first examinations into the matter took place, the circumstances connected with the fight were kept back by Mr. Deering and his friends; but I remember the circumstances.\*
7507. Did you see any blood about Deering? Yes, his mouth was out, and there was a good deal of blood about him.
7508. How long did they fight? They had three tussles. The first blow was a slap in the face that Hall gave Deering without notice—for he never told him he was going to strike him, nor did I think he was going to do so. The stools were knocked down,† and Deering struggled to get free, but caught between the table and the wall, and an office stool or two behind him fell, making a great noise; then Deering turned round and put up his arms in defiance to fight; Hall again held him down on the table and punched him two or three times on the head; that was the second round. Deering then came out round the table, got into the centre of the floor, and Hall followed and struck him a couple of blows on the body, when he was caught round the neck by Mackay, who pulled him away from Deering; then some others interfered. It was a regular stand-up fight.
7509. But you are perfectly clear that you saw blows? Yes, it was a good strong fight; and after the fight Deering came over to me, and asked if I would prove that Hall struck him first without notice. I said that I saw the whole thing, but I gave‡ no evidence in the matter on any account, for I thought his conduct towards Braddock was more becoming a bailiff than a gentleman, as Braddock had no money to pay any debt, and he knew it well. I never encouraged Hall to strike Deering, for he struck him before I was aware he would strike him; nor did I ever insult Deering in any manner that I am aware of.
7510. It has been stated to the Committee by some gentleman—by Mr. Barton I think, and also by Mr. Mason—that when they met you you would not speak to them? I never refused. I nodded to Mr. Mason; but if a gentleman in the position of Mr. Whitton, did not recognize me, I did not recognize him, because I think the person in the highest position should first recognize the subordinate; it might be considered insulting in me to salute him without such previous recognition. I think I saluted them very often when I saw them looking at me. I never insulted them, nor do I think they should be displeased with my conduct towards them, as far as I am able to judge. Of course, after reporting Mr. Hall and Mr. Micklethwait, I did perhaps keep more distinct from them than before, because I saw there was a change in their feelings towards me.
7511. *By Mr. Dalgleish*: You are perfectly sure as to the statement with regard to the advertisement that Mr. Hall and Mr. Micklethwait shewed you? Mr. Hall gave the advertisement into my hands until I had made such changes§ in it as would make the thing appear more ridiculous, but I refused to do so.
7512. It was inviting persons to call on Mr. Whitton as civil engineers, and stating that carpenters would be preferred? That is one.
7513. And another was that none but carpenters need apply? I think one was written by Mr. Micklethwait, and one by Mr. Hall, but they were both together. I said to Mr. Hall they would not print that in the *Herald*—it would be too great an insult to the department. But the advertisements did not go into the paper, although Mr. Hall got the paper to see if they were there.
7514. Were they sent? I am not certain. I know Micklethwait was looking after a messenger to send them by. And I know they did not go into the paper, because Mr. Hall brought the paper next day and could not find them. He brought the paper in which he thought they would appear, but they were not in it.
7515. *By the Chairman*: During the time when you first went to the office, had you any conversation with Mr. Hall or any other person in the department, with reference to Mr. Trengrouse? Mr. Hall took me on one side and cautioned me against Mr. Trengrouse, before I was three days in the department. He told me if I were seen making free with him I should be a marked man, and I kept him at a distance.
7516. Did he tell you why? He said he was a spy and would tell everything. The last time I went to the department, Mr. Hall told me that Mr. Trengrouse did report their conduct.
7517. To whom? To Mr. Whitton. He told me to beware of him and not to speak to Mr. Trengrouse.
7518. And you did keep away from Mr. Trengrouse at first? Yes, I did not speak to him once a month.||
7519. And you are certain Mr. Hall told you that Mr. Trengrouse had reported them to Mr. Whitton? Yes, and I know that Mr. Hall used to take off his boots when he went to see if Mr. Trengrouse was writing anything to Mr. Whitton.
7520. He told you that Mr. Trengrouse had reported their conduct to Mr. Whitton? Yes, and when I first went there he told me to beware of Mr. Trengrouse, and that I should be a marked man if I was too free with him.

\* ADDED (on revision):—shewing that I had a better memory of the transactions.

† INSERTED (on revision):—Hall caught hold of Deering's head, and held it under his left arm,

‡ Revised:—would give

§ Revised:—in order that I might make such change

|| ADDED (on revision):—during my first engagement, but I declined to shun him during my last engagement.

THURSDAY, 18 FEBRUARY, 1864.

Present:—

MR. STEWART, | MR. TIGHE.

JOHN LUCAS, ESQ., IN THE CHAIR.

John Whitton, Esq., again called in and further examined:—

- 7521. *By the Chairman:* You are Engineer-in-Chief for Railways? I am.
- 7522. Do you hold any other appointment? No, no other appointment.
- 7523. I think, if I remember rightly, you have stated what appointment you held in England before you came here? I did.
- 7524. How long have you been Engineer-in-Chief to this Colony? A little over seven years.
- 7525. Have you anything to do with the traffic management? No, I have not. When I say I have nothing to do with it, I may explain that I am consulted occasionally, and that when I am, I give my opinion; but I do not consider that I have properly anything to do with the traffic management.
- 7526. Did you not appear as the accuser against the late Traffic Manager, Mr. Nealds? No, I do not think I did; I think I had better explain how that occurred. In my official position as Engineer-in-Chief certain matters were reported to me with reference to Mr. Nealds, into which I thought the Minister should make inquiry. I wrote a memorandum to the Minister, informing him what I had heard, and suggesting that he should inquire into the matter. Instead of the Minister inquiring into the matter, which I supposed he would do, it was referred to the Executive, and a Committee was appointed to investigate. On the Committee being appointed, I did appear before them, to state what I had heard with reference to the subject, but Mr. Williams appeared on behalf of the Government, to conduct the inquiry.
- 7527. Were you not present during most of the examination? I was, and examined a great number of witnesses, simply because Mr. Williams was not there; and a very unpleasant duty was put upon me by the Minister, which, in my opinion, should have been performed by himself—namely, to conduct the inquiry. Having heard that Mr. Nealds had been guilty of embezzlement on the railway, I felt it to be my duty to report it to the Minister.
- 7528. Do not you think, if the Minister had left you out of the matter, and had himself examined the persons you named, it would have been better? Most undoubtedly; and I complained to the Minister of what I considered to be the unfair treatment to which I had been subjected.
- 7529. In reality, ought not the persons who gave you the information, to have given it to Mr. Rae, the Commissioner? I do not know whether they did give it to him or not, but at all events, the matter was reported to me, that certain rents of a house at Penrith had been received by Mr. Nealds for a considerable period, and had not been returned with the traffic receipts and other things.
- 7530. Was not that a matter of inquiry for the Commissioner of Railways rather than for yourself? It might have been, but I think I should have neglected my duty to the Government if I had known these things and had not reported them. In reporting it I imagined the Minister would inquire into the matter himself, without appointing a Commission at all; but, as the Government had done so, I was bound to bring forward all the evidence I could.
- 7531. Your duties were to supervise the construction of railways? My engagement with the Government is simply to lay out and construct the railways of the Colony. On my arrival here I found not only that the management was exceedingly bad, but that there were no books kept of any kind or sort, to shew in detail the expenditure of the railway; and, in my opinion, it was such a disgrace to the department, that I prepared new forms for all the books, and they have been kept to the present time. I undertook, in addition to my ordinary duties, to take charge of the maintenance of the railway, to keep all accounts of the department, of repairs to the rolling stock, repairs to the permanent way. I felt it was then my duty to do so, but I intended only to do so for a short period, but I have continued to the present time.
- 7532. In reality, you are acting as Commissioner of Railways as much as Engineer-in-Chief for the construction of railways? I do not profess to act as Commissioner for Railways.
- 7533. Nevertheless you are doing the duty? I do not think it is the duty of the Commissioner to keep the accounts of the lines.
- 7534. But you say your duty is to supervise the construction of railways; when they are constructed you hand them over to the management of the Commissioner? No doubt that is strictly my engagement; but I have been doing about four times what I engaged to do, without receiving any additional pay.
- 7535. While you are so engaged, you cannot give the necessary time to the construction of these three different lines? I have given every possible attention to the construction of the different lines.
- 7536. If you were not engaged in the management of the railways, you might give more time to their construction? I am hardly engaged in the management of the railways. I say that when I came here I found proper books were not kept, that I prepared the forms, and have since had a sort of general charge, and have kept all the accounts belonging to the locomotive department and permanent way.
- 7537. In reality, is not that the business of the Manager of Railways rather than of the Engineer-in-Chief? It is the business of the parties appointed to take the different branches.

J. Whitton,  
Esq.  
18 Feb., 1864.

- J. Whitton, Esq.  
18 Feb., 1864.
7538. If your time were fully occupied in the construction of these three different lines, and you had not to interfere with the management, would it not be to the public benefit? I cannot say that it would be much to the public benefit, but I should spend much more time on the line if I had not to remain in Sydney on various matters. I have all the accounts of all the branches to certify, and if I am not in Sydney the money frequently cannot be paid. I am away occasionally for three weeks or a month together.
7539. When you are employed in the management of the railway, you must neglect the construction to a certain extent? No, I do not neglect the construction.
7540. Do you not think your time would be better employed in supervising the construction, than in interfering in the management of railways? I do not interfere in the management of railways, but I have undertaken these duties because there was no one else to take them. I think several things connected with the department require remodelling. It certainly is no part of my duty to keep all these accounts, as I have explained on many occasions to the Minister.
7541. You were examined with reference to Mr. Quodling's case, were you not? No.
7542. Had you anything to do with that case? Nothing whatever.
7543. How long were you engaged on that case of Mr. Nealds? I really do not know; the papers will show; but I think fully a month.
7544. The whole of your valuable time was taken up for a month in investigating that case, which really did not belong to your duty? It did not belong to me at all, and I think it was a very improper thing for the Minister to throw it upon me, simply because, in the discharge of my official duty, I had reported what had been stated to me.
7545. In fact you had reported what you had heard, as it would be the duty of any other officer in the department to report matters of that sort to his superior officer? Certainly, I should have felt myself to be culpable, if I had known these things to have taken place and had not reported them.
7546. In the same way that it would have been culpable in one of the guards, if these things had come to his knowledge, if he had not reported it to his superior officer? Yes.
7547. There is no doubt that the case of Mr. Nealds had nothing to do with railway construction? Nothing at all.
7548. I suppose all the plans and sections for the railways are prepared in your office? All of them.
7549. Including the plans for bridges? Yes, everything.
7550. How long do you consider a fair time for preparing a complete set of working plans and sections for the Menangle Bridge? I find Mr. Trengrouse states, in his evidence, that the cost of the drawings of that bridge was £1,100. I have had the whole taken out, and I find the total cost—including the copies sent to England of the drawings for the wooden viaduct, the copies of that wooden viaduct sent to the contractor, the drawings for the masonry, the copies sent to Mr. Wilcox of the bridges first directed, the copies made for the inspectors—the total cost was only £350, or about 8s. 10d. per cent. upon the actual cost of the bridge; and these extra drawings were necessitated in consequence of the rising of the flood.
7551. How long was the time actually taken by you in preparing these plans? I could not say; I am engaged upon such a variety of works that I cannot say how long I am engaged upon any particular one.
7552. How did you arrive at the expense? I took from the journals the time of every person employed upon the Menangle Bridge. My time is not charged to anything, I have so many matters to supervise.
7553. Did you design this structure? Yes.
7554. And these plans were prepared under your direction? Yes, all of them, with the exception, as I stated before, of the details of the iron-work.
7555. Was not the greater portion of these plans designed in England? No.
7556. None of the iron-work? The general drawings were sent home to England; and, as I stated before, the details were prepared by Mr. Fowler in London.
7557. The drawings of the iron-work were prepared here? Yes, the general drawings; but the details of every plate were made by Mr. Fowler, and they were increased in strength beyond the area I sent home. He has the power of doing so, independently of me.
7558. Did you design this yourself? Yes, I did.
7559. Who prepared the plans? Mr. Drewett.
7560. Who was engaged in this besides Mr. Drewett? Several in the office, and in making tracings; I do not know the names of those who were engaged in making tracings, or in copying.
7561. The Committee have been informed that there have been great alterations made in the plans of the present lines, after contracts have been taken? Alterations have no doubt been made, and which were necessary, in consequence of the floods of 1860; for instance, at Menangle, the flood waters were 10 feet higher than they had ever been known before. I have got from Sir William Macarthur an account of the floods in the Menangle district from 1817; and he states that the floods of the River Nepean, in the year 1860, were from 8 to 10 feet higher than they had ever been known before; and therefore, finding it was necessary to provide accommodation for the flood water, I did so, and was not deterred by any false delicacy, from altering my original plans.
7562. We find that very great alterations were made in the viaducts and bridges along all the lines; for instance, a 5-foot culvert was altered to a bridge of six or seven openings 20 feet wide—do you think that necessary? Yes, I think that necessary. I went into the North immediately after the flood, and found that the course of nearly every creek had been entirely diverted, and that where it had been necessary to put in only a 2-foot culvert the main body of a creek ran. I therefore altered the bridges, and had culverts where they were found necessary.
- 7563.



7563. Before deciding upon the size of the culverts, did any one go over the watersheds, to calculate the quantity? No; even if the quantity were calculated it would result in failure. To know the height of flood-water is a better guide than can be obtained from the watershed.

J. Whitton,  
Esq.

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7564. Could you have made such a mistake as to put a 4-feet culvert where a bridge of six or seven openings of 20 feet was required, if you had looked at the watershed? I do not call it a mistake at all. In every instance, before plans have been decided upon, I have been over the country, and have had the flood-level taken of every creek or stream as far as they could be obtained; but it must be evident, if the flood-water in the North rose from 8 to 10 feet higher than it had ever been known to do before, it would have been impossible, from information previously obtained, to decide what would be the proper area for bridges or culverts.

7565. How many times was the viaduct at Eastern Creek altered? Once.

7566. What was the extent of the alteration? The extent of the alteration, I forget the extra length, but I think it was increased four times—first, simply for this reason, that the creek, from the height of the flood-water, took an entirely different channel, and left the old one; the consequence was that I was obliged to provide for this increased waterway by lengthening the viaduct.

7567. Rope's Creek, Eastern and South Creek, were also altered? They were all enlarged from the same cause.

7568. Do you remember how much South Creek was enlarged? I do not; it is all in the drawing.

7569. Was there not a great complaint made by the contractor for the goods warehouse at Penrith, on account of the plans being incorrectly drawn? There was no great complaint made about it.

7570. Did not the contractor throw up his contract in consequence? He did not, but he did not carry out his contract. When the time within which the work should have been completed had expired, the work not having been done, I advised the Commissioner to cancel the contract, and it was done.

7571. Was there not some mistake in the length of the studs? The mistake was entirely the contractor's. The specification states distinctly that the figures are to be taken in preference to the measurement, by scale attached to the drawings. The contractor measured them from the drawings, and they were about 18 inches too short; and to meet him, rather than compel him to get new studs, I told him that, if he would put 18 inches of additional concrete, the studs might remain as they were. There has been no claim made by the contractor for extras on the goods shed, and the whole thing has been paid up. The contract was for £1,380, and the sum paid, including extra works for fixing the crane, &c., amounts to £1,427. The statement that Government lost £150 by blundering in the drawing is utterly untrue.

7572. By "blundering in the drawing"—has that been stated? It is stated in the evidence of one of the witnesses, that some inaccuracy or error in the drawing has cost Government £150. It never cost one penny.

7573. Would a draughtsman make such a blunder in his drawing as that the difference in the length of a stud, between the figures and the scale, would vary 18 inches? It might happen so—in this case it did. It is the first time I have known it; but the contractor had no right to measure from the scale attached.

7574. Is it not a general rule for tradesmen, where a drawing is made to scale, to take out their rule and measure? I do not think it is usual; they should not do so, but act according to the specification.

7575. It is in evidence before us that the contractor asked the clerk of works which he should take—the figures or the drawings—and could get no answer? I know nothing of that; it was never reported to me. The contractor came to me about it, and I pointed out myself that the figures on the drawing were correct; and there was a clause in the specification which stated that, in all cases, the figures on the drawing should be taken, and not the scale attached. I also told him that rather than he should be at any loss in reference to the timber he had ordered, that if he would raise the sills by concrete, I would allow the timber to be put up in that shape.

7576. Was it put up in that shape? Yes.

7577. Do you know that it is impossible to build the station-house according to your plans? Which plans?

7578. The plans for the goods warehouse in Penrith? No.

7579. The Committee have been shewn by the contractor and clerk that it is impossible, for there is louvre work over the doors, and if you take the height of the doors, the height of the studding, the louvre work would disappear altogether? I know nothing of that; it has been built according to that drawing.

7580. It was explained by the contractor —? He may explain what he pleases, but I should prefer my own observation. No complaint was made by the contractor or any other person that any alteration was necessary.

7581. He had to alter the doors—to reduce the length of the doors, in order to place the louvre board over them? He could not reduce them; they are made only 14 feet, and an engine could not be got through a less size than that.

7582. The mistake was got over by dwarf walls? Rather than the contractor should lose by the timber he had ordered, I allowed him to use the studs, on condition of his putting on 8 inches of concrete and raising the sills.

7583. You have no doubt that there is that mistake in the plan—that the scale does not correspond with the figures? I know it does not, but I did not at the time.

7584. Was this attended with an additional cost to the contractor? I do not think it was; he had the choice of putting on the concrete or of using studs of the proper length.

7585.

- J. Whitton, Esq.  
18 Feb., 1864.
7585. If no mistake had occurred, which would have been the most expensive to the contractor—to purchase timber of the proper length, or to use timber 18 inches shorter and build a dwarf wall? I think about the same. At all events no claim has been made by the contractor for anything extra, and we have a building for £1,380 worth £2,000. The sureties, I believe, lost about £700 by it.
7586. *By Mr. Stewart*: Did the contractor give it up? It was cancelled on my recommendation, because the contractor appeared to take no steps to finish the work, and the sureties finished the contract. They were told that the work would cost about £1,500 to complete, and their bond was only £250. If they had paid that sum they would have escaped, but they took the advice of the contractor. I was told the other day that they lost about £600 by it.
7587. *By the Chairman*: Have you any idea what the alterations in the works at these three creeks—Eastern, Rope's, and South Creeks—cost? The cost is on a schedule of prices for the whole of the contract; there is no alteration of the contract.
7588. What is the additional cost of constructing these viaducts, as they are at present constructed, over that originally contemplated? I do not know; it is easy to tell from the drawings; it was a matter that could not possibly be foreseen till the floods happened; and when the floods did come I felt it to be my duty to provide against any future contingency of the same kind.
7589. Will you furnish the Committee with the difference of cost? The total extra cost is £4,679.
7590. The contractor did not suffer from the alteration, simply because he was paid by a schedule of prices? He did not, but the Government would have suffered in future time if I had not made that provision.
7591. At whose recommendation was it that the Penrith Station was placed where it at present stands? At mine.
7592. Of course you examined the country around there? I did.
7593. Was it pointed out to you, by an old resident at Penrith, that a much better route could be found on the other side of the town? It was not pointed out to me by any particular person; but a number of storekeepers and publicans in Penrith thought it would be better if I would allow the traffic to pass their own doors, than if I put the station at the other end of the town.
7594. I am speaking of putting the bridge further up the river? The crossing of the Nepean?
7595. Yes? It was pointed out by Capt. Russell that the best place for a bridge was where the road must pass through his own estate; I did not think so.
7596. Is not the river much narrower there? It may be a little narrower there, but the road would have been utterly impracticable; we could never have got up Lapstone Hill by that route. After crossing the river we now go over the plains and ascend a spur of 1 in 30.
7597. How far is that from the present bridge? About a mile.
7598. How much further up the river would the proposed bridge be than the present one? I should think nearly a mile and three quarters.
7599. Is it half a mile? I find, on reference to the plan, that it is upwards of two miles.
7600. Do you know where there is a rock in the centre of the river? Yes.
7601. Do you think that is half a mile? I think it is.
7602. Still you would have half a mile of level country from that, before you commenced the ascent? Yes, you would; but instead of running up a spur of the mountain you would take the mountain direct, at an incline of 1 in 10, or have to come back to where we start.
7603. I am informed that the bridge at that point would not require to be above one-third the length of the present? In any case, assuming that the bridge would not require to be half the length, it would be thoroughly impracticable—I mean that no person in their sober senses would recommend that it should be constructed there at all.
7604. Was your attention ever drawn to a portion of the Nepean River where there is a rock in the centre? Yes, Mr. Russell drew my attention to some place up the river, but I had had levels taken here (*referring to the plan*). Captain Russell's proposition was, that the bridge should cross opposite Knapsack Gully, but I found it impracticable.
7605. It would not have been impracticable to have got up the spur you now ascend, if it had been a mile up the river from the present bridge? It was so far impracticable that I could not think of recommending it. We should have had two crossings of the main road, and must have. It was impracticable to take the line pointed out by Capt. Russell.
7606. I do not know about Capt. Russell—I am directing your attention to the plan before the Committee. Was not a line pointed out to you by an old resident? Yes, it was to cross Knapsack Gully.
7607. *By Mr. Stewart*: What did he point out as the advantage to be derived from crossing there? I could not understand that there would be any advantage; the only advantage I could see was, that it would take the road through his property. Mr. Russell only said that it was a better place to build a bridge.
7608. Did he point out any grounds upon which he thought it better? No, he only said that we could get a good foundation in the middle of the stream.
7609. *By the Chairman*: If you went up here (*referring to the plan*) that would be two miles up the river; but that stone in the river is not two miles up? I do not know.
7610. Speaking from memory, I do not think it is above half a mile above the old bridge? My impression is, that it is somewhere about here (*pointing out the position on the plan*).
7611. Then from the point that Mr. Russell pointed out to you, you did take levels? I think the levels had been taken before by the sappers, but I think I had some additional levels taken.
- 7612.

7612. What length of viaduct is there on this side the bridge, between the bridge and the station-house? I think about a quarter of a mile; it is all viaduct from Proctor's-lane, to the embankment on this side of the Nepean. J. Whitton,  
Esq.
7613. Can you furnish the Committee with the cost of that viaduct? The estimated cost is £7,375 7s. 11d. 18 Feb., 1864.
7614. You could not state, from memory, whether the greater portion of that viaduct would have been saved if the line had been carried up the left side of the town? No, I cannot.
7615. Have you any data in your office which will enable you to give that information? I do not know that I have.
7616. Before you called for tenders for Penrith Bridge, were not borings made? Yes.
7617. By whom? By Mr. Robinson, the Inspector there.
7618. Was Mr. Robinson a civil engineer? No, he was the Inspector there; he had borings taken across the river at the position of every pile, cross borings were taken, and all these borings were returned to me as rock. I spoke to Mr. Moriarty, who built the bridge alongside there, and he told me that the foundation of his bridge was rock, and as all the borings were returned to me as rock, I assumed that they were rock. When the cofferdam was being put in, it was found that the bottom of the river was closely packed with boulders, and on the removal of those boulders it was found that the foundation was a distance deeper.
7619. 14 feet? No, only 8 feet.
7620. Only 8 feet below that shewn in the original plan? 8 feet below the level shewn in the working plans—the average was 8 feet 2 inches.
7621. *By Mr. Stewart:* The fact is, that the whole of the parties engaged were deceived as to the bed? No doubt of it.
7622. *By the Chairman:* The fact is that the borings were found to be incorrect? They were returned as rock when they were not, but I do not know that much blame could be attached to those who made the borings, for it was impossible to find it out without putting in a dam.
7623. Mr. Robinson is not an engineer? No.
7624. Is it not usual to entrust these borings to an engineer? No, to the Inspector.
7625. Where is Mr. Robinson now? I do not know.
7626. Has he left the department? Yes.
7627. Was he Clerk of Works at the Penrith Station? Yes.
7628. Was there any other officer connected with your department with Mr. Robinson when he was taking these borings? No. I might remark that Mr. Trengrouse states, with his usual accuracy, that these borings were taken by Mr. Morgan. Now, as he could not have the slightest knowledge by whom they were taken, it was rather indiscreet, to say the least of it, to give a positive opinion on such a matter.
7629. Do you think he did give positive information—did he not rather state it as a matter he had heard? I think a man giving evidence before this Committee, or any other committee, should be well aware of the facts upon which he professes to give evidence.
7630. The Committee were aware that he was not in a position to know, and we took his statement upon this matter as information he had received in the office; and I may state that he made some statements to the Committee as hearsay, and that another gentleman afterwards said he had given him the information? It may not be true for all that.
7631. In justice to Mr. Trengrouse, I must say that he made that statement knowing that yourself or Mr. Morgan would be examined, and would set the Committee right? I do not think it was a proper way for Mr. Trengrouse to give his evidence; and many of his statements are so utterly false, that, considering he says he has had access to the papers of, and has a perfect recollection of whatever has taken place in, the department, for the last seven or eight years, I think he must have known them to be false.
7632. Then the contractor had to go 8 feet lower than was shewn in the plans and specifications? There was a doubt expressed as to what the foundation might be; and a provision was made in the specification, that for any extra depth the contractor might have to go below that shewn in the drawings, he should be paid a certain price per cubic yard.
7633. That being an additional depth, would not the price be higher than for the other? He charges per cubic yard for excavation, including cofferdams and keeping out the water.
7634. Has there been the same error in boring for the other piers as in boring for No. 1 pier? It is a mistake over which I had no control—it is an accident.
7635. It is an error? The others are the same depths no doubt.
7636. And of course there would be the same work in the foundations for the other piers? Yes.
7637. Have you any idea what would be the additional cost to the Government? I have not at present.
7638. Could you give it to the Committee? I cannot give it to the Committee till the work is actually done; I can simply give an approximation.
7639. Will you furnish the Committee with that? Yes.
7640. The other piers as well as No. 1? They are all about the same.
7641. And, of course, being so much higher, the foundation will be increased in size, will it not? The foundation is increased in size.
7642. Corresponding with the battle of the piers? Yes.
7643. You were never present yourself during the boring of this foundation? I was not.
7644. Of course you were there before the foundation was put in? I was there when the cofferdams were in. The foundations are kept dry only by pumping, and it is only occasionally you can get down at all; at the times I have been there it has not been so.
7645. In England are not well-known engineers employed to superintend such work as boring for foundations? If the District Engineer is on the work he takes it; if not, it is left to the Inspector.

- J. Whitton, Esq.  
18 Feb., 1864.
7646. Is it not considered the special duty of the Engineer-in-Chief to see to the foundation of such very extensive works? No, I never knew it to be so in my life; he simply gets the borings.
7647. Is it not, in England, usual in foundations for the most extensive works on lines to be left open for the inspection of the Engineer-in-Chief? No, for the District Engineer. It depends upon the nature of the foundation; if it is one where there is any difficulty it is inspected by the Engineer-in-Chief.
7648. In such a matter as this at Penrith? There was not considered to be any difficulty there.
7649. *By Mr. Tighe*: Is it not necessary that a civil engineer should have some knowledge of geology? To a certain extent it is, and most of them have, I presume.
7650. *By the Chairman*: Was Mr. Morgan sent for to England? No.
7651. Was he appointed in this country? Yes.
7652. Did you know Mr. Morgan in England? He was four years with me as Inspector before he came here.
7653. As an Inspector of railway? As Inspector of station buildings, station yards, and bridges.
7654. He is a builder, is he not, by profession? He was a carpenter, but was with Brunel a number of years before I left.
7655. Was it not Mr. Morgan who made the alteration in the portion of the line where Mr. Want was killed? He made some repairs. That matter was gone into by the Committee appointed to inquire into the railway accident.

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MONDAY, 22 FEBRUARY, 1864.

Present:—

MR. DALGLEISH,		MR. STEWART,
MR. MORRIS,		MR. TIGHE.

JOHN LUCAS, ESQ., IN THE CHAIR.

John Whitton, Esq., again called in and further examined:—

- J. Whitton, Esq.  
22 Feb., 1864.
7656. *By the Chairman*: I think, when you were previously before the Committee, my last question was whether Mr. Morgan was not employed in making some repairs on the railway, previous to the accident by which Mr. Want was killed? He was employed at that time as Inspector, and whatever repairs were made were explained to the Committee which then sat—but I do not know what repairs you allude to.
7657. There were some alterations made in the rails? There were some alterations made, but not till after I had seen them.
7658. Nevertheless he made the alterations that were made? They were under his instructions; they were generally repairs of the line, and had nothing whatever to do with the accident.
7659. Did any person on the line draw your attention to that portion of the line previous to the accident, and say, that if some alterations were not made in the line, an accident would occur? Never; it is a most gratuitous falsehood. Richardson, the person who is stated to have drawn my attention to it, was appointed as Sub-inspector of the permanent way, and I had not spoken to Richardson at least four months before the accident, and I have never spoken to him since.
7660. Returning to the Penrith Bridge—If the contract for the bridge had been let at a lump sum instead of a schedule of prices, would that have affected the contract? Not at all, if proper provision had been made for extras, which has been in the present contract.
7661. Have you made any calculation of the strength necessary to carry the supposed traffic over the bridge? Yes.
7662. Could no bridges of sufficient strength have been designed without involving the expenditure of so large a sum as that which has been laid out upon the Penrith Bridge? I do not think so.
7663. The plans of that bridge were completed in your office? They were.
7664. You said that Mr. Robinson was not to be blamed for the mistake of the borings in the bed of the river? I believe he took every reasonable precaution a man could take to ascertain the foundation, and his return was that it was rock.
7665. You stated, I think, when you were last before the Committee, that it was impossible to tell whether it was solid rock until the cofferdam was put down? I said unless a cofferdam had been put down, or the rock had been bored through—or what was assumed at the time to be rock—it could not have been ascertained.
7666. If it had been a solid rock, as represented by the borings and plans, would it not have continued to the side of the river? It was continued to the side of the river—Yes.
7667. Would it not have been easy to have ascertained, by digging a trench on the side of the river? That could not have been done, because it is all gravel, and you could not get down to the bed of the river without the water percolating through.
7668. Did I ask you how many times you were present during the time the borings were going on? I am not aware that I was asked that question; I said I had been there, but was not there while the borings were being made.
7669. Was that about the time the case was going on against Mr. Nealds in Sydney? I am not certain whether it was or not; it might have been.

7670. What are the duties of the Engineer-in-Chief? His duties are of course to superintend the construction of all works required on the railways, to superintend the preparation of the drawings, the laying out of the lines, and the construction of the works.

J. Whitton,  
Esq.

22 Feb., 1864.

7671. Particularly foundations? Foundations of course included.

7672. Do you not think it would have been much more for the benefit of the country, if you had attended to the foundation of that bridge, instead of to the matter of Mr. Nealds? If I had known there was the slightest idea that the bottom was not rock, of course I should have taken means to ascertain; but as I did believe it was rock, as a bridge alongside had been built on rock, and as this was so reported to me, I assumed it to be so, and took no further steps in the matter.

7673. You never took any borings further up the river, did you? No.

7674. You are going up the country to-morrow, are you not? Yes.

7675. Will you look at that rock I was speaking of, and see how far it is up the river? I have sent to ascertain the distance Capt. Russell's crossing is from the bridge.

7676. I am speaking of the rock in the river? I do not know where that is. Have you seen it?

7677. Yes? I will endeavour to ascertain.

7678. When were the tenders for No. 1 Contract on the river called for? ———

7679. Were these plans designed in your office? They were.

7680. When did the plans for the Menangle Bridge arrive from England—the details for the iron-work done there? I cannot tell you exactly.

7681. Were the details for the iron-work for the Penrith Bridge done in your office? Not all the details—only the areas; the general areas were sent home, and the strength of the bridge.

7682. Far more in detail than the plans for the Menangle Bridge? No; I think sufficient information was sent—the breaking weight and the sectional areas.

7683. But as much in detail as the Penrith Bridge? I think not; I think more drawings were made for the Penrith Bridge.

7684. Chiefly copies from the Menangle? Not exactly copies—they were of similar construction.

7685. Who made those drawings? Mr. Drewett.

7686. Who assisted him? I do not know. I dare say some one in the office assisted him in inking the plans, or in making copies.

7687. Do you think Mr. Robertson assisted him? I think so. If he did so he must have copied, because he could not have designed them.

7688. Mr. Drewett cannot distinguish his work from Mr. Robertson's? He might not be able to tell which were inked by him, but any one might ink the pencil lines.

7689. Mr. Drewett speaks of Mr. Robertson as a draughtsman? He may be able to make drawings, but that is not what I should call an experienced draughtsman; he can draw and make lines.

7690. What do you mean by an experienced draughtsman? A man who has been accustomed for a number of years to get out the details of drawings of bridges and other works.

7691. Do you mean the sizes? Yes, and the manner in which the work should be put together.

7692. You generally supply the sizes, do you not? In all cases.

7693. Then I presume you would not want a very experienced draughtsman to carry out your designs? It wants an experienced draughtsman to ink them.

7694. Is not Mr. Robertson a very good draughtsman? Yes, he draws very nicely.

7695. He has been engaged on most of the plans in your office? Simply in copying them.

7696. He has done to these plans the same as Mr. Drewett and the other draughtsmen do? I do not think he has. I should not have placed a drawing in Mr. Robertson's hands, and told him to get out the quantities.

7697. Were not the designs for the Penrith Bridge copied from the Menangle? They are not exact copies; the general design is pretty nearly the same, but many alterations were made.

7698. What is the nature of the alterations? The Penrith Bridge was not, in some respects, so strong as the Menangle.

7699. Less iron? Less iron.

7700. Are the spans the same? They are larger.

7701. The spans are wider? Yes.

7702. Still there is less iron in them? Yes.

7703. Then, in reality, the iron-work of the Menangle Bridge is heavier than necessary? Yes. I stated to the Committee when I was here before, that I had sent home the sectional areas and the general drawings, but that the strength had been increased in England by Mr. John Fowler, who had stated in a letter to me that it was necessary to make them stronger than was originally proposed by Mr. Fairbairn.

7704. *By Mr. Dalgleish*: Have you that letter from Mr. John Fowler? I have a letter, I think, from Mr. Fowler's secretary.

7705. Stating that it was necessary to alter your plans? Stating that it was found necessary to increase the strength of wrought iron bridges beyond the formula of Fairbairn.

7706. Will you send that letter in? It is a private communication.

7707. A private communication on a public matter? I do not correspond with Mr. Fowler on public matters.

7708. Do you think it was Mr. John Fowler's duty to alter your designs? I consider that Mr. Fowler was appointed in England to attend to these things.

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Esq.

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7709. Mr. Fowler was not appointed to design these bridges? To superintend them in England.

7710. To superintend them in England? Yes, and to make any alteration he thought desirable in them.

7711. Can you shew these instructions? They were in reality sent to Captain Galton.

7712. Can you shew the instructions sent to Captain Galton? Yes. I said in matters of detail he was at liberty to make such alterations as he thought desirable.

7713. Do you consider the altering the strength of a bridge matter of detail? I do. If, from his experience of similar bridges in England (which was very great), he knew that some which had been put up had proved failures, I think he was justified in altering the strength.

7714. Can you shew where the original bridges put up have been failures? No, I said before I could not.

7715. Will you place that letter before the Committee? I do not know that I have it now; it is a private communication, if not from Mr. Fowler, from his secretary.

7716. You cannot shew such a letter? I do not intend to produce private correspondence.

7717. You consider it private? I do.

7718. *By the Chairman:* The details for the iron-work for the Menangle Bridge were drawn in England? The details were.

7719. In whose office were they compiled? I cannot say; I assume in Mr. Fowler's, but I do not know.

7720. You say that the plans of the Menangle Bridge were not so much in detail as the Penrith;—will the Colony have so much commission to pay on the Penrith as on the Menangle Bridge? The arrangement with Mr. Fowler is, that he shall be paid  $2\frac{1}{2}$  per cent. for inspection and furnishing such detail drawings as he may consider necessary, to the contractor in England, so that whether he inspects only or furnishes detail drawings, the amount to be paid is the same.

7721. Is the commission of  $2\frac{1}{2}$  per cent. upon the manufacturer's first price? Upon the price at which the works are let to the contractor? Yes.

7722. Is there any per centage upon other charges? Nothing that I am aware.

7723. What will be the manufacturer's cost for the Menangle Bridge? The total cost for the Menangle Bridge is £29,000 for the iron-work, including fixing.

7724. Then Mr. Fowler's commission will be something like £625? I did not go into the matter.

7725. Mr. Fowler also had a commission upon the rolling-stock imported into this Colony? Yes.

7726. In fact he has a commission upon all the goods imported for the railway, whether rolling-stock or permanent way? Yes; for a considerable time the commission was given to Mr. Barker, and then Capt. Galton changed it to Mr. Fowler.

7727. For what amount of importations has Mr. Fowler commission? I have not the least idea.

7728. Can you give it? The Commissioner might; I do not receive all the invoices. Indeed I think the Committee asked for that previously.

7729. Have we persons in the Colony competent to design iron bridges? No doubt of it.

7730. Did you ever tell Mr. Arnold, the late Minister for Public Works, that no one in your office was capable of designing and of computing the strength of iron bridges? Never.

7731. How many persons have you in your office who are competent to perform these works? Myself and Mr. Mason can do that work, at all events.

7732. Has Mr. Mason ever done any? Done any what?

7733. Iron bridges? He never built one on his own account.

7734. Did he ever design any, or make any drawings? It was hardly necessary; the drawings have been made by Mr. Drewett in the office.

7735. Who designed them? All that have been designed have been designed by me.

7736. Did Mr. Gardiner design any? No.

7737. Was he asked to design any? Not by me; nor do I know that he designed any, excepting that I think he got out in pencil a portion of a rough iron bridge of 160 feet span, but he never calculated the quantities, nor were any weights got out that I am aware of.

7738. Why was it not completed? I do not know; because it was not required, I presume.

7739. Was he asked to design it? I really do not know; if he were, he would be ordered by Mr. Barton.

7740. I suppose Mr. Gardiner would not commence to design a bridge unless he had some directions? I presume not.

7741. Do you not think a bridge more suited to our circumstances might have been built over the Nepean River, at a much less cost? I do not think so; so far as the masonry is concerned, I do not think less would have done; probably there might have been some little reduction in the iron of the Menangle Bridge. If the instructions I sent home had been followed, we should have had a lighter bridge.

7742. What will be the expense of the present structure? I think about £80,000, including the approaches on either side.

7743. What do you call the approaches—the viaduct? The timber viaduct is very lengthy.

7744. About a quarter of a mile? The total length is 1,423 feet 5 inches, excluding the bridge.

7745. That will be nearer half than a quarter of a mile? No, it is only a little over a quarter of a mile.

7746.

7746. Have you ever heard of any irregularities on the part of the present Traffic Manager? J. Whitton, Esq.  
No, I do not interfere at all with the traffic management now.
7747. Not at all? No.
7748. Has any charge been made to you about it? None. I do not remember anything of the kind. In fact no one would report it to me; they would go to the Commissioner. 22 Feb., 1864.
7749. Does the Commissioner report to you? Papers are forwarded on to me, which the Commissioner receives; but I have no recollection of anything of the sort.
7750. Who recommended Mr. Owen to his present appointment? I think I recommended him to some extent, by saying I thought him the most suitable person I knew in the Colony, for the appointment, and the Commissioner also recommended him.
7751. Do you know whether Mr. Owen was promised the appointment before Mr. Nealds was dismissed, on condition that a vacancy occurred? I do not think Mr. Owen could have been promised anything of the kind, for he could only be recommended to the Minister; no one else would have the power to appoint.
7752. Did you ever know the Minister to refuse an appointment to any one recommended by you, either in the traffic or any other department connected with the railway? I know the Minister has often refused to appoint persons recommended by me.
7753. Owen did collect evidence in reference to Mr. Nealds' case, did he not? He was engaged upon the railway, and was called upon, among other officers, to state what he knew in reference to the mismanagement of the railway.
7754. Do you know a person of the name of Lewton? Yes.
7755. Is he under your orders? He is under Mr. Trotter; he is Inspector of the permanent way on part of the Southern Railway.
7756. Was it with your recommendation that Mr. Ridley was dismissed? No, I had nothing to do with it.
7757. Had you any minutes referred to you with respect to his dismissal? Nothing.
7758. Minutes are referred to you to report upon, with reference to all branches of the railway? Yes, they are. I must qualify that to some extent; not all minutes—some are.
7759. For instance—all irregularities with reference to the traffic department? With reference to the running of trains.
7760. The general management of the railway? A great many papers are forwarded to me, but not all minutes; anything with reference to the delay of trains.
7761. Is not that in reality the business of the Commissioner? I do not know; so long as the locomotive department is under me the papers are forwarded to me, that I may send instructions to the drivers to prevent a repetition of the delay.
7762. I thought you were Engineer-in-Chief for the construction of railways? Yes, not for the working. When papers are sent to me, I write upon them what I think should be done with them.
7763. If you were to perform your own duties merely of Engineer-in-Chief, and you were relieved of duties that do not belong to you, could you not give a greater amount of attention to your actual duties? I should give greater time to them if I were not detained in Sydney by various causes.
7764. Is not the management of the railway more the business of a man of business, than of the Engineer-in-Chief? No doubt all that is wanted for the manager of a railway is a good commercial or business man.
7765. Would not a good commercial man be a better manager of a railway than the Engineer-in-Chief? I do not profess to manage the railway.
7766. But you acknowledge that a great portion of your time is taken up in managing the railway? In replying to communications connected with the management of the railway, and in keeping accounts,
7767. Which should be kept by the Commissioner? By some one else, by the Locomotive Superintendent, not by me. They ought to be kept in one instance by the Superintendent of the Permanent Way, and by the Locomotive Superintendent in the other.
7768. We find that one entire month of your time has been taken up in investigating this case of Mr. Nealds? I dare say it was fully a month.
7769. Of course it would have been better employed in the construction of railways than in attending to the prosecution of Mr. Nealds? I was badly employed, no doubt; but as far as I was personally concerned, it was no choice of mine.
7770. Does a day pass without your having to report upon some papers that are sent to you? I do not think a day passes without my reporting upon something.
7771. Sometimes several? Yes, a great many sometimes.
7772. Which properly should not come to you at all? Which I do not want.
7773. I do not say which you do not want, but which ought not to come to you at all? I think they ought not to come to me at all if there were others to attend to them.
7774. In fact, they belong to the duty of the Commissioner? Probably these duties should devolve upon the Commissioner to a great extent.
7775. When these duties are sent to you, you report upon them;—give your opinion? I do.
7776. Have you ever refused, on any occasion, to report upon any paper sent to you? No, I do not think I have.
7777. In reality you perform the duty of Engineer-in-Chief and of Commissioner of Railways? I cannot say that I perform the duty of Commissioner for Railways, for they are entirely different appointments; but I do give an opinion upon the papers sent to me—upon all papers thought by the Minister to be advisable to send to me, and send them on.
7778. Without wishing to be personal, I would ask you who selected you for the office of Engineer-in-Chief—who recommended you for the appointment? Lord Stanley, President of the Board of Trade.
- 7779.

- J. Whitton, Esq.  
22 Feb., 1864.
7779. Do you know by whose advice? I really do not know. There were a number of applications, I believe, sent in for the appointment, and among others was mine.
7780. *By Mr. Dalgleish*: Do you know to whom the applications were sent? Capt. Galton, who is the Secretary to the Board of Trade.
7781. So that the appointment really rested with him? I do not know that at all.
7782. *By the Chairman*: Do you know whether Mr. John Fowler had anything to do with your appointment? I do not know that he had—not beyond what any other person would have who had given me testimonials.
7783. Would you state for what purpose the weighbridge was put on the station at Redfern—I mean the weighbridge between the shed and the store? The engine weighbridge?—For the purpose of weighing each wheel in an engine, to ascertain how it is weighted.
7784. At what expense was that done? I do not know what was the cost of the building; the weighbridge itself cost about £150. It is a very necessary thing, and ought to have been put down some time ago.
7785. Will you state the cost of the building and of the weighbridge separately? The cost of the weighbridge and fixing was £378 1s. 1d., and the cost of the house, £156 2s. 1d.,
7786. Are there no other means of ascertaining the weight of engines? There is no other means of ascertaining the weight upon each wheel of an engine; sometimes there may be 6 tons upon one wheel and 4 on another.
7787. This tests the weight upon each wheel? Yes; the engine is put on, and each pair of wheels is weighed separately.
7788. *By Mr. Dalgleish*: It is impossible almost to balance an engine thoroughly after repairs, unless there is some means of ascertaining the weights? There is no other means of balancing an engine.
7789. *By the Chairman*: There are a number of turntables at the station; are they not required? Not at present; but they were here before I came.
7790. Are not a number required at Newcastle, for the coal traffic? Not at present; there are a number at Newcastle now. It is not advisable to make station arrangements by which turntables are required. It is advisable to avoid using them, if possible, but in a limited space we are obliged to use them sometimes.
7791. What is the value of the stock at present exposed in the Sydney Station yard? That I cannot tell.
7792. Could you give the Committee the information when you return your evidence? I do not think I could; the Commissioner might give it.
7793. Will you ask the Commissioner for it? I will.
7794. And also the amount of goods imported, upon which Mr. Fowler has had a commission? I believe that question was asked previously. The ordering of the rolling stock, which has been so much spoken of, I had nothing whatever to do with.
7795. Capt. Martindale ordered that? Capt. Martindale and Mr. Nealds together.
7796. Will the stock now in the yard be required for the public service during the next five years—is it likely to be? I do not think the turntables will be required for the next ten years. It is a very large stock, and was here before I came to the Colony. Where they were intended to be used I have not the least idea.
7797. There is an immense lot of stock, other than turntables, which will not be required for many years? The principal part of the stock, with the exception of the turntables, consists of wheels and axles.
7798. Some time ago, going over the yard at the back of the workshops, I saw an immense lot of stock—bolts, straps, and other things—the boxes containing which had burst and were decaying—they have since been removed—what has become of them? I presume they have been removed into the stores.
7799. *By Mr. Dalgleish*: There was a lot of small pumping engines, I believe? They came out a short time since.
7800. A lot has been there for years? I think not for years; they may have been out two years; I do not remember any.
7801. *By the Chairman*: Does this stock improve by exposure to weather or keeping in stores? Certainly not.
7802. Then the purchase of this stock long before it was required, was a double loss—loss of interest, and depreciation in the value of the stock from exposure to weather? No doubt.
7803. You had nothing to do with ordering a great portion of this stock? I had not.
7804. It was either here before you came or was ordered by Capt. Martindale? The carriages were ordered by Capt. Martindale; I do not think much other stock.
7805. Who ordered this stock? I presume it was ordered in the time of the Railway Commissioners—at the time Mr. Wallis was here.
7806. There was a large lathe, and a poppet table—what has become of them? We have been fitting up the machinery in the shops lately, but I do not know of any lathe having been lying there.
7807. It was lying near the rails for some time? It has been erected in the shops, I think. It was not lying there a long time, I think.
7808. Since Capt. Martindale left the Colony, you ordered the whole of the machinery, did you not—you sent the requisitions to the Commissioner or Minister? Yes.
7809. Such machinery as you state to be required, is, as a matter of course, ordered? Yes.
7810. The whole of these orders emanate from you now? Yes.
7811. What has been the cost of altering the third into second class carriages? That I cannot tell; I can ascertain.



7812. Will you supply that information? I will.\*
7813. Upon whose advice was that alteration made? I really do not know. I think it appeared to be the general impression that it would be desirable to have two classes instead of three. On the Northern Line there were only two classes, and it was thought desirable to have but two here. J. Whitton,  
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7814. You do not know who suggested the alteration? I do not know who suggested it, but the order would be from the Minister, no doubt.
7815. Is there a person of the name of Fitzmaurice in the Railway Department now? Not now, I believe.
7816. How long has he been dismissed? I really do not remember; I should think eighteen months ago, or he might be in the Railway Department now without my knowledge; but I do not think he is there.
7817. I mean a man of the name of Fitzmaurice, who gave evidence in Nealds' case? Yes.
7818. He was in the Railway Department then? Yes, he was.
7819. He is now dismissed, is he not? Yes, I believe he is; I know he was dismissed; whether he has since been employed on the railway I do not know.
7820. In the report made by you to the Under Secretary for Works, you say—"The duties upon which Mr. Trengrouse has been employed, are to make tracings of land plans required for notices to owners and occupiers of land taken for railway purposes, and also to copy deed plans of land purchased; his services, therefore, can be readily replaced"—Was not Mr. Trengrouse, senior, a very good draughtsman? No, I do not know that he is a very good draughtsman; he made some neat drawings, but he is not what I call a first-rate draughtsman.
7821. Is he not as good a draughtsman as any in your office? There may be a difference of opinion upon that point; some may say a man is a good draughtsman because he can make a neat drawing; I do not call a man a good draughtsman merely because he can make a very neat drawing.
7822. Would not Mr. Barton be a judge of a good draughtsman? He is a good draughtsman.
7823. Mr. Mason? Mr. Mason is a good draughtsman.
7824. Mr. Drewett? Yes. I say that Mr. Trengrouse's are very neat drawings, but I should not call Mr. Trengrouse an experienced draughtsman. I believe Mr. Trengrouse's first experience on railways was obtained in this country.
7825. Did Mr. Trengrouse ever make any mistake in the drawings made by him for the Railway Department? I really do not know.
7826. Did he not always give satisfaction during the time he was employed in the Railway Department as a draughtsman? So far as his drawings were concerned; he has made very few drawings since he came into the Railway Department; his only drawings have been drawings of land plans and making tracings.
7827. Making tracings is merely boy's work? In making land plans it requires something more than a boy; the person who does this work must be able to cast the quantities.
7828. Did not Mr. Trengrouse do this very satisfactorily? I cannot say very satisfactorily; there were a great many complaints respecting the work done.
7829. In what way—was it incorrect? No, the complaints were as to the length of time he took to get out these plans.
7830. Did any one speak to Mr. Trengrouse on this subject? I have no doubt he has been spoken to repeatedly.
7831. By whom? Mr. Cowlishaw and Mr. Moody. I have had many complaints. Now the work is done more expeditiously.
7832. Who does the work now? Mr. Mackenzie.
7833. Is he appointed, or taken on temporarily? He is appointed temporarily; it was impossible that things could stand still, and he was appointed temporarily.
7834. Is that the kind of work upon which you put your best draughtsmen? It is not exactly the work I should put my best draughtsmen to; it is work to which I should put a person who had some knowledge of land plans and of casting quantities. At the time Mr. Trengrouse was appointed I believe he was not very efficient in calculating quantities.
7835. If he were not very efficient in calculating quantities, why was he put into a position where the greatest nicety was required? Mr. Trengrouse's manner was so offensive to other gentlemen that they refused to give him instructions, and therefore it was necessary that Mr. Trengrouse should be put to some particular duty where it was not necessary that he should come in contact with other officers.
7836. *By Mr. Dalgleish*: Did you say that some of the plans Mr. Trengrouse made were incorrect? No, I did not say that.
7837. *By the Chairman*: In what way was Mr. Trengrouse offensive to other gentlemen in the department? In some cases asking permission to go out, and on being refused going without leave.
7838. Was any complaint made to the Minister about his conduct? No written complaint was made to the Minister, but I have repeatedly spoken to him about Mr. Trengrouse.
7839. Did you not think it was your duty, if Mr. Trengrouse left the office without leave, to complain to the Minister of his conduct? I ought to have recommended his dismissal, no doubt.
7840. Is there any record in the office of any complaint having been made against Mr. Trengrouse during his ten years servitude in the office? Mr. Trengrouse has been only eight years in the department.
7841. He was two years connected with the railway before it was turned over to Government? I think Mr. Trengrouse was only appointed in 1855. 7842.

\* The amount is £401 14s. 2d.

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7842. He was appointed before the railway was turned over to Government? I think he was with the Commissioner, but not with the Company; I think his appointment with the Commissioner was dated 1855.
7843. Is there any record in the office of any complaint having been made against Mr. Trengrouse during the whole of that period? I think there are some papers—some complaints with reference to one or two plans, but nothing of importance.
7844. Was there anything of sufficient importance to justify his dismissal? I think going out without permission was.
7845. But that is not on record? It is not on record.
7846. That matter was passed over? Yes.
7847. Did Mr. Trengrouse ever complain to you about the insubordination of the department? Never; and you will find in Mr. Trengrouse's evidence he states distinctly he never did complain to me; that is in the evidence which he signed.
7848. I see in the evidence, and it is corroborated by two or three witnesses, that Mr. Trengrouse did on one occasion make some complaint to you, with reference to the disorganized state of the department? He never did; the first I heard of it was in Mr. Gardiner's letter to me.
7849. Mr. Gardiner, in his evidence (*page 6, Appendix*) states:—"Mr. Hall informed me, some ten or twelve months ago, that Mr. Trengrouse complained to Mr. Whitton about the disorderly state of the department, but that 'honest John' would take no notice of the complaints; he also told me that Mr. Whitton was as heavy a drinker as himself, and a great man for singing at small tea-parties?" Mr. Gardiner may state that; I do not dispute Mr. Gardiner's statement, but at the same time I say distinctly it is untrue; Mr. Trengrouse, when he was giving his evidence, was asked by me whether he had ever reported to me, and he said no.
7850. In Mr. Trengrouse's evidence now, he says he did report to you? He does now, but he did not before.
7851. *By Mr. Dalgleish*: Were not complaints made at the time, that this evidence was incorrectly taken down? Not a single complaint was made by him.
7852. Did not Mr. Doherty refuse to sign his statement unless some alterations were made? Yes, he was asked whether he had been seen drunk in Sydney streets more than once, and he refused to sign unless that was erased.
7853. Mr. Doherty said he had not? No. I asked the question whether he had or not, and he declined to answer the question, and refused to sign unless that were taken out of the paper.
7854. Did he not refuse to sign it because there were other matters in it? No.
7855. *By the Chairman*: He says here:—"I decline to answer whether I have been seen drunk in Sydney streets?" Yes, he refused to sign it unless that were erased.
7856. *By Mr. Dalgleish*: That was implying that he had been seen drunk in Sydney streets? I believe he has; the question was whether he had been seen drunk in Sydney streets on more than one occasion.
7857. Do you think he was temperate in the office? I do not say he was not, but I heard that he had not been temperate elsewhere, and therefore I asked the question whether he had been or not.
7858. Who was it read the evidence to the witnesses? They read it over themselves; it was placed in their own hands. I am not positive that all read their evidence over themselves—I think they did; but if not, it was read over by Mr. Moody to them before they signed.
7859. Were their answers put down in full? Not entirely, but very nearly; things not relevant to the matter were not put down; but I do not know any instance, except in the case of Mr. Robertson, where it was not put down; at all events they had the opportunity of putting anything in they pleased before they signed.
7860. They had the opportunity of putting in anything they pleased? Yes, certainly; there was no objection made to their putting in anything.
7861. But there were objections to take out what was asked? I think nothing was asked to be taken out, except in the case of Mr. Doherty.
7862. *By the Chairman*: Have you ever heard that Mr. Hall was in the habit of taking more drink than was good for him? I never heard of it until Mr. Gardiner's letter to me.
7863. Did you ever hear that Mr. Micklethwait was? I have seen it stated so by a number of witnesses here and also in the papers; but I may say this of Mr. Micklethwait, that I have known him seven-and-twenty years, and I have never known him to be drunk in my life.
7864. Nor the worse for drink? Nor the worse for drink. I do not say he never has been, because I have not always been with him.
7865. One of the charges brought against Mr. Nealds was, borrowing money from a subordinate officer? Yes, that was one charge.
7866. Did not a person named Brown bring a charge of a similar nature against Mr. Micklethwait? Brown had lent money to Mr. Micklethwait, but he did not bring a charge against him; he simply stated that Mr. Micklethwait owed him some money, and he got it all paid, I believe.
7867. There was no charge made against Mr. Micklethwait? No charge against Mr. Micklethwait.
7868. *By Mr. Dalgleish*: Did Mr. Brown never write to you about that? I do not believe he did.
7869. *By the Chairman*: Are you sure? I will not be positive; I do not believe he did. I think Mr. Brown called upon me about it.
7870. You did not call upon Mr. Micklethwait to explain anything about it? I do not think I did. I think I saw Mr. Micklethwait on one occasion with reference to it, and he told

- told me that he did owe Brown some money—that there had been some accounts between them—lending each other money—and that he did owe Mr. Brown some money.
7871. Was it not money borrowed by Mr. Micklethwait to pay his men? I do not know what it was borrowed for; I think for the purchase of a horse.
7872. At the same time Mr. Micklethwait was Mr. Brown's superior officer? He was.
7873. Did you know a gentleman in your department of the name of Mann? Yes.
7874. How long has he been there? I think he was engaged in 1857.
7875. What is he now? A surveyor, and assists in staking out the Goulburn line.
7876. Where did he learn surveying? With his uncle, some years before he came into the department.
7877. How old was he when he came into the department? I think about seventeen or eighteen.
7878. He could not have learned it many years previously? I believe he had been at Goulburn with his uncle.
7879. Is he a good surveyor? Yes.
7880. Have you seen any of his work? He is now staking out the Goulburn line.
7881. *By Mr. Dalgleish*: His brother or himself? Himself; his uncle is not engaged in the department.
7882. *By the Chairman*: At what salary did he enter the department? He entered without salary at all.
7883. How long did he remain in the office, without salary? I think about eight months probably; I do not remember exactly. I think he came into the office about February, and received salary in September or October.
7884. *By Mr. Dalgleish*: Was the brother employed as a railway surveyor? No.
7885. Was he ever engaged as a railway surveyor? Not that I am aware.
7886. How then could he learn railway surveying from him? Railway surveying is not different from other surveying. His uncle was in the Survey Department at Goulburn.
7887. *By the Chairman*: Do you know what salary he first received from the department? £150 a year.
7888. What does he receive now? £300.
7889. What allowances? £280 a year—the allowance fixed for the Survey Department.
7890. That is £580 a year altogether? Yes.
7891. Have you seen any of the work sent by him into the office? The sections are partly plotted by him, but his work is in the field; there is not much work of his that goes into the office, for the reason that he stakes out on the ground.
7892. Have you ever had any complaints against him? No. There was some small complaint about his being absent from the office, for which some pay was deducted.
7893. No complaints about his work? No.
7894. Here is a letter from Mr. Brown, which says:—"Mr. Micklethwait did borrow a large sum of money from me, while engaged on the Northern Railway surveys; but I am equally bound to say that he returned me the full amount; and although I experienced the greatest difficulty in getting it back, it was not from any dishonorable intention on Mr. Micklethwait's part, as is insinuated in Mr. Gardiner's impertinent letter. It is also true that about a year after my leaving the department, I did complain to Mr. Whitton, privately, that Mr. Micklethwait was not making provision for the return of the money I had lent him, and of which, at the time, I had urgent need"—I presume that is the time when Mr. Brown spoke to you? Yes; that bears out what I state—that Mr. Brown did complain to me; I cannot say positively that I did not receive a letter from him.
7895. In one case such a matter was considered to be of sufficient importance to bring the person charged before a Board, in another it was not? The two cases were entirely distinct. Mr. Micklethwait had not power over Mr. Brown to increase his salary or to give him emoluments, but Mr. Nealds had in the case of Cotton.
7896. *By Mr. Dalgleish*: Was not Mr. Brown Mr. Micklethwait's subordinate officer? Yes, but only to this extent—that he acted under the directions of Mr. Micklethwait; Mr. Micklethwait had nothing to do with his pay.
7897. Mr. Micklethwait could have reported upon his conduct? If he had done so, of course an inquiry would have been instituted.
7898. It is stated that Mr. Micklethwait had not paid the money until twelve months after Mr. Brown was out of the department, and then not until pressure was brought upon you to cause him to pay? When it was known to me that this money was owing, I took the first opportunity of speaking to Mr. Micklethwait upon it.
7899. You felt it was a matter you had something to do with officially? I felt it to be a disgraceful matter for one person in the department to be owing another money.
7900. Did you ask Mr. Micklethwait for an explanation, whether the money was received by him to be employed for Government purposes? I believe it was to purchase a horse, but I do not know it as a matter of fact.
7901. It was not to pay his men? I do not know that it was.
7902. Did you recommend the acceptance of Mr. Micklethwait's resignation? Yes.
7903. You knew that he was one of the parties named as taking part in the disorderly conduct in the Department of Works? I knew he was, but at the time I knew that Mr. Micklethwait's illness precluded him from doing as much work as I thought it desirable should be done, and therefore I thought it advisable his resignation should be accepted.
7904. You know that the rest of the persons who are suspended will have to be paid during the period of their suspension? Yes.
7905. It would have been no worse to have paid Mr. Micklethwait than the rest? I thought it was enough to have to pay four or five persons who were doing no work.

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7906. Are you aware that Mr. Micklethwait refused to attend the Committee when summoned? I do not know; I know that he was too ill to attend the office.
7907. And that on another occasion he did not answer the summons? I do not know.
7908. He has been seen in Sydney since? I believe he has been in Sydney.
7909. *By the Chairman*: Mr. Micklethwait often visits your place, does he not? He lives on the North Shore, but he is generally up the country; he has not been in Sydney more than three or four months during the last two years.
7910. You said, in your previous evidence before the Committee, that you sent to Messrs. Manning, Wardell, & Co. for some engines? Yes, I did.
7911. Did you send direct to them? Yes.
7912. Why were not tenders called for the supply of them? The number sent for in the first instance was small.
7913. There were eighteen? The order was not sent to Messrs. Manning, Wardell, & Co., for the eighteen. I gave the order direct, because I believed that, by so doing, we should get engines of a better class than we should by public tender.
7914. In your previous evidence I see the following questions and answers:—"How many engines have been imported direct from them to this Colony, for the public service?—That "I cannot tell without reference, but I think about ten"? They were ordered at different times; the first order was for two. I think they were all sent out in two's, at different times. One order, I think, was for four.
7915. When orders are sent to England, for goods, at the present time, are tenders called for, for them? Yes, I believe so, in all cases. I do not know what they do in England; I have not the least doubt they are.
7916. In your previous evidence you said you did not often visit the long-room? Recently I have not.
7917. When Mr. Gardiner was employed in the long-room, you visited there very often you say? That was during the time the drawings were being made for the bridges and viaducts, for the extension.
7918. Sometimes two or three times a day? Yes, sometimes.
7919. You have not visited the drawing-room frequently latterly, have you? No, there has been no work of that kind going forward.
7920. Was it very particular work that Mr. Gardiner was engaged upon, that you found it necessary to visit the drawing-room two or three times a day? It was not to visit him only, but others—I generally looked at Mr. Gardiner's work. I see that Mr. Trengrouse has stated that the whole of the estimates for the extension were made by Mr. Gardiner; now Mr. Gardiner never made an estimate for the extension, during the whole time he was in the department.
7921. Did he not make the calculations? He simply made the calculation for the viaduct. The whole of the chief calculations, which is nine-tenths of the work, was done by Mr. Barton. The estimates were made by Mr. Barton and myself entirely.
7922. *By Mr. Dalgleish*: What is meant by making the estimates as it is stated there? Mr. Trengrouse gives the Committee the impression that the whole of the estimates, the earth-works, culverts, and masonry, were calculated and moneyed out by him.
7923. *By the Chairman*: What difficulty is there in moneying out a thing when the quantities are given? But the quantities were not taken out by Mr. Gardiner, except for the viaduct.
7924. When the quantities are taken out, any one can form the estimate? I think the most difficult thing is to get out the prices.
7925. If the prices per cubic yard for masonry, per ton for iron-work, and so on, are known, and the quantities are known, the estimate can be made by any one? These were estimates made previously to advertising for tenders. Mr. Gardiner had not taken out any of these quantities—
7926. *By Mr. Dalgleish*: If such estimates appear upon the drawings, who will have done them—If the work is not only estimated for—the quantity of stone and iron-work—but also the moneying out, will it not appear from the drawings, by whom it has been done? Yes.
7927. It appears upon the drawings that Mr. Gardiner has estimated for these things? If so, the price must have been given to him by Mr. Barton.
7928. To get out the contents is termed getting out the estimate; the moneying is only one part? To make a complete estimate, the quantities of all the earth-work must be taken.
7929. Mr. Trengrouse has not said that Mr. Gardiner did this? Mr. Trengrouse said the estimates were made by Mr. Gardiner, and that the Assembly approved Mr. Gardiner's estimate. He is asked, Q. 3265—"Do you know whether it was his estimates that were laid before the Assembly?" and he answers, "I am not aware whether he got out the last estimates. 3266. I am speaking of the first estimates for the first class lines?—Yes. 3267. It was Mr. Gardiner's estimates that were laid before the Assembly, and of course received the approval of Mr. Whitton?—Yes, it was." I say it was not.
7930. Does that allude to anything more than the viaduct—does that allude to the whole line? It alludes unquestionably to the whole of the estimates; he does not in any way qualify what he says.
7931. *By the Chairman*: It was intended to be confined to the bridges? It does not appear so here.
7932. *By Mr. Stewart*: Would it be correct if it were confined to the bridges? He certainly got out the quantities for the bridges.
7933. *By the Chairman*: I intended it to apply only to the bridges, and I believe the answer was given with that understanding; it was well known to myself and every other Member of the Committee, that Mr. Gardiner was not employed in making the general estimates?  
Then

- Then there is the reply to another question:—"3271. Do you think there is another officer in the country, capable of getting up the cost as Mr. Gardiner did, in the same time?—I do not think so, neither do I think they would get it up in double the time." That is simply a gratuitous assumption on the part of Mr. Trengrouse, on a matter of which he knows nothing; he could not do it himself, and therefore could not have any opinion.
7934. *By Mr. Dalgleish*: How many bridges did Mr. Gardiner get out? I do not know.
7935. Did he get them out for 200 feet span? Not that I know.
7936. Mr. Gardiner has stated in his evidence that he made detailed drawings in pencil, for iron tubular girder bridges of spans of 200, 150, 120, 100, and 50 feet, and plain I girders for 60, 40, and 20 feet; that all the thicknesses and sizes of the plates, angle irons, &c., were exhibited; and that this design for a bridge with openings of 150 feet, made according to the principle of Professor Latham, was superior for strength and lightness, and £10,000 cheaper than the Menangle Bridge made by Mr. John Fowler;—did he make such designs? I never saw them—I do not believe he did; if he did they must be among the sketches sent up here; I have never seen them.
7937. Mr. Gardiner states that there are designs made by him which have been coloured, which are not here? I wish he could point them out. I have not interfered with the drawings, but have given instructions to forward all the papers ordered by the Committee.
7938. They may not be aware that these drawings are Mr. Gardiner's? I believe all the drawings have been forwarded.
7939. Do the officers in your department keep a journal of the work they do? Yes.
7940. Would Mr. Gardiner's journal shew the work he had done? I should think it would.
7941. Would it shew the difference between the iron and stone bridges he was employed upon? I cannot say.
7942. Would it shew the number of viaducts or bridges he was employed upon? I do not think so. I think it would simply say, "Engaged upon bridges." These drawings I have never seen, nor do I believe they were required for the work he was then engaged upon. The only drawings for iron bridges were two designed by Mr. Barton over the Wollondilly.
7943. *By Mr. Morris*: If Mr. Gardiner had been making these bridges would he have been wasting his time? I never gave instructions to have them done.
7944. *By Mr. Dalgleish*: Were you not in the office at that time about two or three times a day? I was.
7945. Did you not say that Mr. Barton knew more about this matter, and gave instructions? Yes.
7946. Did Mr. Barton do anything more than give the elevation and section of one of the iron bridges? I think two or three—I think there were two crossings of the Wollondilly. If the drawings were made, there can be no question that they are in the office, unless they have been taken away by some one who has no business with them. I can only say I have never seen them, nor am I aware that such drawings have ever been made.
7947. There would be drawings for the first class line at that time, which were changed? Yes.
7948. Would bridges of those spans have been necessary for this line? I do not think so; I think there were only two crossings of the Wollondilly.
7949. Did you ever intend to make iron bridges? No; stone bridges were generally adopted throughout, and iron girders only for large spans. There may be some on the Bathurst line for small spans. I have never seen the drawings said to have been made by Mr. Gardiner.
7950. You do not say such drawings do not exist? I do not, but I have not seen them.
7951. *By the Chairman*: Is not designing bridges and taking out the quantities, considered important work? Yes. The sketches were given to Mr. Gardiner; he had simply the inking of them.
7952. If Mr. Gardiner was not employed upon important work, how was it that you visited the long drawing-room several times a day while he was there? There was a great deal of work going on there, and I was anxious to get it forward for the Assembly, and I wanted to see the progress made. It was not only to see Mr. Gardiner that I went there.
7953. Did he ever speak to you of a superior mode of surveying to that employed in the Colony? No.
7954. You say in your previous evidence—"He never spoke to me about anything of the kind. From my experience of the work done by him, I should think he was the last person who would do so"—what did you refer to? I was referring to the survey made by Mr. Gardiner of Bathurst Road. Mr. Gardiner says it is a hand sketch. A great number of errors are marked on that plan, and Mr. Gardiner does not shew that those errors do not exist. He says if they do, it must be the fault of the chainmen.
7955. Were these errors in chaining done before he was engaged to draw these plans and take out the quantities? It was afterwards—after he was employed in the Railway Department in making this.
7956. Did you ever find any errors in the work of Mr. Gardiner done in your office? No; I do not think Mr. Gardiner's work was particularly checked.
7957. You do not know under what circumstances these errors appeared in the chaining? I have only seen Mr. Gardiner's explanation.
7958. *By the Chairman*: The errors that you speak of, were made after he had been employed in your office the first time? Yes, I believe so.
7959. How was it then, that you referred to them in the answer you gave to the question—"Did he not speak to you of some superior mode of surveying to that employed in the Colony?" when you said, "He never spoke to me about anything of the kind. From my experience of the work done by him, I should think he was the last person who would do so";—because if he made any suggestion of the kind, it would be before you had any knowledge

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knowledge of the errors you speak of? Yes; but at the time I gave my answer I knew of those errors, and that was the reason why I say that he was the last person to do so.

7960. What do you mean by saying that he was the last person to do so? I mean that I did not think him capable of offering an opinion on the best mode of surveying.

7961. Did he ever say anything to you on the subject of railway curves? I think I have already answered that question in my previous evidence.

7962. Was ever any complaints made to you of the amount or quality of his work, prior to his reporting to you the ill conduct of the officers of the department? I do not know that any complaint of the kind was made.

7963. For what was he dismissed? For insubordination. He threatened to strike Mr. Drewett. He went into Mr. Drewett's room in the most excited manner, and was very violent, and threatened to strike him. Mr. Drewett complained of this, and Mr. Gardiner was dismissed.

7964. *By Mr. Dalgleish*: Mr. Drewett does not state that—he does not say that Mr. Gardiner threatened to strike him? Perhaps I was wrong in saying that. The evidence was, I think, that he went into the room in a most excited manner, and that he put his hands up in such an excited way that Mr. Drewett did not know whether he was going to strike him or not.

7965. *By the Chairman*: Were any complaints ever made to you relative to Mr. Gardiner's conduct, before this complaint of Mr. Drewett's? I do not know that there were. I am aware that Mr. Gardiner fancied that I seized upon this as an opportunity to dismiss him; but there is evidently a mistake in this. If I wished to discharge him I could have done so at any moment, by the mere stroke of a pen, and I need have given no reason for it. He was only temporarily employed; and the moment the exigencies of the service no longer required his employment, a mere minute of mine would have been sufficient to discharge him. I am the sole judge of what extra temporary assistance is required in the department.

7966. If that was the case, and that you could have dismissed him with the stroke of a pen, why was his case brought before the Executive Council after your inquiry? Because of his insubordinate conduct towards Mr. Drewett.

7967. But you say you could have dismissed him by a stroke of the pen, if you considered his services to be no longer required;—could you not have done the same after the inquiry, without sending his case to the Executive? No; because his appointment having been approved by the Executive, the papers must go before them before he could be dismissed.

7968. Have you ever heard of any other falling-out in your department—for instance, did it ever come to your ears that Mr. Hall and Mr. Deering once fought? There could not have been much quarrelling in the department. When you come to consider that I have now been seven or eight years in office, and that this is the only case that has ever been brought under my notice, it cannot be said that the department is very quarrelsome.

7969. But you thought it necessary to dismiss Mr. Gardiner, simply because Mr. Drewett thought he might have been threatened; how did it happen that you did not dismiss Mr. Hall or Mr. Deering, who actually fought? Because I never heard of the thing occurring. I knew nothing about it until Mr. Gardiner's letter appeared in the paper. No report was ever made to me, and I was not aware that there had been any fighting at all, and consequently could not have dismissed either party.

7970. If the fact of this fighting had been reported to Mr. Drewett, ought he not to have reported it to you? I am not aware that it was reported to him.

7971. But if he says it was reported to him, ought he not to have reported the circumstance to you? You will always have disputes in a large department in which a number of persons are employed. Arguments are sure to arise, and differences of opinion will follow, resulting in occasional misunderstandings that are better not taken notice of. I know that if I undertook to inquire into every petty little case of difference of opinion that arises in the department, I should have nothing else to do. When any of these misunderstandings have been mentioned to me, I have generally censured the parties and suffered the matter to drop. My whole time would be taken up with inquiries if I went into these cases.

7972. So that in one case you consider that to be quite sufficient to warrant you in dismissing an officer, which in another you pass over with a censure? The cases I allude to are those of petty squabbles only.

7973. But in the case of Mr. Hall and Mr. Deering fighting? I have already said that I never heard of it until I saw Mr. Gardiner's letter in the paper; and then again, in the next place, Mr. Gardiner was employed under Mr. Drewett, and as he chose to quarrel with his immediate superior, from whom he was to receive his orders, I thought that the business of the department could not be properly carried on if such a state of things were allowed to exist.

7974. Do you consider then, that that which you would only meet with censure in a permanent officer of the department, is sufficient to warrant the dismissal of one who is only temporarily employed? I consider that we must have subordination in the Government departments, as the only way by which we can get the business satisfactorily performed; and that if a person, whether temporarily employed or otherwise, will not be subordinate to the officer above him, who is responsible for his work, it is impossible that the duties can be efficiently carried on in the department where this is allowed to exist.

7975. Did you ever censure Mr. Gardiner? No.

7976. Had you done so, do you not think that that would have quite met the offence of which he had been guilty, without going to the extreme length of dismissing him? I do not know; but the question hardly arises, for when he was dismissed, the work of the department was getting very slack, and the probability is that if he had not been dismissed then, he would have been shortly after, from there not being sufficient work to employ him.

7977. How long after he was dismissed was it before another officer was appointed in his place? None were appointed until the others were suspended.

7978.

7978. How long was this after Mr. Gardiner's dismissal? I really cannot say.
7979. How many officers employed as draughtsmen had you in your department at the end of July, 1863? I do not remember how many.
7980. There are five set down on the Estimates? Yes, I dare say.
7981. And had you not ten draughtsmen employed? Very likely, but I really cannot say positively.
7982. How do you account for the fact that you should have ten employed, whilst salaries for five only are voted? The five are regarded as permanent officers, and then there is a temporary vote for occasional assistance when necessary, and the others would be paid out of this. We do not consider persons to be engaged in the department when they are paid out of this temporary vote, and they are taken on only when they are wanted by the pressure of business, and are dismissed at any moment when their services are no longer required.
7983. Was not Mr. Robertson on the permanent staff of your department? He was.
7984. How do you account then for saying, in your report to the Minister for Works, that Mr. Robertson was only temporarily employed in the department, in making tracings? I do not remember the exact words now, but I think that what I said was that he was "principally" engaged in making tracings.
7985. No, the word used is "temporarily"? I do not remember.
7986. Instead, however, of his being only temporarily engaged, it appears from the evidence given before this Committee, that he was occupied upon all the best work of the office; and Mr. Drewett says that not only did Mr. Robertson do his fair share of work, but that his work was quite equal to that of any other gentleman in the department, and that he (Mr. Drewett) could not tell his work from that of Mr. Robertson? Yes, but that work was simply making lines, and would not present much difference.
7987. *By Mr. Dalgleish*: Is not all drawing nothing more than making lines? Yes, but I make a wide distinction between this copying and the making of designs.
7988. *By the Chairman*: But you make the designs from which Mr. Drewett, as well as Mr. Robertson works? Yes, as I do in all cases.
7989. Do you not think Mr. Robertson to be a better mathematician than Mr. Drewett? No, I do not; I know nothing about his mathematical knowledge.
7990. *By Mr. Dalgleish*: But did you not inquire? I did not.
7991. Did you not ask him as to his capabilities, before receiving him into the Government service? I merely asked him a few questions, as to the work upon which he had been previously employed.
7992. *By the Chairman*: And that was all that was done? That was all that I required to know.
7993. You assumed, I suppose, that he was not a mathematician? I did not; I never thought about it. It was not my business to inquire as to his mathematical attainments, and I did not wish to know about them. He was engaged for certain work in the department, and all I required to know was whether he was capable of performing that work.
7994. Then, as I understand you, what you say in your report that he was only temporarily employed in making tracings, is a mistake? Yes, certainly; he was on the Estimates. He came into the department as a mere boy, to make tracings, and without any pretensions to anything more than that. Mr. Blakett was anxious to get him something to do, and asked me to take him into my office, and I did so.
7995. Have you seen a certificate from Mr. Blakett, in regard to Mr. Robertson's qualifications? I have.
7996. Do you happen to know at what salary Mr. Quodling entered your department? Yes, at £250 a year.
7997. Whilst Mr. Robertson entered it at £50 a year? Exactly; but I had better explain this. Mr. Blakett asked me if I would take young Robertson, who was then a mere boy, at £50 a year. He said he was a promising youth, but that he could not afford to give him anything, and was anxious that he should do something for himself. I spoke to Mr. Arnold upon the subject of the application, and he agreed to the arrangement that was proposed, that Mr. Robertson should be taken on at £50 a year. You must therefore remember that he came into the department as a boy, with little if any experience, and without any knowledge whatever of railway works.
7998. Now, supposing the two offices to be vacant, that of Mr. Quodling and that recently held by Mr. Robertson, which would you be able to fill the easiest with a competent person? That of Mr. Robertson, without a doubt. I question very much if I could get a man in the Colony equal to Mr. Quodling, to fill his place if it were vacant.
7999. Do you know that when he came into your department, he had previously been entrusted with the drawing of several important designs? No, I knew nothing at all about him, and took him, as I have already said, on the recommendation of Mr. Blakett.
8000. Do you consider that you were acting with injustice in taking on Mr. Robertson at £50 a year, whilst you engaged Mr. Quodling at £250? Certainly not; Mr. Quodling's position is a very important one, and one, as I said before, that I should find it difficult to replace him in; whilst Mr. Robertson's was a very simple one, requiring no previous study, nothing, in fact, but a knowledge of drawing. Besides this, Mr. Quodling was a man of five and twenty at least, whilst Mr. Robertson was only a boy of fifteen or sixteen.
8001. You say his position required no previous study, but he must have studied in order to learn the art of drawing? Yes, to that extent.
8002. And you thought it quite fair to give him £50 a year, whilst Mr. Quodling had five times that amount, though entering the service at the same time? Yes, under the circumstances; but then it was not for me to do anything beyond accepting his offer, and as he proffered to come in at £50 a year, it was on that ground the Minister accepted his services.

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- J. Whitton, Esq. 8003. Do you not think that his services were worth more than this £50 a year? Yes, possibly.
8004. Mr. Drewett says that he has upon several occasions recommended him for an increase, but he has been unable to get it for him? That may be.
- 22 Feb., 1864. 8005. *By Mr. Dalgleish*: What experience had Mr. Quodling\* when you took him on, more than Mr. Robertson? Nominally he was a land surveyor; but railway surveying is like all other surveying, requiring only a knowledge of how to use the instruments.
8006. What difference was there between them? Why, he could use instruments of all kinds, the theodolite, circumferenter, and others. He told me also that he had been out in the field with his uncle, and that his uncle was prepared to state that he could survey very well, when he left his uncle at Goulburn, where he had been engaged on the southern extension.
8007. *By the Chairman*: Then you took him on the recommendation of his uncle? No, I had not seen his uncle; I went only from what he told me himself. I had better explain the whole circumstances: I took him on, in the first instance, without any salary, until I could find out his capabilities; and I sent him out for this purpose, with Mr. Barton, on to the Menangle Extension. He was out in the field with Mr. Barton, and that gentleman informed me that he could survey very well. Upon this he was regularly employed, in the October following, and was paid a salary, I think, of £3 a week.
8008. I think you said that Mr. Trengrouse was on bad terms with all the other gentlemen in the office? I did not go so far as that. I said that his superior officer in the branch in which he was engaged had declined to give him instructions, because of the bad temper he evinced; and that in consequence of this, I thought it better to put him upon the work on which he has latterly been engaged.
8009. Did you ever hear of his falling out with any other person in your department than with Mr. Hall? No; but I know that before he was put to that work, Mr. Mason refused to give him any further instructions, because of his † disagreeable temper.
8010. Was this given to you as a reason? It was.
8011. And was it placed on record? No, I did not think it necessary.
8012. But you have done so in other cases? Only where I thought it was warranted, as in that case of the going out. The case you allude to was totally different.
8013. *By Mr. Dalgleish*: That was a different case, I presume, to the one in which the record was made by Mr. Drewett on which Mr. Gardiner was discharged? No; and I have already said, that if a record had been made of the other case I should have felt it to be my duty to recommend Mr. Trengrouse's dismissal.
8014. Mr. Trengrouse refused to do certain work he was directed to perform? Something of the kind.
8015. But Mr. Gardiner did not? No.
8016. In Mr. Trengrouse's case you were only asked to relieve the officer from giving him instructions? That was all.
8017. And in Mr. Gardiner's case a formal complaint was made to you? Yes.
8018. *By the Chairman*: Do you think that was a sufficient ground to warrant his dismissal? Certainly. If a man refuses to take orders from his superior officer, all subordination is at an end, and there is quite sufficient to cause his immediate dismissal.
8019. But Mr. Gardiner did not do this? He may not in so many words have refused; but if he conducted himself in an offensive manner to his superior officer, by threatening him or otherwise, it is an equally serious offence.
8020. Did you see the evidence given by Mr. Gardiner, after Mr. Drewett's explanation of the circumstances? I did not.
8021. Well, he says that he went into Mr. Drewett's room, for the purpose of asking an explanation from him relative to a plan on which "Error" was marked in large letters, that had been placed on his desk in front of him. As this was a plan that he had made, he was naturally very much annoyed at the circumstance, and went to ask an explanation from Mr. Drewett? I did not see this.
8022. You are aware that this plan of his, with "Error" marked on it, was placed before him? No, I never heard that it was, nor do I think it was.
8023. Are you aware that Mr. Drewett, in his evidence, says that it was laid before Mr. Gardiner? I am not; this is the first I have heard of the circumstance.
8024. Were you not informed that Mr. Gardiner said that this plan had been placed before him solely for the purpose of insulting him? No. I tell you that I have never heard of this before; and I do not think it could have been the case, because if it had, it would have been sure to have been mentioned by Mr. Gardiner in his statement.
8025. It was that alone that led Mr. Gardiner into Mr. Drewett's room, to ask an explanation from him, and Mr. Drewett's answer to his complaint was, that he was only acting according to orders? I do not see how this could be, because the plan was not in our department at all; it belonged to the Roads Branch, and was not required in any way in Mr. Gardiner's room.
8026. Here is the evidence given by Mr. Robertson on the subject:—"Were you present when Mr. Gardiner spoke to Mr. Drewett on that occasion?—I was not in Mr. Drewett's room, but I was in the room with Mr. Gardiner when he went to Mr. Drewett to speak to him. On that occasion Mr. Drewett brought some tracings of Mr. Gardiner's plans with "Error" marked on them in large red square letters, and put them on the table before him. What plans were they?—Some plans, I think, referring to the Mudgee Road.
- "Were

\* NOTE (on revision):—Judging from the reply given to this question, it must refer to Mr. Mann and not to Mr. Quodling.

† Revised:—going out of the office after he was requested by Mr. Mason not to do so.



- “ Were they plans connected with the Railway Department?—No, the Roads Department. J. Whitton, Esq.  
 “ Were they plans that Mr. Drewett had any control over?—We had nothing to do with those plans. They must have been searched out and put there for the purpose of irritating Mr. Gardiner?—I cannot say they were searched out; I believe they were put there for that purpose, for there was nothing to be done to them. Was Mr. Gardiner much excited?—He did not appear to be much excited. Were you in the same room as Mr. Gardiner?—Yes, at that time. Did Mr. Gardiner speak to you about the matter at that time?—He said something about it after he came out from Mr. Drewett; he said Mr. Drewett was a good fellow; he had nothing to do with this (meaning the error), and referred him to Mr. Barton. He exonerated Mr. Drewett from having had anything to do with it?—Yes. When Mr. Gardiner spoke to Mr. Drewett, was he excited—did he use any loud language?—I could not hear any loud language, though his door was open, and his door was next to ours. I heard the murmuring of voices, but it did not sound as if there was any loud talking.” I think there must have been some mistake. We received these plans from the Roads Department. I recollect now sending for them for some business in my department in connection with the Mudgee Road. The plan we received had the word “Error” marked on it; and as I had ordered tracings to be made from it, I was asked if I would have the word “Error” marked on them also. I said yes, that it would be much better to do so, as the tracings might fall into the hands of others who did not know their history, and might be assumed to be correct. But the plan was given in to the long-room, to copy, and Mr. Gardiner is engaged in the upper room, so that it would not have come before him at all, and that is why I think there must have been some mistake.
8027. No, there is no mistake at all; the plan was laid before him, on the desk where he usually sits? I should like to have some further information on the subject before I say any more on it.
8028. Now, assuming this to be correct, do you not think that it was sufficient—if not to justify his conduct, at all events to palliate it, considering that he was under the impression that it had been done for the purpose of insulting him? Yes, perhaps so, if that was his idea; but I cannot understand why the plans should have been placed before him.
8029. You see by the evidence I read, that this witness says that it was admitted that the plans were placed before Mr. Gardiner, that he himself saw them, and that Mr. Drewett explained the matter to Mr. Gardiner, satisfactorily I presume, since Mr. Gardiner declared that it had not been Mr. Drewett's fault that the thing was done? Still the plans had no right in that room.
8030. And Mr. Drewett says that he acted under orders—now who would give him orders on this point? No one, I would imagine, would give him instructions to place the matter before Mr. Gardiner—it was not his work.
8031. *By Mr. Dalgleish:* But Mr. Drewett said that he had placed them before Mr. Gardiner, and that he had instructions to do so? Then he should have also said who gave him the instructions.
8032. Under these circumstances, do you not consider that these facts, which you now hear for the first time, are quite sufficient to explain the cause of Mr. Gardiner being so excited when he went to Mr. Drewett? Yes, I think so.
8033. Would not you have had the same feeling of annoyance if you had been placed in similar circumstances? No doubt I would.
8034. You were not aware of any of these circumstances which you now hear for the first time? I certainly was not aware of them, and I must say that I am astonished that I have not heard of them before.
8035. Was there not an allusion to it in the complaint made by Mr. Gardiner to you? I am not aware—I think not; but if there was, it must have escaped my attention.
8036. In the evidence given by Mr. Gardiner, he makes this statement:—“These are copies of the minutes that transpired between Mr. Drewett and Mr. Whitton, and I thought they were connected with my dismissal. Mr. Drewett writes, ‘Sir,—I beg to report to you the conduct of Mr. Martin Gardiner, who came into my office this morning in a very excited manner, and asked me why certain notes of errors had been made on the tracings of a survey made by him for the Roads Department. I told him I had nothing whatever to do with it, but was merely carrying out my instructions, at the same time referring him to yourself or Mr. Barton. He also in a very threatening manner told me that he had made notes of what he termed my errors, from the office plans, and which he intended to publish in the public press.’” This is not the statement that was laid before me by Mr. Gardiner; I never saw this before. But I again say that I think there must have been some mistake about it, because the plan was not in his office at all.
8037. Did you call upon Mr. Gardiner for an explanation of his conduct? I did, and he sent in a written explanation.
8038. Then, as to that instance of his going to Mr. Drewett in the excited manner that is described, you deny that he had any reason for it, and affirm that the plan was not placed before him; I cannot do that; I cannot say that the thing is not true, because I have no knowledge of the facts; but I say this, that I have great doubts of its correctness.
8039. But we have the evidence of Mr. Drewett, as well as that of Mr. Gardiner, in support of the fact that the plans were laid before him? Yes, but he does not say anything about it in his minute to me. It may have been that Mr. Gardiner saw them, not because they were placed before him, but because they were open on the office table when about to be traced.
8040. Did you read over the evidence taken, a copy of which has been sent to you? A great deal of it.
8041. Did you read that of Mr. Doherty? I did not. 8042.

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8042. He gives evidence very similar to what I have already read—that Mr. Gardiner went very excitedly to Mr. Drewett for an explanation, and when he returned said that Mr. Drewett was a good fellow and that it was not his fault; and Mr. Doherty adds, that he thought it very strange that after this a complaint should be made to you? This matter was not mentioned to me—it is the first time I have heard of it.
8043. There were plans in your office drawn by Mr. Gardiner, and with the word "Error" written across them? There were, but they were not in my department; they were in the Roads Branch.
8044. *By Mr. Dalgleish*: You received them from the Roads Department? Yes.
8045. And was the word "Error" written on them when you received them? Yes.
8046. It was not done in your office? No. I had "Error" marked on the tracings that were made in my office from these plans; but the word was marked on the original plan before it came to my office at all.
8047. *By the Chairman*: You had tracings made from that plan? Yes.
8048. Although they were incorrect and "Error" was marked on them? Yes; but that can be very readily explained. I may say, however, that it would have been impossible for me to mark the words on the plan, as it was not mine, but that of the Roads Department; and if it had been correct and there had been no error, Mr. Gardiner would have denied that there was in his reply.
8049. He never denied it—he would not certify to the correctness of the plan, when called upon to do so by the Commissioner of Roads? That I am not aware of.
8050. Are you not aware that many of these plans sent in by the surveyors in the Roads Branch are only made by sight? If that is the case, they should not be sent in and marked as surveys.
8051. This was not sent in as a survey? I beg your pardon, for the figures are marked on the traverse, shewing that it purports to be a survey, and not a mere sketch by sight.
8052. But suppose that he got instructions to make a rough survey of this particular kind? I should like to see such instructions.
8053. But if he had such instructions, verbal or otherwise, would he be accountable for errors of this kind? That I cannot say; I only know that the errors exist.
8054. *By Mr. Dalgleish*: Did you make a tracing from the plan? Yes, and took it with me to Mudgee.
8055. Of what use would it be to you, if it was a tracing from an incorrect plan? It was near enough for general information, though it would not have done to work by. I only wanted it for my personal guidance in following the roads, and I had the word "Error" marked on it, to prevent its falling into other hands, who would assume it to be correct and work by it.
8056. Were any check lines run to ascertain whether it was correct or not? That I do not know. It was not in my department, and I only know that I received it with the word "Error" written on it.
8057. Were there no means of rectifying these errors? Of course there were means, and I may say that if Mr. Gardiner knew there were errors in his plan, he should himself have rectified them.
8058. Are you aware that this is the only plan upon which the word error has been marked in that office? I am not.
8059. I mean in the Department of Roads, from which you received this? No, I have no means of knowing this.
8060. *By the Chairman*: You know the late Commissioner for Roads? Yes.
8061. He was not an engineer? He was not.
8062. Now, from what you knew of him, was he not a man who would be likely to say to his surveyors to run out a line of road in such a direction, without being too particular in measuring? I really cannot say what instructions he might give.
8063. But is it not likely that he would have said something of the kind—that they were to make a rough sketch, without being too particular? If instructions were given to lay out a line of road, there would always be inclines to measure and lines to be marked; and if a surveyor sent in a plan with the gradients and distances marked on it, it would naturally be assumed that the inclines had been correctly measured and the distances chained, and that where figures were set down they should at least be correct.
8064. Is it not usually the practice with surveyors to leave the chaining to the men? No; they have the arrows in their hand and they count them themselves, as a check, as they proceed.
8065. Is it usual for the surveyor to take the arrows? No, but they take the change of arrows. They are ten in number, and he takes the number with every change. A man would never be able to tell his lengths at all unless he did this.
8066. But might not the surveyor depend upon his men? If he chooses to be so careless as that, he must take the responsibility and be answerable for any mistakes that occur.
8067. There could hardly be any error if the arrows are correctly returned, whether by the men or the surveyor himself? There may not be, but a surveyor should keep count himself, and not trust solely to his men.
8068. If the surveyor were suffering at the time from a severe attack of rheumatism, would not that be an excuse for his trusting to his men? There is no excuse for a man who undertakes to do a duty and does not perform it correctly.
8069. Supposing the work to be forced on an officer where he was disinclined to undertake it, and that afterwards he should have to contend against a severe attack of rheumatism, might it not be very possible that errors would occur for which he would be accountable, but for which some excuse was to be found in the circumstances of the case? He might have an excuse

excuse; but I know neither under what circumstances he went up there nor those under which he made the survey. There is the plan with an error marked on it, and there can be no excuse for the incorrectness after he has professed to survey the road.

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8070. You are aware that he refused to certify to the correctness of the plan? I have heard so in this room. 22 Feb., 1864.

8071. Are you aware whether he signed it or not? I was not aware that it was usual for a surveyor to sign his plans.

8072. *By Mr. Dalgleish:* Is his name on the plan in any way? That I do not know.

8073. Then how do you know he made it? I do not know; but I think, if I remember rightly, that there was written upon the face of it in pencil, the words "Surveyed by Mr. Martin Gardiner." I think so, but will not be sure.

8074. Was this written by himself? That I do not know.

8075. *By the Chairman:* Then for all you know, it may have been written by some one else? It may have been; I could not say who did it.

8076. *By Mr. Dalgleish:* Was any inquiry made for any erroneous plans that had been made by Mr. Gardiner, whilst in the Roads Department, to be furnished by them to your department? The only inquiry that was made was for the plan of the Mudgee and Bowenfels Road. I was going up in that direction with reference to the Mudgee Extension, and I required to see a plan of the road, for my guidance. I asked for the plan, which I heard was in the Roads Department, and when I got it I found it was marked with these errors. Tracings had to be made from it, and in making those tracings I directed that the errors should be marked on them as they were on the original plan; my object being, as I have already explained, to prevent the plans from being taken as correct in the event of their falling into other hands.

8077. If a correct plan of this road had been taken, should not the Roads Department have furnished you with that correct plan, in answer to your application? I do not know that any other plan was taken.

8078. But if there had been—if a person had been sent over the same line, to correct the errors, within six months after Mr. Gardiner had made his survey, should you, do you think, have been furnished with the correct or the incorrect plan? With the correct plan certainly.

8079. Then as you were not furnished with the correct plan, there must have been some object in sending you the incorrect one? I do not know what object there could be.

8080. Were there any levels taken? I do not know.

8081. Would you not want them if you went up on railway business? No, my eye was sufficient for the purpose for which I went up.

8082. Then you did not want the levels? No, I could judge of them myself sufficiently for what I wanted.

8083. But would it not have been a better guide to you if you had had the correct levels? No. The road was utterly impracticable for a railway line; and knowing this, I was aware that levels would have been of no use.

8084. Do you know that the hills were marked in upon these plans after they were in the office, and that no such hills were made on them by the surveyors, who furnished nothing more than a rough outline of the road, according to instructions? No, I do not know; I gave him no instructions.

8085. But according to directions given by Mr. Collett? I cannot say what directions Mr. Collett gave.

8086. However, the correct plan, and not the incorrect one, is that which should have been furnished to you? Yes, if there were one.

8087. Could Mr. Bennett give the Committee any reason why the incorrect instead of the correct plan was furnished to you? That I do not know, but I should imagine not. He would probably know nothing about it.

8088. No application then, was made by you, to have supplied to you any incorrect work of Mr. Gardiner's that there might be in the Roads Department? No. The only application I made was to be furnished with the plan of the road between Mudgee and Bowenfels.

8089. Who gave you the information that there was such a plan in the Roads Department? Mr. Barton, I think.

8090. Was anything said at that time about Mr. Gardiner having been the person who surveyed that line? I think not.

8091. *By the Chairman:* Then, as I understand you, you had not heard, previously to your examination of to-day, of this plan with the errors marked on it having been placed on the desk before Mr. Gardiner? I had not.

8092. If it had been so placed before him, he would be very likely to regard it as having been done to insult him? Yes.

8093. And would not that in some way account for his conduct in going, in the excited way spoken of, to ask an explanation from Mr. Drewett? It would; but I am surprised that it was not mentioned before, and that he said nothing of it in his minute to me.

8094. This, however, would to some extent explain his conduct? Yes, to some extent it would.

8095. And would make it appear a hardship to him, that under such circumstances he should be dismissed? I do not know that there was much hardship in the matter.

8096. Why, do you think, now you have heard the circumstances, that he had nothing to justify his conduct in some degree? I deny that anything of the kind occurred. If it had, he might have stated it to me when I held an inquiry, and might have offered it as a reason for his conduct.

8097. But supposing it did occur, and that this plan were put on his desk before him, and that he, as you admit he might do, regarded it as intended to insult him, would he not be likely



J. Whitton, Esq. likely to consider, if he was afterwards dismissed, that an injustice had been done him? Probably he would, under such circumstances.

22 Feb., 1864. 8098. You were asked by the Committee, the other day, a question in reference to some documents received from Melbourne: will you now explain how they came into your possession? I must answer now as I did then—that I must most respectfully decline to state to the Committee how they came into my hands.

8099. Do you know that some of the gentlemen in your department are endeavouring to collect information, in Melbourne and elsewhere, relative to the moral character of Mr. Gardiner? That question was asked me on the former occasion, and I then answered that I had only seen one letter on the subject.

8100. *By Mr. Dalgleish*: Were you asked that question on your last examination? I was.

8101. Are you sure? Yes, quite.

8102. Who by? I do not remember, but I think by you. Either by you or the Chairman; and I then informed you of the only instance I knew of a letter having been written.

8103. *By the Chairman*: Who is Mr. Kennedy? One of the sappers.

8104. Was he engaged in the Grose Valley survey? I do not know, very likely he was, but I do not know.

8105. Were you engaged upon that survey? I had something to do with it.

8106. You were there? Yes.

8107. Do you think it practicable to carry a line up the valley of the Grose? No doubt it is practicable. It had been generally supposed that the line by the Grose was the only one by which a railway could be taken to Bathurst. Capt. Martindale, when Commissioner for Railways, said, that as Sir Thomas Mitchell held the opinion that this was the only line by which a railway could be carried to Bathurst, it would be advisable to have the route surveyed; it was surveyed, and it is certainly not impracticable.

8108. Had the present line—the one now adopted—been surveyed at that time? No, I think not, but I am not sure.

8109. Seeing that the line by the Grose is not impracticable, why did you discontinue the survey? There were two or three reasons for it. First, because the line by the Grose would have been a very expensive one, and would have required very heavy works. There were very good gradients for a few miles, at each end of the valley, to the Darling Causeway, and then we had steep gradients and heavy works; it was then thought advisable to abandon the valley, and to take to the line of the road.

8110. I see that Mr. Arnold, in his speech in the House, says that Mr. Gardiner was employed in the field, but that he was taken from that work, and employed upon other minor services in the office—what did he mean by that? I do not know; but perhaps it might have been this: that perhaps it was thought advisable at the time to get out the Estimates as quickly as possible, and that the work in the field being completed, it was thought better to put Mr. Gardiner to office work, rather than employ him in the field, where the work was not so pressing.

8111. And then, when he was employed in the office, he was found incompetent to perform the work he was put to, and was discharged? I do not know what you are alluding to.

8112. I am alluding to Mr. Arnold's speech in the Assembly—he said that Mr. Gardiner was put to office work, was found incompetent to perform it, and was dismissed? He was dismissed on the first occasion because there was no work for him to do.

8113. And not because you found him incompetent? No.

8114. But Mr. Arnold says that Mr. Gardiner being found incapable in the field, he was taken from that and put to work of an inferior kind, such as making drawings of bridges, and calculating quantities —? No; the sole reason of his being taken from the field was, that the field work, or all of it that was most pressing, was completed, so that the Estimates were the first thing wanted—we were waiting for the Estimates. If they had been passed, there would have been a considerable amount of work in the field, but as they were not, there was nothing to go on with, and his services were dispensed with.

8115. Then he was not found incompetent, but on the contrary, did his work satisfactorily? Yes, all such work as he was employed in.

8116. It is not true then that, having failed in the field, he was put to inferior work in the office, and that even at this he did not give satisfaction? No, that is not correct; Mr. Arnold must have been incorrectly informed when he made that statement. I may mention, however, in regard to Mr. Gardiner's surveying capability, that there is a report from Mr. Moggridge, the officer employed on the survey of the main road between Yass and Goulburn, in which he says that plans of portions of that road, made by Mr. Gardiner, are not worth the paper they are drawn on, that they are altogether valueless, and that he believes the line was never surveyed at all.

8117. But Mr. Arnold spoke of him as being employed in your office, and not in the Roads Department. He says that Mr. Gardiner was found incompetent to perform the work in your office, and that being found incompetent he was dismissed—was this the case? The whole of his employment in my office, the first time he was engaged, was that of making drawings and taking out quantities. His next employment was in the Survey Department.

8118. *By Mr. Dalgleish*: Was it not upon your recommendation that he was taken into the Survey Department? To a certain extent it was. I said that I believed he would be able to do the work required of him.

8119. Have you lately seen a copy of the letter you gave him? Yes, I know the contents of the letter quite well.

8120. Do you know that he got a similar letter when he left the Survey Department? I do not.

8121. *By the Chairman*: When you were here before, Mr. Graham was pointing out some plans

plans of a railway station that were erroneous, and you said you regarded it as impossible that there could be any error in the plans. I think, too, you said that the louvre lights had been erected over the door? I said I had received no report on the subject of the change, and that if it had been made it was without my knowledge. I find now that the height of the doorway has been increased from 12 feet, as marked in the drawing, to 13 feet 4 inches, and that in consequence of this change there was no room for the lights over the door, and they have been omitted.

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8122. Were you speaking of the drawing or the figuring? Of the figures.

8123. Would the scale of the drawing and the figures work together? I did not try; but there was a discrepancy between the two, I believe.

8124. I think you said that the goods shed could have been made correctly from the figures on the drawing? Yes.

8125. Mr. Graham says that it could not? The answer to this is, that the shed has been built, and I have had no complaints.

8126. You said, I think, that the luffers were over the doorway? Yes, I thought it had been constructed in accordance with the drawing.

8127. And now you know that it is not so? No, the doorway has been altered.

8128. So that the drawing was incorrect, and this alteration had to be made in consequence? There was a discrepancy between the scale and the figures. There was an order given to Mr. Graham, in consequence of his informing me that, owing to his measuring from scale, he had cut his uprights 18 inches too short, that he should either put in new timber, or raise the concrete of the basement 18 inches higher all round. I gave him the option of doing which he chose, but he did neither; he did nothing himself, for the contract was taken from him and given to his sureties. When they undertook the work, they sold off all the timber that had been cut too short, and put in new of the full length. Having done this, the additional concrete was not put in.

8129. Do you not think it too bad, for a gentleman like Mr. Hall, who receives a large salary for what are expected to be, and ought to be, valuable services, should make such a mistake as this, as not to have the scale and the figures of his plan correspond with each other? This is the only instance of a mistake made by Mr. Hall that has occurred since he has been in the office. He is a very good draughtsman, and very careful over his work. This is the only mistake that I know of his having made.

8130. Do you think that Mr. Hall did his fair share of work in the office? Certainly.

8131. Was it Mr. Mackay or Mr. Hall who did the chief part of the work? Mr. Mackay copied the plans, and Mr. Hall designed them.

8132. Are you sure of that? I have reason to suppose so.

8133. Have you had opportunities of knowing that it was so? Yes, I have seen them at work.

8134. Constantly? I did not stand over them and watch them; but I have seen sufficient to justify me in saying that Mr. Hall designed and Mr. Mackay copied the plans.

8135. In most of these cases, could you not do without any drawings at all? The more you have the work set out by drawings, the less difficulty you have with contractors. In the absence of drawings you get into all sorts of difficulties.

8136. For instance, in the case of a window, would it not be better to describe it in writing than to draw it? There is less chance of a misunderstanding by drawing it as well.

8137. But it is the time that it takes up? Of course, if you have drawings it will take time to make them.

8138. There is a set of drawings for the goods station at Penrith? Yes.

8139. Do you think that was necessary? Certainly. If I did not think so I should not have directed them to be made.

8140. But do you think that all the detail taken in by those drawings was necessary? I do.

8141. They must have been very expensive, as compared with the value of the work? The cost is nothing compared with the difficulties you have with contractors, and which these drawings save.

8142. Could you not describe a door as correctly in writing as you could shew it by drawing? Yes, no doubt.

8143. You could set out the height and width, the number and size of panels, the kinds of moulding and architraves, and so forth, so as to give as correct an idea of it as by drawing? No doubt.

8144. Then where is the necessity for having a drawing of it? It entails additional labour certainly, but it has the great advantage of preventing difference of opinion between the department and the contractor. Where there is a drawing there is no room for difficulty.

8145. Do you not think, that if you had class station houses—say stations of the first, second, and third class—and that you had drawings of each of these classes, you would be able to make these drawings applicable to all stations? You could not do this, because you must have a set of drawings appended to every contract.

8146. But if you had these class station houses, all you would have to do would be to copy them, or make the contractors copy them? The contractors do that now.

8147. *By Mr. Dalgleish:* What we mean is this: Would it not be better, rather than to make fresh drawings for every station, to have three classes of stations, and to have the same design for every station of the same class; thus, having a station of the third class already built, if you require to put up another station of the same class, you would only have to take the plans of the former building? That could not be done, for you require to have different arrangements at different stations. The nature of the ground, of the accommodation required, and many other things, have to be taken into account.

8148. All these are minor points that might be provided for. You have already something like a classification of stations? Yes, but we have to copy the plans for them.

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8149. Could not the contractor do this? He might, but there are not a sufficient number of them to meet all cases.
8150. Are not the Penrith and the Singleton Stations very nearly a copy of each other? Yes, very nearly.
8151. Then when you advertised the Singleton Station, could you not have called for tenders for a building similar to that erected at Penrith? You could not do this, because the foundation of the Singleton Station is a very different piece of work to that at Penrith; besides this, the drawings of the work have to be attached to the contract, and require to be kept together.
8152. Do not the drawings remain in your office? Yes.
8153. Then suppose the drawing of the Penrith Station to be in your office, could not the contractor tender to build a house in accordance with that drawing, although in a different place? It would be difficult, because in all instances you must furnish the contractor with a complete copy of the plans of the work he has to perform.
8154. And you would do so, because you would have the plan in your office—you do not allow them to be taken away? No; but on this plan you suggest, there would be this drawback, that you would not have the drawings of the building signed by the contractor and his sureties, as we now have them, when they are appended to the contract.
8155. But if the plans were known and marked, or referred to as being of a particular class of station, would not that be sufficient? In dealing with contractors, especially in this country, it is better to have everything as clear as possible.
8156. Suppose a contractor knows that you require to erect a station of the second class; you have the general plan for stations of that class open to his inspection, he sees it, and can tender for the station you want, on the plan you have shewn him, just as well as if you drew a plan specially for the purpose? There are no plans that are all the same; there is something different in every one of them.
8157. Why should this be so? Because in almost every instance the foundation is different, and drawings have to be made to suit the ground on which the building is erected. Then again, the plans have to be altered according to the conveniences that are required.
8158. I quite admit that the foundation will in most instances be different, but that is a very trifling thing, that may always be added to the plan without affecting the building itself. For instance, taking the Singleton Station house—the building itself—what difference is there between that and the Penrith Station building? None.
8159. Is there any great difference in the foundation? Not much; but the main thing is what I have already stated, that we must have different drawings for each work to attach to each contract, so that we may have them signed by the contractor and his sureties, who thus accept them and are bound by them.
8160. But you make these copies that are signed, in your office? Yes.
8161. And you compel the contractor, if he requires them, to make tracings from them himself? As a general rule, but sometimes we make them ourselves.
8162. If you had class stations, could you not make a tracing of class one, two, or three, as you might require; you then call for tenders for the erection of a station of the class required; the plans would only need to be traced, and the specification being all the same for each class might be printed, and so save an immense amount of clerical work? If you did print the specification every station would require to be precisely the same, and this would not be at all suitable; they all vary in some way, more or less, and I think that the Singleton and Penrith Stations are the only two in the Colony that are alike.
8163. But why should they not be all alike? Because the arrangements are required to be different, the ground on which they are built is different, and the amount of convenience is different.
8164. You could make different classes of stations to provide the different amount of convenience requisite at different places? Even then you would have to make the drawings different, to suit local objects or requirements.
8165. How many different classes of stations have you now upon that portion of the railway that has been completed? There are many different classes; some of which have a dwelling-house attached for the station masters, and some have the dwelling-house detached, whilst others are not provided with any dwelling-house.
8166. What difference is there between the Burwood and the Picton Stations? They are very different. In the Burwood Station the house is detached, but at Picton there is no house for the station master.
8167. Is that a convenience or otherwise to the station master, to have his residence a hundred yards away from the station? I think it objectionable to have a station master residing at the station.
8168. Then you would have them all away? I would.
8169. And why have you not done so? Sometimes the Minister will not allow of it.
8170. But I ask your own opinion? I have said that I consider it would be more advisable to have them away from the station.
8171. And does the Minister interfere with you in a matter of this kind? He is always shewn the plans before they are finally adopted, and it is then that he suggests any alteration.
8172. With regard to this plan drawn by Mr. Hall, are you aware that the building is not even now built in accordance with the plan? I am not aware that there is any difference from the plan, with the exception I have mentioned, that the lights are not over the door.
8173. You are not aware that it was impossible to construct the building, even on the amended plan? No.
8174. *By the Chairman*: Can you shew me where the necessity was for having this plan of the roof of the building? Yes, it was quite necessary to have it, if you wished to have the plans complete. 8175.

8175. Is there a private architect in Sydney who would have thought it necessary to draw this amongst his plans? I think they all do it.
8176. The plan produced is the amended plan? It is the one I spoke about when I alluded to my having given him the option of putting in an additional 18 inches of concrete, to raise the foundation, or of providing new timber; but he did nothing at all, and the result was, that his contract was cancelled, and the work was let to his sureties; they completed it, and instead of the concrete, as shewn here, they put in fresh timber in place of that which had been cut too short.
8177. Was the building completed in accordance with this plan? Not with this, but with the original plan, with the exception of the door-way, as I have already explained.
8178. *By Mr. Stewart*: This plan was not used, because the sureties preferred to furnish fresh timber rather than find the additional quantity of concrete? It was not used.
8179. *By Mr. Dalgleish*: Would you have made the contractor do this additional work at his own cost? Certainly.
8180. When the fault was not in the contractor, but in the drawing? No, the fault was entirely his own.
8181. How do you make that out, when you admit the discrepancy? Because the specification states distinctly that the *figures* on the plan are to be taken, and that the work is to be performed, with reference to heights, depths, &c., in accordance with the figures on the plan attached. Now, if he had acted on this, and had taken the figures on the plan, there would have been no mistake, for they were correctly marked; but instead of that he must go and take them from the scale, which happened to be wrong, and in this way he got 18 inches short in his lengths. When he told me of this I consented, rather than that he should be at the loss of all this timber, to give him the option of putting in the concrete; but he did not do this, and the end was that his contract was cancelled.
8182. You say that the specification states that the contractor is to take the figures on the plan? Yes.
8183. What is the use of getting out all these elaborate plans, if they are not to be depended upon in this the most important particular to the contractor? The figures were all marked correctly, and if the contractor was told to take the figures only he should have done so.
8184. But why should you have the figures marked on the drawing, when it is drawn to scale? It must be figured for reference, and besides that, it saves the contractor the time and trouble of measuring by scale.
8185. *By Mr. Stewart*: Was there a mistake? The drawing did not measure with the scale. There had been a mistake in the scale, but the figuring was all correct.
8186. The idea that the contractor seems to have had was, not that the plan was figured correctly, but that it was not drawn correctly? I did not know about that, but when I found there was this mistake, and that he had cut the timbers short, I gave him the option of putting in more concrete, in order to make his timber available, and that he should not be at the loss of it.
8187. *By the Chairman*: Do you think that the contractor was to blame—was not this discrepancy between the figuring and the scale likely to confuse him? No, I think not; he should have gone by the figuring, and there would have been no mistake.
8188. By why should he not have taken the scale as a guide? Because the figuring saves him time; and as to the error, this is the only instance in which a mistake has been made in drawing.
8189. Could the building have been erected by following the figuring? I have no doubt of it.
8190. He says it could not? I have no doubt about it myself.
8191. He says it could not, for many reasons—first, the doors were too low? You are alluding to the two side doors, in which we had arranged for some alterations.
8192. However, has the building been put up to the scale or to the figures? It is put up in accordance with the figures.
8193. The contractor says not? Well, there may be some slight difference, but not sufficient to make any material alteration.
8194. *By Mr. Dalgleish*: But 3 inches in the height is not a slight difference? No, a difference of 3 inches would make a considerable alteration.
8195. Do you bind a contractor to make such an alteration as 3 inches would be at his own expense? He was not required to do so; all he was asked to do was to put it up in accordance with the drawing.
8196. It has never reached you that there was a very material difference between the building and the drawing? No, except as I say, when the timbers were found to be short. I authorized an alteration, but my offer was not accepted.
8197. *By the Chairman*: Do you think it would be right to cause the contractor to be at the loss of the timber, after his making the inquiry, on discovering the discrepancy, of whether he was to work by the figures or by the scale, and that an answer was refused him? I think myself that there was nothing at all right about the contract altogether. Mr. Graham took it at about £700 less than he ought to have done, and there was not much chance of anything being right.
8198. But still he carried it out? No, his contract was cancelled; the sureties paid the money for the work. Mr. Hill, one of his sureties, paid the money.

J. Whitton,  
Esq.  
22 Feb., 1864.

TUESDAY, 1 MARCH, 1864.

Present:—

Mr. STEWART, | Mr. TIGHE.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. John Doherty called in and further examined:—

- Mr. J. Doherty.  
1 Mar., 1864.
8199. *By the Chairman:* You have been examined before? Yes.
8200. Do you remember anything of a plan prepared by Mr. Gardiner, with "Error" marked on it? I remember a plan that I saw in the long-room; I saw on the plan, "Mr. Gardiner's survey," and it marked with large red letters, "Error."
8201. Where did you see that? In the long-room, where I was mounting a tracing.
8202. Do you know how it came to the long-room? I do not know how it came there; I worked in a room up-stairs.
8203. Did you hear anything said of this plan by any gentleman in the office? I remarked to Mr. Gardiner, on my return to the upper room, that I saw a plan of his marked "Error," and asked him what the plan was. I do not know whether he went down, but in the course of the day Mr. Drewett brought the plan into the room—or plans—I think there were two or three of them—and threw them in a very abrupt manner on the table, in presence of Mr. Gardiner.
8204. Before Mr. Gardiner, so that he should see them? Yes.
8205. Was this after you saw the plan in the long-room down-stairs? Yes.
8206. What occurred, do you know? Mr. Gardiner talked about the plan; he looked at it, and he talked considerably about the plan. He went in afterwards to Mr. Drewett's room, but what they said there I do not know.
8207. That was just about the time Mr. Gardiner was suspended or dismissed? I think a day or two previously.
8208. But you have no doubt as to Mr. Drewett throwing this plan, with "Error" marked on it, before Mr. Gardiner? I saw him do it.
8209. Do you know anything of the plans? No.
8210. That is all you know of the transaction? Yes.
8211. *By Mr. Stewart:* Throwing these plans down in this way—was that calculated to create a feeling offensive to the person concerned? It certainly was. If a man threw a plan before me in that way I should be as mad as anybody could be, of course.
8212. It was a very offensive way of calling his attention to a matter that might have occurred in his work? Yes.

THURSDAY, 10 MARCH, 1864.

Present:—

MR. DALGLEISH, | MR. TIGHE,  
MR. STEWART, | MR. MORRIS.

JOHN LUCAS, ESQ., IN THE CHAIR.

John Whitton, Esq., Engineer-in-Chief for Railways, called in and further examined:—

- J. Whitton, Esq.  
10 Mar., 1864.
8213. *By the Chairman:* You wish to make some reply to the evidence given before the Committee with reference to your department? I do; and, with the permission of the Committee, I would commence with the evidence of Mr. Nicholas Trengrouse. I may say that, in order to shorten the explanation, I do not intend to notice all the small matters connected with this evidence, but only those points that may be thought important. I may also say that I have not yet seen the whole of the evidence that has been given before the Committee. The first question asked of Mr. Trengrouse is numbered 2191. "*By the Chairman:* How long have you been in the Railway Department?—Now nearly ten years; "I think about three months short." The length of time he has been in the department is eight years last September. I would not have noticed that except for the evidence that follows.
8214. *By Mr. Tighe:* I think I understood Mr. Trengrouse at the time to say that he had been ten years altogether employed on the Railway, including the time when the Railway was not in the hands of the Government? Mr. Trengrouse's appointment is entered on the books as having taken place in September, 1855; whether he was employed before that I could not say. The next question I wish to notice is with reference to the plans attached to the bonds:—"2264. *By Mr. Stewart:* Has it been the system here to have sets of plans for each station in the Railway Department?—Yes, I do not think there has been a station "put up but what there has been a separate set of drawings for it." That is true; they have been all made in separate sets; but it is impossible to make use of one set of these drawings for three or four different contracts, as each contract must have a set of plans attached to it, which must be signed by the contractor and his sureties, and they have been so. Question 2292 is with reference to the time of arrival and employment of the assistants that came out with me from England:—"Did they soon commence their duties after "arrival?—Not so very soon. Just coming off a voyage, they took some time before they "did commence. They were all introduced to me, and I made them acquainted with the "plans



- “ plans and arrangements of the office. I suppose they were something like two or three months making themselves acquainted with the plans; it was naturally the first thing they would do, and of course they were anxious to get all the information they could, which I think was got more from the plans than on the ground.” Mr. Trengrouse says they took some months to make themselves acquainted with the plans. Now the fact is, they arrived on Thursday, 15 January, and they commenced work on the Monday following.
8215. *By Mr. Dalgleish*: Would they not be at work when examining the plans, and making themselves acquainted with the nature of the work? They were not examining the plans; they went on the ground immediately, on the Campbelltown line, and made the surveys.
8216. *By the Chairman*: Were there any journals kept in those days? I think the journals were commenced a few months after their arrival.
8217. But there are no journals to shew the time they commenced their work? Yes, there are.
8218. Of what nature? There is a journal kept by Mr. Mason, shewing the time he commenced work, and the time they were re-staking the Campbelltown line. His journal shews that they arrived on the 15th January, and commenced work on the Monday following.
8219. I can only say that among the journals I have found none that went back to within a considerable period of that time? No, it is a private journal kept by Mr. Mason.
8220. Not a public document? Not a public document. Extracts may be had from it, no doubt, if the Committee wish; I do not think he has any objection to any one seeing it. Mr. Trengrouse is asked “whether their passages were paid,” to which he answers “Yes”; and then follows the question:—“2296. And all their expenses?—They had their expenses paid them afterwards; £30 each I think was paid them for wine and other things which were not allowed them on the passage; they made application for it after their arrival, and something like that amount was allowed them.” The amounts were as follows:—Mr. Mason, £19 14s.; Mr. Barton, £10 15s.; Mr. Drewett, £14 14s.; and Mr. Bridgman, £10 15s.; making a total amount of £55 18s., instead of £120, as stated by Mr. Trengrouse.
8221. *By Mr. Dalgleish*: There is not anything here about £120? Four times £30 make £120.
8222. Did Mr. Barton come from England? Yes.
8223. I thought he was employed in Victoria? Yes, he was, in 1851 or 1852.
8224. *By the Chairman*: Did he leave the department here? No, he was in England at the time he was engaged to come out here. He left Victoria in 1854 or 1855, in consequence of the illness of his father. “2299. What extension did they commence on?—The Campbelltown line was the first. 2300. About what time was this after their arrival?—I think they commenced with the drawings about three months after.” Now, No. 3 Contract for the Campbelltown line was let in April, and they only arrived in January, therefore all the drawings and surveys for it were completed in that time.
8225. *By Mr. Stewart*: About three months? About three months. But the whole of the drawings were finished at that time.
8226. *By Mr. Dalgleish*: Was the line let in one length? No.
8227. Were both lengths let at the same time? No. Then with reference to “2322. Were any of these plans that you made, or the survey made by Mr. Brady, acted upon by Mr. Whitton’s staff?—All the plans of trial surveys that were in the office have been acted upon; they have been a key to all the present surveys. In the case of the Southern line, I believe Mr. Brady’s line has been adopted till they come to Picton. I do not believe that if a tracing were taken off Mr. Brady’s line and laid on the present line, you would scarcely perceive the thickness of the line out anywhere; but when it gets to Picton Mr. Brady’s line goes towards the east, while that of the present staff turns towards the west. Mr. Brady’s route would have dispensed with the tunnel altogether.”
8228. Have you the tracings of the two lines? Yes.
8229. Are they here? I do not know that they are; I believe all the plans have been sent up here. What I wish to say is, that the line as constructed is entirely different from Mr. Brady’s line; the two lines scarcely come together anywhere; and no trial surveys made by Mr. Brady have been acted upon anywhere.
8230. *By the Chairman*: Would the line surveyed by Mr. Brady have carried the railway above flood levels between Campbelltown and Liverpool? If the Committee will allow me, I will come to that very shortly.
8231. *By Mr. Dalgleish*: Will you explain the following question:—“2323. But they abandoned the drawings?—Yes, they did, but could not with the plan and section; those being proclaimed, they were bound to act upon them.” Is that the case? Yes.
8232. Then the line could not have varied a very great deal, I presume? The Campbelltown line did not vary; it had been surveyed, and working plans and sections had been prepared, and having been proclaimed, it was not considered advisable to make any alteration in it.
8233. Did you do away with the drawings for bridges that had laminated arches, as stated? Yes, I did, but not at all for the reason suggested in this evidence; I did away with them simply because I thought them more expensive than necessary, and had they been constructed, they would have been much lower with regard to the floods than the bridges put up, and their destruction would have been inevitable. They had 50-feet spans, the arches springing very low down in the creek, and would have been washed away if they had been put up. I did not do away with them because I considered them “old-fashioned.”
8234. Are you using them now at Singleton? Yes.
8235. For the Singleton Bridge? Yes.
8236. Was not the late flood at Singleton above the spring of the arch? Up to the springing of the arch.

J. Whitton, Esq. 8237. Was it not above it? I think not.  
 8238. The contractor told me it was? It may have been; but I intend to raise the bridge 6 feet.\*  
 10 Mar., 1864. 8239. I am informed by residents in the neighbourhood that it is several feet below flood level? It is not, so far as I am informed; but I am going to raise it 6 feet† higher. The floods there have been very high, and with a very strong current—such a current has not been seen before. I will now refer to the questions numbered from 2328 to 2343, and also from 2353 to 2362, which all have reference to the same subject. After the very high character which Mr. Trengrouse has here given of Mr. Brady, the Committee will probably be rather surprised to learn that Mr. Brady did not resign his appointment with the Commissioners, but was summarily dismissed, for signing false certificates for Mr. Randle, by which Mr. Randle received thousands upon thousands of pounds from the Commissioners, on these certificates, not one penny of which he was entitled to; and that must have been within the knowledge of Mr. Trengrouse at the time he made this statement to the Committee. The matter was one of considerable notoriety at the time, and there are Parliamentary Papers with reference to it. I have the whole correspondence here, but there is one letter which perhaps the Committee will allow me to read.  
 8240. Has it been printed? No, this is correspondence which has never been before Parliament; but there is one paper (a letter from Capt. Martindale to the Under Secretary for Lands and Public Works, dated 6th January, 1859) which has been laid before Parliament and printed, and which shews that in four cuttings on the Sydney and Parramatta Railway, Mr. Randle was paid £9,097 6s. 3d. for work which he never did. The letter I wish to read is as follows:—

*“ Railway Department,  
 “ Sydney, 23 November, 1857.*

“ Sir,

“ Shortly after assuming the direction of the Railway Department in this Colony, I found that there was not that cordial co-operation existing between the Engineer-in-Chief, Mr. Whitton, and one of his subordinates, Mr. Brady, that is necessary in every branch of the public service.

“ Mr. Brady was at the time General Manager and Locomotive Superintendent as well as resident Engineer on the Great Southern Line; and as the matter was not so urgent as others that pressed upon my attention, I allowed it to stand over for a time.

“ When, however, I commenced an examination into the condition of the Traffic Department, I found that Mr. Brady’s services, in the mixed capacity above named, were unnecessary, and I had reason also to be dissatisfied with the management. The Commissioners, on my recommendation, removed him; but in consideration of his past services and of his experience and ability, determined to employ him as an assistant engineer only.

“ To do this it was necessary to place Mr. Brady under the immediate orders of Mr. Whitton, as the Commissioners held the head of each branch of the department immediately responsible to themselves for the proper conduct and employment of all their subordinates.

“ I found, however, that Mr. Whitton was unwilling to be thus responsible for Mr. Brady, and on further inquiry learned that, from an examination of some of the railway accounts, Mr. Whitton felt unable to place the necessary trust in Mr. Brady.

“ It was impossible to continue to employ Mr. Brady without such an investigation as should shew how far this feeling was just; and some questions were therefore put to Mr. Brady on the 22nd September last, in reference to the accounts of the Sydney and Parramatta Railway, the replies to which were not satisfactory.

“ The inquiry has since been pursued, and the general result is as follows:—

“ 1st. The earth-work on the Sydney and Parramatta line was let at per cubic yard.

“ 2nd. The work done was never measured on the ground, to ascertain the quantity that should be paid for.

“ 3rd. Yet certificates were given to the Board that the accounts were made out from actual measurement.

“ 4th. In defence of this Mr. Brady alleges that, by the expression ‘actual measurement’ was meant measurement from drawings; that Mr. Wallace by personal examination satisfied himself the work charged in the accounts was done, and that though he (Mr. Brady) was entrusted with the compilation of accounts and signed them with Mr. Wallace, yet he was only a subordinate and cannot be held responsible.

“ The Commissioners are of opinion that actual measurement cannot be understood to mean measurement from plans and sections, as stated by Mr. Brady, and that the engineers could not properly satisfy themselves what amount of work should be paid for, without measurement.

“ It further appears that, for bridges and culverts, &c., the contractor made an estimate in detail of the quantity of the work to be done, and after adding one-tenth for contingencies, agreed to do each particular service for the total amount.

“ But it does not appear that any measurements were taken to ascertain that the amount of work shewn in drawings and in estimates was done, or to deduct a proportionate sum from the contractor in cases where it was not done, although additions were allowed where additional work was done.

“ Generally

\* Revised:—3 feet 9 inches.

† Revised:—3 feet 9 inches.

" Generally it appears that the amount of the original tenders was paid, and that there are no records of measurement having been taken to ascertain if the work had been actually done. J. Whitton, Esq.

" Mr. Brady states in explanation, that Mr. Wallace satisfied himself the work was done, and then felt justified in certifying the accounts were made from actual measurement. 10 Mar., 1864.

" The explanation is not satisfactory to the Commissioners, and they have no means of ascertaining how far Mr. Brady and Mr. Wallace were justified in the course they pursued.

" They have therefore to request that the late Directors of the Sydney and Parramatta Railway Company may be called on to furnish a reply to the following questions:—

" Were the Directors aware that by 'actual measurement,' their engineers simply meant measurement from drawings; or were the certificates passed under the impression that the work had been actually measured?

" Had the Directors any understanding with the engineers, that, provided they were satisfied with the work, it was a matter of indifference whether the quantity contracted for was done or not; or did the Directors give the engineer power to commute one description of work for another, at prices to be arranged between contractor and engineer—as less excavation in rock, to be paid for in place of more in soil, &c., &c., and *vice versa*—and that the amount of the original tender, or shewn on the original drawing, might be certified for and paid?

" How far would the Directors consider Mr. Brady responsible for the accounts he compiled and certified to during Mr. Wallace's stay in the country?

" There is reason to apprehend that large sums have been paid to Mr. Randle under these circumstances, which he would never had obtained under a more efficient system; and it becomes a question whether, however laborious the task may be, the work on the Sydney Railway should not be remeasured, to see what this excess has been.

" I have, &c.,

" B. H. MARTINDALE,

" Chief Commissioner."

" Request the Chief Commissioner to have the work on the Sydney Railway remeasured forthwith, and write to the late Directors, requesting answer to the questions suggested.—T.A.M. 28 Nov., 1857."

8241. *By the Chairman*: Who was in charge of this work at the time it was executed? Mr. Wallace and Mr. Brady.

8242. Mr. Wallace was Engineer-in-Chief? Yes.

8243. Who measured this work? It seems no one measured it.

8244. Who certified? Mr. Brady and Mr. Wallace. Mr. Brady furnished the accounts as District Engineer, and Mr. Wallace signed them. Whether Mr. Wallace was aware the works had not been measured I cannot say.

8245. Was there a general estimate, with the number of yards in each cutting, marked in the plans? The quantities on the sections were taken out from the drawings. The quantities paid for were the quantities copied from the drawings, but the works were never measured to shew that the work had been done. The line was kept up in some places as much as 4 ft. 6 in. in the cuttings more than it ought to have been, and paid for as if it had been taken out. I am very sorry to have been obliged to refer to this matter, but I could not avoid doing so, after the manner in which Mr. Trengrouse has spoken of what he supposes to have been my feelings towards Mr. Brady.

8246. The only error of Mr. Brady was in taking the quantities from the drawings instead of from actual measurement? The error was that his certificates were signed as having been compiled from actual measurement, when no measurements were in reality taken.

8247. *By Mr. Dalgleish*: Then there appears to have been collusion on the part of Mr. Brady, in allowing the contractor to keep the line higher than the sections shewed? I do not say it was collusion; I say he never took any steps to ascertain whether the work had been done; whether or not he knew it had not been done I cannot say.

8248. If he had attended to his duty must he not have known it? Certainly he must. The works were never measured from beginning to end.

8249. *By the Chairman*: But the quantities were paid for as they appeared upon the drawings? Yes.

8250. *By Mr. Dalgleish*: Whether done or not? Yes. The way in which I discovered this matter was this: I had heard a great many reports as to different matters that had taken place between Mr. Randle and Mr. Wallace—whether they were true or not I did not know—but, as Mr. Brady was to be placed under me in the Railway Department, I turned to the Railway accounts, and immediately saw that the quantities shewn on the sections of all the cuttings were copied exactly into the certificates, and I then knew the certificates must be false, because it is impossible to measure cuttings of this kind to within a yard.

8251. Who measured up these works afterwards? Mr. Micklethwait.

8252. Was Mr. Micklethwait at that time perfectly sober in his habits? I never saw Mr. Micklethwait intoxicated in my life, nor do I believe Mr. Micklethwait has ever drunk one-tenth as much as those men some of whom have come forward to give evidence against him. There is another letter in this correspondence, stating that a letter was forwarded from the Office of Lands and Works to the late Directors of the Sydney Railway Company, enclosing a copy of the questions contained in Capt. Martindale's letter (which I have just read), with a request that they would have the goodness to furnish answers thereto. This is their letter in reply:—

" Forbes-street,

J. Whitton,  
Esq.

10 Mar., 1864.

"Forbes-street,  
"19 December, 1857.

"Sir,

"I have the honor to acknowledge the receipt of your letter of the 30th ult., requesting replies to certain questions which have arisen in connection with an investigation into the accounts of the Sydney and Parramatta Railway.

"On the receipt of that letter, I communicated with those of my colleagues on the late Railway Board who were in Sydney, and went with them to the office of the Railway Commission, to ascertain the precise meaning of some of the questions which were not clearly understood. Having obtained the required explanations, and having referred to the documents deposited in that office, I beg now to send the following replies:—

"1. The Directors understood by measurement 'actual measurement on the ground,' and the certificates were passed by them under the belief that the works had been so measured.

"The Directors had no understanding with the engineers, that provided they were satisfied with the work, it was a matter of indifference whether the quantity contracted for was done or not; nor did the Directors give the engineer power to commute one description of work for another, at prices to be arranged between the contractor and the engineer. The Directors expected and understood that no work would be certified for but such as had been done in accordance with the contracts approved and authorized by the Board.

"The Directors recognized no divided responsibility as respects the works or accounts of work, but their dependence was placed on the Engineer-in-Chief (Mr. Wallace) alone. He was held answerable for everything connected with the business of his office, and his certificate only was acted upon or received by the Board. But, as a subordinate officer, Mr. Brady is undoubtedly responsible for the correctness of his own work, and must thus be answerable for accounts compiled and certified to by himself, whilst acting under Mr. Wallace.

"I have, &c.,

"FRANCIS L. S. MEREWETHER.

"The Honorable

"The Secretary for Lands  
"and Public Works."

"This may be forwarded to the Chief Commissioner of Railways.—B.C., 22 Dec., 1857. M.F.

"I regret to have to record my opinion that Mr. Brady's services ought to be dispensed with after the 31st instant. I should be glad to discuss the further steps to be taken in this matter with Capt. Ward.—B.H.M.—28/12.

"Agreed to.—I would read Mr. Merewether's reply to Mr. Brady, and inform him that, as under, that the Commissioners cannot place any confidence in him, they must dispense with his services from 1st proximo.—E.W.W.—28/12."

Then there is a letter from Mr. Rae, as Secretary to the Commissioners, informing Mr. Brady that, in consequence of the recent investigation, they would have no further occasion for his services after the 31st December, 1857. Mr. Brady wrote in reply as follows:—

"Sydney, 6 January, 1858.

"Gentlemen,

"Having been abruptly discharged from the Railway Department, and being compelled, in consequence, to leave this Colony for Melbourne, in pursuit of professional employment, I beg most respectfully to request that you will be pleased to submit to the Government my claim for three months salary, as a compensation for such dismissal.

"By an agreement entered into between myself and the Honorable Charles Cowper, Esq., the Chairman and Managing Director of the then Railway Board, it was expressly stipulated that my engagement, after the expiration of one year, should be terminable only upon three months notice on either side. (See letter from Railway Office, Sydney, dated 14 September, 1852.)

"Without dwelling on the suddenness of the dismissal, I beg confidently to submit and base my claim on the Government upon equitable grounds as well as upon this express agreement, and on either ground I respectfully submit my claim to consideration and compensation.

"I beg that any replies to this communication may be addressed to me, under cover, to Adam Wilson, Esq., Official Assignee, Exchange Corner, Sydney.

"I have, &c.,

"JOSEPH BRADY.

"The Commissioners

"for Railways."

"Refer to Solicitor; but the Commissioners are of opinion Mr. Brady is not entitled to any compensation, having been dismissed for improper conduct.—B.H.M.—7/1.

"8/1.—To Mr. Barker.—J. R.

"I am of the same opinion.—WM. BARKER."

After this correspondence, and after the whole of this matter must have been in the full possession of Mr. Trengrouse, I cannot see how the Committee can place any further reliance upon his statements.

8253. Do you know this was within Mr. Trengrouse's knowledge? There cannot be a doubt that Mr. Trengrouse must have been perfectly cognizant of all this.

8254. Were all these matters made public? So far public that they were in the newspapers.

8255. This correspondence? Not the correspondence; but the document laid upon the Table of the Assembly was published in the newspapers.

8256. Was his dismissal published? No, it has not been printed.

8257. How could Mr. Trengrouse know it? I have not a shadow of a doubt he knew it.

8258. Considering what took place in reference to this matter, do you think Mr. Randle ought to be employed again by your department? I do not employ Mr. Randle; it is not in my power to employ him or not employ him. 8259.

8259. *By the Chairman*: Mr. Randle has been employed since? He has, but not by me. J. Whitton, Esq.  
 8260. Who do you think was most to blame, Mr. Wallace or Mr. Brady? Well, it is difficult for me to say. If Mr. Wallace was aware these works were not measured up, of course he was to blame; but there can be no question they were both to blame. This at all events was a public document; it was laid upon the Table of the House and printed. Perhaps I may read it. 10 Mar., 1864.

“ SYDNEY AND PARRAMATTA RAILWAY.

“ *The Chief Commissioner for Railways to the Under Secretary for Lands and Public Works.*

“ *Railway Branch,*  
 “ *Department of Internal Communication,*  
 “ *Sydney, 6 January, 1859.*

“ Sir,

“ With reference to B.C. minute of the 11th ultimo, on the subject of certain “ frauds represented to the Secretary for Lands and Public Works as having been traced in “ the formation of the Railway from Sydney to Parramatta, I have the honor to report that, “ from measurements of four cuttings, the results of which are appended, it appears that, “ taking the price paid for earth-work at 3s. 9d. per cubic yard, as fixed by the Board “ minute of the 28th December, 1853, a sum of £9,097 6s. must have been paid to the “ contractor for 48,519 cubic yards of excavation not actually performed.

“ There can be little doubt but that a further investigation would lead to the “ discovery of further discrepancies between the amount of work performed and the amount “ paid for.

“ I have, &c.,

“ B. H. MARTINDALE.

No. of Cutting.	Quantity actually excavated.	Quantity paid for on Engineer's Certificate.	Quantity paid for in excess of quantity actually excavated.
	c. yds.	c. yds.	c. yds.
9	8,050	9,984	1,934
10	13,837	17,444	3,607
15	41,282	58,314	17,032
19	64,854	90,800	25,946
	128,023	176,542	48,519

“ 48,519 c. yds. @ 3s. 9d. = £9,097 6s. 3d.”

That paper was laid on the Table of the Assembly, and was printed in the newspapers of the Colony. Whether Mr. Trengrouse knew of these things or not—and there cannot be a shadow of a doubt he did—before he came here and said I appointed spies over Mr. Brady (which is totally and utterly untrue), and that I tried to bring charges against Mr. Brady, and could prove nothing whatever, he should have taken some trouble to ascertain whether his statements were true or false. My own impression is quite clear on the subject. I have not read the whole of these papers, but I have no objection to their being printed if the Committee wish it. (*Papers handed in.*)

8261. *By Mr. Tighe*: From his answers to questions 2355 and following questions, Mr. Trengrouse does seem to have had some knowledge of this? Yes, there cannot be a doubt the whole of this was within his knowledge; he must have known of this parliamentary paper, which was published in the newspapers of the Colony. Therefore, if Mr. Trengrouse will come here, and deliberately tell the Committee untruths with respect to this matter, I cannot see what confidence the Committee can place in any further statements made by him. With reference to question 2337—“ Are there any of his drawings in the office “ now?—Several; some of the best drawings in the office are his; the drawing of the “ viaduct across Long Cove, just beyond Petersham, in particular was very beautifully “ executed.” To shew how *very carefully* the drawings have been prepared for the Long Cove Viaduct, the whole of the internal spandrels were omitted, and after the line was laid and ballasted, they found the pressure of the ballast forced out the outside spandrels, and they had the road to take up and all the spandrel walls to build, at a cost to the Commissioners of £959 9s. 3d. If Mr. Brady had been such an efficient draughtsman as Mr. Trengrouse says he was, he certainly should have known that all viaducts should have internal spandrel walls, and that if they are not put in, the outside ones must be forced out. I do not think this shews his great efficiency in making drawings.

8262. *By the Chairman*: Mr. Trengrouse says they were “ beautifully executed ”? There was nothing beautiful about them.

8263. Was there any defect? The defect was in omitting the spandrel walls.

8264. *By Mr. Dalgleish*: Were they omitted in the drawings? They were not built, and he superintended the works.

8265. *By the Chairman*: Were they in the drawings? I will not speak positively, but the drawings are here I think. I believe they are omitted. At all events the fact is, they were not built. I beg pardon;—here is a memorandum from Mr. Wallace, for the Chief Commissioner, which says, “ these walls were not originally shewn on the plan, nor were they thought necessary.” Perhaps I had better read the whole—both the memorandum of the Chief Commissioner and Mr. Wallace.

" *Additions to Long Cove Viaduct,—£959 9s. 3d.*

J. Whitton,  
Esq.  
10 Mar., 1864.

" THE Commissioners request that the Engineer-in-Chief will explain, for their information, the particulars of the above item, in the measurement up to the 31st December. The Long Cove Viaduct is entered as a finished work, and the total amount of the contract for its completion carried out; the Commissioners therefore do not understand why they are called upon to pay the additional sum. Mr. Wallace will remember that when certain works were in progress at the viaduct, after the line was opened, and to which this charge appears to have reference, he gave the Commissioners to understand that they were being executed at the cost of the contractor.

" GOTHER K. MANN,  
" 9th Feb., 1856."

" *Memorandum for Chief Commissioner, 12th Feb., 1856.*

" ADDITIONS TO LONG COVE VIADUCT.

" THE particulars of the expenditure of the £959 9s. 3d. are as follows:—

	" £	s.	d.
" Rubble in internal spandrel walls, 8,680 feet, @ 2s. ...	868	0	0
" Wrought iron in tie rods, 2,439 lbs., @ 9d. ...	91	9	3
	£959	9	3

" These walls were not originally shewn in the plan, nor were they thought necessary; it was found, however, that during the excessively heavy rains, the large amount of water taken in by the mass of ballast, caused a pressure upon the outer spandrels, which endangered their safety; and in order to guard against accident, I ordered the inner spandrels to be built and tied together, thus taking the pressure off the outer spandrels or face-walls.

" I perfectly recollect that when the longitudinal and cross timbers were being laid down by the contractor, I told the Commissioners that it was done at his own expense. No allowance has been made for this portion of the work in Mr. Randle's accounts.

" JAMES WALLACE.  
" 11th Feb., 1856."

8266. *By Mr. Dalgleish*: What has this to do with the statement made by Mr. Trengrouse; Mr. Trengrouse says only that this plan was beautifully executed? It simply shews that it was very improperly executed.

8267. The question I ask is this: What has your explanation to do with the execution of the drawings—the drawing is only a general elevation I presume; now is it possible to shew spandrel walls in a general elevation? I am not prepared to adopt that statement at all, that it is only a general elevation.

8268. Mr. Trengrouse says, "the drawing of the viaduct across Long Cove in particular, was very beautifully executed"—now the drawing of the viaduct is only the general plan? It is the whole of the details of the plan. I should never look upon a drawing as being beautifully executed if I found that drawing incorrect.

8269. Mr. Trengrouse seems to be speaking of it merely as a specimen of skill in execution—that this drawing is a piece of beautifully-executed work? There is nothing very beautifully-executed about it; but I have thought it necessary to refer to this, because it is more with reference to Mr. Brady's general ability that Mr. Trengrouse is speaking, and I simply want to point out that the plans for this viaduct, of which Mr. Trengrouse speaks so highly, were inaccurate.

8270. *By Mr. Morris*: From question 2331 it is evident his intention was to shew that Mr. Brady was "superior to Mr. Whitton as a professional man"? That is evidently the whole intention of his statements:—"2341. Do you think Mr. Brady was aware of this?—He was, because Richardson, as soon as he was told to do this, went and told Mr. Brady what his instructions were; he told him he was directed to watch everything he did; Mr. Brady said, 'All you have to do, Richardson, is to be sure and give a faithful return of everything you see me do.'" The thing is utterly and totally untrue. It is utterly contemptible to speak of my appointing a spy over anybody; and as to my having given Richardson instructions of this kind, it is utterly false. I never gave any such instructions either to him or to any other person, nor have I ever received a private document of any sort from any official on the works.

8271. *By the Chairman*: If you refer to question 2342, you will see I asked Mr. Trengrouse whether Richardson told him this, and he said yes? I do not think that improves the matter at all. He gives that as his authority. Well, who is Richardson? A man dismissed from the Railway Department; and indeed it is somewhat remarkable that every man you find giving evidence against the department is a man who has been dismissed from it, or who has been disappointed in getting some appointment or advantage he expected to get.

8272. *By Mr. Dalgleish*: Is Mr. Robertson in that category? He was recommended for dismissal by me.

8273. *By the Chairman*: In your own evidence you said he was a very fine young man? So I did, but still Mr. Robertson has made statements that are untrue.

8274. *By Mr. Dalgleish*: He had given information before his dismissal. You say every man who has given evidence against the department has been either dismissed or disappointed;—has Mr. Robertson been either dismissed or disappointed? No doubt he has, and his information has been given since he was dismissed.

8275. *By the Chairman*: He gave evidence before Mr. Arnold and Mr. Moody, previous to his being recommended for dismissal? All his statements were made after he was suspended. J. Whitton, Esq.
8276. *By Mr. Dalgleish*: Mr. Gardiner made his statements to me before he was dismissed or suspended, and so did Mr. Doherty? Still they have all been here giving evidence since. 10 Mar., 1864.
8277. These statements were all made in the House before they were suspended? It is possible they may have been.
8278. *By the Chairman*: The evidence they have given here is only corroborative of what they have given before? It is only corroborated by themselves. Here is a question by Mr. Stewart:—"2344. *By Mr. Stewart*: Was the viaduct you have just alluded to, made before Mr. Whitton came to the Colony?—Yes, the Parramatta line was completed and opened before Mr. Whitton came, and also the line to Liverpool. 2345. You have heard no complaint of that viaduct?—Of course bricks were not made twelve years ago like they are now, and I believe since Mr. Whitton came out a few of the bricks had crumbled away. Mr. Whitton I believe had two timber longitudinals laid over the viaduct on which the rails rested." Now I may inform the Committee that a more scandalous piece of work than the Long Cove Viaduct was never carried out in any country; and as Mr. Brady had the superintendence of that, I do not know how far Mr. Trengrouse's recommendation may assist him to any further employment. It has been with the greatest difficulty we have kept it together. We have had the pieces bolted up.
8279. *By Mr. Dalgleish*: Is it at the present moment unsafe? It is very carefully watched, and I do not see how any accident could occur without its shewing some symptoms beforehand. The whole of the piers were nearly all filled up only with rubbish, but I have had nearly all the joints raked out and poured liquid cement into them.
8280. *By the Chairman*: They are buckled with timber, are they not? They have cracked considerably, and are bolted now with timbers. "2359. Can you form any idea of the cost of this survey to the Government?—I think it must have taken some three or four months, and that must have cost £300 or £400." Mr. Trengrouse no doubt wished to give the impression that the enmity he says I shewed towards Mr. Brady had caused me to recommend the Commissioners to make this survey, and that not only was I unable to prove anything against Mr. Brady, but that I have thrown away £300 or £400 in making a useless survey —
8281. *By Mr. Morris*: Is the answer to question 2360 true:—"Do you think Mr. Whitton has many of these persons on the lines to give him this secret information?—There is one on every line. 2361. Is he an officer favoured by Mr. Whitton?—Yes, none can give him greater satisfaction than those who make complaints." That statement is utterly false. There is no inspector on any line—no district engineer on any line—that ever furnished me with any private information of any kind or sort, nor would I receive it. Every document received from them is in the office, and may be seen by any person at any time.
2362. Do you think this spy system was the cause of Mr. Brady resigning?—I think it was one of the causes, but he was otherwise ill-used; for instance, after being in the service so long, and having been Engineer-in-Chief, he was given Pitt-street to survey, and to take the cross sections for the tramway; that would be rather degrading when there were so many in the office who should have done this work instead of him. Notwithstanding, he did it, and in a very short space of time; I think he did the whole in a fortnight; he made the survey, cross sections, and plotted it. I know he astonished them in the office." All that is untrue. Mr. Brady never made a survey for the Pitt-street Tramway. He copied the plan from the Corporation map, and took the levels of Pitt-street; but not under my direction, because, finding out what I did with reference to Mr. Brady and the Sydney Railway accounts, I would not notice him nor give him any instructions. The instructions for the Pitt-street Tramway were given by Captain Martindale—it was no scheme of mine at all. I never gave him any orders respecting it. I would not notice him, nor did I from the time I found out what I did about the Sydney Railway accounts.
8282. *By Mr. Dalgleish*: Have you the plan and section for this line? They are in the office.
8283. Will you send them? Yes.
8284. *By the Chairman*: Was this plan executed by Mr. Brady? The plan was drawn by Mr. Brady from the Corporation map.
8285. *By Mr. Tighe*: Was this after he was discharged? No, it was pending the inquiry; but as I knew the facts about the Railway accounts for six or eight months before the matter was taken up by the Commissioners, I refused to recognize Mr. Brady at all.
8286. *By the Chairman*: Will you look at question 2364:—"What salary was Mr. Brady receiving at the time he was surveying Pitt-street for the tramway?—£750, and Mr. Mason was getting £700. The £50 was taken off Mr. Brady's salary, I believe, so that he should not be above Mr. Mason." Do you know whether that is true? I am not positive, but I think it very likely Mr. Brady was receiving £750. I do not remember that anything was taken off Mr. Brady's salary, but I could ascertain. Mr. Trengrouse speaks of the other assistants in the office as being not very quick at their duty, and says that Mr. Brady did this work on the tramway in a fortnight, by getting up early in the morning and so on. Now all the work Mr. Brady did was taking the levels, which would be only work for one day.
8287. *By Mr. Dalgleish*: What is the length of the tramway? I think it is over two miles. Then, as to the accident on the Sydney and Parramatta Railway alluded to in the following question:—"2371. Do you know whether this gentleman, Mr. Richardson, reported the dangerous state of the line at this particular place?—I have heard it stated that he made this report to Mr. Whitton, I think, two or three times, and it was taken no notice of, and at the same time, he said that if it was not paid attention to an accident must occur at that spot. I think it was on account of the sudden change of the curve, and also the line
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“not being sufficiently raised on the outer rail—not giving the proper slope for the equilibrium of the carriages and train”? That statement of Mr. Trengrouse’s is utterly false. In the first place, the accident did not occur on a curve at all, but on a perfectly straight line; therefore it was not in consequence of the outer rail not being sufficiently raised. And as to Richardson coming to me, it is utterly absurd—Richardson was a sub-inspector, and he dare not have come to me; if he had any report to make, he must have made it through the officer above him; nor did he, as a matter of fact, ever come to me. There is not a shadow of truth in these statements about Richardson. Richardson never suggested anything of the kind to me, nor ever came near me for any such purpose. And if he had done so, how did it happen that he did not inform the Committees that made inquiry about the accident, that he had warned me. The truth is I had not spoken to him for four months before the accident, nor have I ever spoken to him since.

8288. *By Mr. Morris:* You remember at the time the Committees were sitting with regard to this accident, they were not at all satisfied with the explanations given with regard to the repairs made, without your knowledge or the knowledge of the Commissioners, in the neighbourhood of the place where the accident occurred? With reference to that, I simply wish to say that Professor Pell wrote to me with reference to these repairs of the line, and my reply to him was, that before the line had been touched by any one I had seen it, and carefully examined it, and was satisfied there was nothing in the condition of the permanent way to cause the accident.

8289. *By the Chairman:* There was a Commission appointed, and also a Committee? Yes, a Committee of the Assembly and a special Commission.

8290. Were these repairs made before the Committee of the Assembly viewed the line? Yes; the repairs of the line are going on daily.

8291. *By Mr. Dalgleish:* Are you sure there were no repairs done to it before you saw it? They told me not. I went up immediately after the accident. No repairs could have been done to it, I feel satisfied.

8292. *By the Chairman:* You know there is evidence to shew that there were? I think you cannot shew me any evidence which states that the line was repaired before I saw it.

8293. *By Mr. Dalgleish:* Will you look at 2374 and 2375:—“2374. Do you know anything about a Mr. Morgan on the line?—Yes, he was one of the men from England. 2375. Do you know anything about his taking a gang of men, and altering, at night, this portion of the line, after the accident?—He did, I believe, take a gang of men there, but as to the time I do not know; I heard the object was to prevent any one ascertaining the direct cause of the accident.” Is that true? If the line was altered at night, as stated, after the accident, it must have been altered after I saw it, because I went up on an engine with Mr. Martin, the present Premier, and Capt. Martindale, and we saw it immediately after the accident.

8294. How long would it take to take a jump out of the line? It would take a very short time to do it; but still there would be some evidence that men were employed to do it—it could not have been kept secret.

8295. Will you just say how long it would take to do it? Half an hour or an hour for an ordinary slack. At all events, if it had been done there must have been some one who saw it done:—“2380. Did you ever hear that this man Richardson was requested to make some statement that was not in accordance with facts, with reference to the accident? He was dismissed, I believe, for what he did say, but he has stated that had he told what he was requested to say by Mr. Whitton he would not have been dismissed. It was put in that way to him—that he was to make some excuse for it that should not reflect upon Mr. Whitton; he was to talk the matter away—give some other reason for it.” Nothing can be more infamous than a statement of that kind. If I had asked Richardson such a thing, would he not have told the Committee after he was suspended. The thing is utterly absurd, and not only that, but it is much worse. Of course it is only a suggestion of mine; but I think it would be a very good thing if evidence could be taken on oath before such Committees as this, and some severe punishment awarded to those who come here and make false statements. It would put an end to this if that were the case.

8296. I presume you would not have made some of your statements quite so strongly in that case? I presume I should.

8297. With regard to Mr. Robertson being only temporarily employed, for instance? I find I am perfectly correct about that. He was appointed originally as a temporary appointment, and liable to dismissal without notice.

8298. That is not the way in which the matter appears on the minute? Mr. Arnold’s minute says Mr. Robertson’s engagement is to be only temporary, and liable to be cancelled without notice.

8299. *By the Chairman:* And then with respect to your statement that he was only engaged on tracings—it appears he has been engaged on the best drawings in the department? He has been employed on tracings whenever there were any tracings to do, the same as others. Then in answer to question 2383, there is a statement by Mr. Trengrouse to this effect:—“I think I should, now that we are speaking of Mr. Brady, state to you what has been said of Mr. Brady by Mr. Whitton—that he would never rest until he had got Mr. Brady out of the Railway Office, and he swore he would never leave him till he had bounded him out of the Colony.” I have only to say it is utterly untrue. I think the documentary evidence I have produced here to-day shews that I had a very different feeling from that, and a much better reason at all events. There are a great many things in this evidence that I could remark on, but it is really not worth my while to refer to them. I pass on to “2397. Did not some of these gentlemen have an idea of constructing the railway fences out of sawn timber—sawn posts and rails—all through the country?—I believe the first specification “that



"that was drawn out was so worded—that all the timber was to be of sawn stuff, both posts and rails." Now there is a copy of the first specification drawn here, so far as my knowledge serves me, in Mr. Trengrouse's own handwriting, and there is no sawn stuff mentioned in it. In England it is all sawn timber; and I do not think there would be anything very serious in it even if it had been so. "2401. Do you know any person in the department who knows anything of the qualities of our colonial timber?—I cannot speak as to that question. Of course they have tables of the different strengths and qualities of timber, because that was got out for them by Capt. Ward; but whether they can go out into the bush and select timber I do not know." Well, I can only say they were not got out at all by Capt. Ward for me, but for himself, and were published.

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8300. You took the strengths from those published by Capt. Ward? Yes.

8301. Then the only objection you have to that answer is to the words "for them"? Yes.

8302. *By Mr. Dalgleish*: The fair inference from the answer is that they were got out by Capt. Ward, because it could not be done by "them"? It is.

8303. The method of obtaining the strengths of timber is very simple? Very simple. Mr. Trengrouse says a good deal about the drawings of the Menangle Bridge—how many sets were prepared, and how many sketches for the bridges—and he states at last that the total cost as he made it out, was about £1,100 for labour paid for making the drawings. (See 2427). I have had the time taken out of all the persons employed upon it, and I find the total cost was £350 or 8s. 10d. per cent. on the cost. The first set was made for a low level, which we supposed would have been sufficient; then drawings were made for an iron bridge, and afterwards for a timber bridge. A good deal has been said about the delay, because Mr. Rhodes could not get the drawings. It was for this reason: Immediately after Mr. Rhodes had taken the contract, he insisted upon having the drawings for the Menangle Bridge. As I knew he did not want these drawings, I knew he must have some other motive beyond the mere desire to push on the work, and therefore I withheld the drawings. At a meeting which took place between Mr. Cowper, Mr. Robertson, Mr. Want, Mr. Flood, Mr. Rhodes, and myself, Mr. Rhodes then stated that his intention was to charge 6½d. a pound for the iron-work of the bridge, and it turned out that that was the sole reason why he insisted on having the drawings. I kept them back simply because I believed that to be his intention, as that would have made the iron-work cost £60 a ton instead of £29, which would have made a difference in the cost of the bridge of about £30,000. Afterwards, when Mr. Rhodes refused to go on with the Menangle Bridge unless he was paid at the rate of 6½d. a pound for the iron-work, I made drawings for a timber bridge, well knowing he would never build it, because his price for timber was only 5s. per cubic foot, and he could not build it for less than 8s. or 9s. I knew, therefore, that he would soon come to reasonable terms, and he did.

8304. He had a good price for brick-work? He had.

8305. Something like £35 a rod? I think about £3 a yard.

8306. *By Mr. Dalgleish*: What do you get brick-work done at now? I think we have had it done ourselves at £1 16s., and we are paying from about £2 5s. to £2 12s. While on this subject, I may inform the Committee it has come to my knowledge that, in Victoria, the contractors got hold of their drawings in the way Mr. Rhodes wished to do, and in some instances the Government have had to pay £80 a ton for wrought iron work. Resuming the subject of Mr. Trengrouse's evidence, it would be utterly impossible for me, in a week almost, to go through the whole of it and notice every incorrect or false statement, and therefore I do not think I will trouble the Committee with all of them, but I will select a few. There is one statement here, with reference to Mr. Drewett, which I will notice:—"2470. Have you seen him the worse for drink?—Yes, I have." Of course I cannot deny that Mr. Trengrouse may have seen him so, but I can state that I do not believe anything of the kind. Mr. Drewett is a most abstemious man in every respect; scarcely a day passes that he is not with me, and I never saw anything of the kind.

8307. Of course you know you cannot deny anything of this kind? I can state my experience of Mr. Drewett, in opposition to that of Mr. Trengrouse. I simply want to say that, so far as I know Mr. Drewett, I think him utterly incapable of allowing himself to become the worse for drink. I see him two or three times a day, and I never saw anything of the kind, nor do I think it at all likely he ever could have been in that state.

8308. You are absent in the country at times for two or three weeks together? Yes.

8309. And of course you could not answer for what might have occurred in your absence? No, I simply wish to say I never saw anything of the kind, nor do I think it at all likely it occurred. The next point I shall notice is with reference to the plans for the Campbelltown line, commencing at 2492, which question refers to the bridges with laminated arches.

"2492. Do you know of anything that would make them suitable for the Singleton line and not for the Campbelltown line?—Nothing at all, but it is not customary for one engineer to have anything to do with the drawings of another. In this case the line had been proclaimed, and could not be interfered with, but the section was deviated from; they reduced the height of the embankments. 2493. The section taken by Mr. Brady?—Yes; and from the fact of doing so—I suppose to reduce the cost—the line became inundated.

"2494. If Mr. Brady's original section had been carried out, the line would have been raised above flood level?—I do not believe the water would ever have reached it, because he had considerable experience in the Colony, and knew the nature of the floods. 2495. Was the Campbelltown line the first that Mr. Whitton and his staff commenced on in the Colony?—Yes. 2496. Have you ever heard what this mistake of Mr. Whitton's cost the country—altering the section?—I have heard it stated that it cost something like £20,000, because a large portion of the embankment was washed away; they had to construct several open viaducts; beside that, as the traffic was not stopped, they had to make a temporary road. 2497. If Mr. Brady's original plan had been carried out, that would not

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- “ have been required?—I believe not.” I simply wish to state that where the bridges were washed away, Mr. Brady’s levels were adopted. I do not think there is more than a few inches difference in the levels, and I believe the difference is in favour of my section. The only alterations made in the Campbelltown line were in the designs for the bridges, together with some trifling variations in gradients. There was no alteration where these bridges were swept away, and I am sure that if Mr. Brady’s bridges had been erected there, they would have shared the same fate. The amount voted by Parliament for the line was £138,000, and I saved about £50,000 in its construction. I did it that much within the estimate. Therefore, instead of throwing away £20,000, I saved the country £50,000. The sections are both here, and I believe will be found not to differ very much.
8310. Was there not a large expense in reforming this line? Simply in consequence of the floods.
8311. *By the Chairman*: The matter was before the House just after the flood, and if I remember right, there was an amount voted for the purpose? No, the cost of flood repairs, both on the Sydney Railway and the Campbelltown line, was all paid out of the savings on the vote for the Campbelltown line.
8312. What amount did they cost? That I cannot say just at present; I made the statement some time ago. There is a published paper on the subject. They are all mixed up together—the Campbelltown and the old Sydney lines.
8313. The repairs on the old Sydney line were trifling—only at one or two places? The repairs to the permanent way are constant and very heavy.
8314. I am speaking of the repairs in consequence of the floods? I do not remember now, but I have stated the amount before. There were two bridges rebuilt, and temporary bridges constructed to carry the traffic for the time. The statement that the section was deviated from is not correct.
8315. You are not prepared to say the cost of repairing these lines, in consequence of the damage done by the floods, did not amount to £20,000? I think it was considerably less than £20,000 for both lines. But that does not affect the question. The statement made by Mr. Trengrouse is that I altered the levels, and in consequence the floods swept away the line; and that I threw £20,000 away; the fact being that the levels were not materially altered, and that I saved £50,000 in the construction of the line.
8316. If Mr. Brady’s levels had been adopted, would not the most of the Campbelltown line have been taken free of floods? It was Mr. Brady’s line entirely that was adopted. The centre line was kept all along.
8317. And the levels also? No, I do not say the levels were adopted all along the line, but in these places where the bridges were swept away, there was only a few inches difference, if any, and I believe the difference was generally in favour of my section.
8318. *By Mr. Dalgleish*: In no case were they altered to make the embankments lower or the bridges lower? No; the damage was all done at Macquarie Fields, and my impression is that there was not more than a few inches between Mr. Brady’s levels and mine. My impression is that throughout the whole of Macquarie Fields there is a few inches in favour of my line.
8319. You resurveyed the line? We restaked it.
8320. And you did alter the levels? The levels I believe have been altered in several places on the line, but not where the bridges were washed away by the floods.
8321. How was it you did not alter the levels where these injuries took place? Because at that time I was perfectly strange to the Colony, and I assumed that Mr. Brady and Mr. Wallace, who had had some experience of the country, would have ascertained the height of the floods at Macquarie Fields. It was all perfectly new to me.
8322. Is it not usual with engineers or surveyors, who go to survey new country, to endeavour to obtain from the oldest residents there what the highest flood levels have been? It is always done. But I may say that this flood which did the damage was higher, by 10 feet, than any flood that had ever been known in the Colony before.
8323. Were not the culverts and bridges necessarily altered almost along the whole length of that line—for instance where there had been a 5 feet culvert a 10 feet one was put in, and where there was one culvert two were put in, and so on? Yes, that I have previously referred to. It was occasioned entirely by the increase in the floods. I had a memorandum from Sir William Macarthur, giving the heights of floods from 1817, and this flood was from 8 to 10 feet higher than any that had ever been known before.
8324. Would it not have been cheaper to have made a bridge at Harris’s Creek than that immense embankment? No, simply because the earth-work must have been excavated to get the gradients; and therefore, if I had not put it in the bank, it must have been tipped to spoil.
8325. You had a long lead? We paid nothing extra for the leads.
8326. The length of the leads would be taken into consideration when the contract was taken? I think the cutting in this case runs close to the bank.
8327. Is there not a very small culvert there for such an immense drainage? It is not an immense drainage, and I have not the least doubt the culvert is quite sufficient.
8328. *By the Chairman*: The watershed is nothing to be compared to that at South Creek? No, South Creek has a very large area, but Harris’s Creek has a very small one indeed. There is very little gathering ground, and you are nearly at the head of the creek there. I think the highest water we have had in it has been 10 feet.
8329. *By Mr. Dalgleish*: Above the culvert? No, it has never been above the culvert since the culvert was built—at least not to my knowledge—and I have always got information from the inspectors on the lines when these things have occurred.
8330. *By the Chairman*: I suppose it is the duty of the inspectors to keep you supplied with this information? Yes, the instructions to the District Engineers are, that on occasion

of any heavy rainfall, they are to go and ascertain the heights of the floods, and send them down to me; and also to report if they consider any alterations required in the size of the culverts or bridges, judging from the area of the flood waters they see there. All these statements made by Mr. Trengrouse, with reference to drinking in the department, I do not intend to go into at all, because what I might say could only be my opinion as to the facts. I will go on to "2522. You said in your 'supplementary evidence' to Mr. Arnold, that "Mr. Whitton had not correctly taken down your statement—can you remember those portions he omitted?—One portion was, after I had stated what I had seen take place in "the office, he put his fingers in his waistcoat-pocket and asked me if I did not think it my "duty to make the circumstance known to him before; I told him no, I did not, because on "a previous occasion I had mentioned the circumstance to him, and he then suggested to "me that it would be better if I attended to my own duties and minded my own business. "This portion was omitted." Now Mr. Trengrouse's printed evidence shews most distinctly he said nothing of the sort.

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8331. He questions the correctness of that? He signed it after reading it over. I can only state Mr. Trengrouse never did mention that to me, nor did he ever suggest anything of the kind—drinking, fighting, or any impropriety—until this inquiry took place; and in his printed evidence he says he never did report it or consider it his duty to do so.

8332. You know he questions the correctness of that? He may do now, because he was dismissed for not giving the previous information.

8333. What was he suspended for? For being in possession of information of this kind and neglecting to make it known. I presume he thinks that if he can shew he did make it known, that will alter the character of the suspension. A number of questions follow on that, which I do not think it necessary I should notice.

8334. Mr. Trengrouse says, in a note just handed to me, that "Mr. Moody read over the evidence, and that falsely"? If Mr. Trengrouse asserts that, I have nothing more to say to it. I asked him the question, and he answered that he had not reported it previously, and that was taken down. And without being positive, I have no doubt he read the evidence over himself, and I am quite positive he signed it.

8335. *By Mr. Dalgleish*: You are aware all these persons say the evidence was read to them, but they never had it in their hands? Then they state that which is untrue.

8336. Mr. Doherty said so? Mr. Doherty read his evidence four or five times; and I believe—I do not wish to state it as a positive fact, but my own impression is—that every one of them read his evidence himself; that Mr. Moody read it and handed it to them to sign, and that before they signed they read it over again themselves.

8337. *By the Chairman*: It is not the usual practice for persons to read their evidence themselves in that way before they sign? No, but my impression is that it was so. I am quite positive about Mr. Doherty.

8338. *By Mr. Dalgleish*: Have you become cognizant of the irregularities charged against Mr. Hall being true? Which irregularities?

8339. With regard to his drinking, and with regard to his obtaining money on account of the Government, and keeping it? Those are matters that I should be glad to go into—with reference to the money transactions with Mr. Jamieson; but I have not become more cognizant now than I was before of Mr. Hall's drinking. I have not seen him in that condition, nor do I know of any person in connection with me who has ever seen him the worse for drink.

8340. Did you know that Mr. Hall had been thrown out of a dog-cart? Yes.

8341. Are you aware that he was then with Mr. Jamieson, the contractor? He went with Mr. Jamieson to look for some stone—that was the object of his going, I understood.

8342. No, this was when the line was complete? I never heard of but one instance of his being thrown out of a dog-cart or injured.

8343. He did not state here that he was engaged on duty at all; and the contractor that was with him refused, when giving evidence, to say that Mr. Hall was in the dog-cart with him? I never heard of but one instance.

8344. The contractors that have come here to give evidence with regard to his drinking have stated they would rather not be asked the question, and decline to answer? Yes, I have read the evidence of Jamieson and Eaton.

8345. *By Mr. Stewart*: Nothing of the kind has come to your knowledge personally? No. Mr. Hall was recommended by me for dismissal some considerable time ago, and I did not think it necessary to take any further notice of it.

8346. *By Mr. Dalgleish*: How was it Mr. Micklethwait's resignation was accepted before he was examined before this Committee? He sent in his resignation, and as I knew he was very ill indeed I recommended the Commissioner to accept it. That would make no difference to his being examined before the Committee.

8347. Are you aware he has refused to attend? I know that on the first two occasions of his receiving summonses he was ill in bed and could not get out.

8348. *By the Chairman*: On the last occasion I heard from the best authority that he was in the Railway Office, and sent an excuse that he was ill and could not attend? That I know nothing about.

8349. *By Mr. Dalgleish*: Could you give any explanation of how he obtained this money from Mr. Brown, and how it was he did not pay the money back till you brought some pressure to bear upon him? I really do not know any reason. I understood from him that he and Mr. Brown had made payments for each other, and that there was a sort of running account. Mr. Brown mentioned it to me, and the moment I heard of it I suggested to Mr. Micklethwait the advisability of paying the money. But it is not at all times agreeable, nor is it my duty to interfere in such matters, between officers of the department, except so far as they might injure the public interest.

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8350. Mr. Micklethwait was Mr. Brown's superior officer, was he not? Yes, to a certain extent. Mr. Brown had one district to survey and Mr. Micklethwait another, but instructions were generally sent to Mr. Micklethwait to forward on to Mr. Brown; the correspondence was carried on with Mr. Micklethwait.
8351. Where is Mr. Brown now? I do not know.
8352. He is not in your department? No, he has not been in the Railway Department for a considerable time. Returning to Mr. Trengrouse's evidence, there are a number of small things here which I do not wish to trouble the Committee with. As to Mr. Hall having been sent for the benefit of his health on the line to Penrith, that was not so; he was sent there because I had no one else to send.
8353. *By the Chairman*: Do you know how long Mr. Hall was absent from illness? He was absent a considerable time.
8354. *By Mr. Dalgleish*: Was he paid during his absence? He was.
8355. *By the Chairman*: Something like 150 days? I think not so much as that; I will not be positive; it was taken out the other day, and I think it was something like 120 days.
8356. *By Mr. Dalgleish*: You are aware that he was employed on private buildings while he was in the department? I heard of one instance of it, and I told him if I heard it again I should recommend his dismissal. I am also aware that Mr. Trengrouse was employed in the same way, and I spoke to him also about it.
8357. *By the Chairman*: Are you aware that Mr. Hall was doing it for pay, and Mr. Trengrouse was doing it gratuitously, for a school-house? If that excuse were allowed, they might all say the same. I was aware that Mr. Trengrouse did a great deal of work for the Municipality of Marrickville, I think it was.
8358. I am speaking of the plans he drew for the Congregational School-house at Newtown? Those I did not know anything about, and the first I saw of it was in his evidence here.
8359. *By Mr. Dalgleish*: What did you hear he was employed on? I heard that he made plans for the Municipality of Marrickville, and put up some revolving shutters somewhere in town.
8360. *By the Chairman*: Was that during the time he was in your office? I believe so. I think an action was brought by Mr. Trengrouse against somebody for some work he had done.
8361. Was it during the time he was in public employment? It must have been, because it was since I came to the Colony.
8362. Do you know whether he received any payment for what was doing at Marrickville? I do not.
8363. He did not do it during office hours? I do not know when he did it.
8364. *By Mr. Dalgleish*: You do not profess to exercise any control over your officers out of office hours? I do not; but I do not think a man who takes work home at night is a fit man to attend to his work during the following day.
8365. Do you not think a man may very usefully devote a few hours to improve himself in his own profession by practising at home? He may do that if he pleases.
8366. Could he not do that by making a plan for a charity? I see no difference between that and making a plan for pay; but it is one of the regulations that no officer shall take private practice.
8367. *By Mr. Morris*: It means for pay I presume? It is very difficult to find out whether it is for pay or not, if you once admit the principle.
8368. *By Mr. Dalgleish*: Has not Mr. Trengrouse always done the work he has been put to do in the office? There have always been very great complaints about the slow way in which he has done his work; and, judging from the notes he has taken of other people, he must have spent a good deal of his time in that way, which should have been devoted to his own duties.
8369. *By the Chairman*: He was engaged in making plans of land taken for the railway? He was.
8370. Did he not perform the whole of those duties? Yes, but they are not very onerous.
8371. Were any of his duties behindhand? I have had repeated complaints from Mr. Cowlshaw that he could not get plans he required.
8372. Are they on record? I think some of them are.
8373. Complaints made by whom? I will not be positive whether by Mr. Moody or Mr. Cowlshaw.
8374. What had Mr. Moody to do with complaining of Mr. Trengrouse? When plans have been required for deeds, they have had to be returned to Mr. Moody to send to the solicitor, and if they have not been done in time, Mr. Moody would very often come to me and say he had not been able to get the plans.
8375. Was there any delay more than was absolutely necessary? Well, I do not know what delay might take place; probably they might have been done quicker.
8376. Are there not many different plans to be made of each piece taken? Yes.
8377. Something like fifteen or sixteen? I do not know the number.
8378. *By Mr. Dalgleish*: On how many occasions did you know Mr. Trengrouse take the time of the other persons employed in the office? I do not know any occasions, but from his statement that he knows the cost of different drawings he must have taken the time, or must have guessed it. He reported, at the time of his examination, that the cost of the drawings for the station building at the junction was something like 20 per cent. on the cost of the work; I have had it taken out since, and I think it is  $2\frac{1}{2}$  per cent.
8379. Then he is not very accurate in his statements? He is not; I think I have shewn that clearly to-day.
8380. *By the Chairman*: Is there any statement which he gives on his own authority which is inaccurate? I look on all these as being on his own authority. I do not think any man has a right to come and make statements unless he is prepared to shew their truth.

8381. He is prepared to give his author? I do not think that makes any difference at all; he ought to satisfy himself of their truth before he makes the statements. J. Whitton, Esq.
8382. *By Mr. Dalgleish*: With regard to the leave of absence or employment of Mr. Hall on the line, how do you say Mr. Hall was employed after he had been ill—on the line somewhere at Penrith? I was not aware of Mr. Hall being ill at that time; I sent him down to Penrith as inspector on the first length from Penrith towards Blacktown, simply because I had no other person to send, but certainly not for the benefit of his health. At question 2578, Mr. Trengrouse speaks of the difficulty of finding plans in the department. Mr. Trengrouse is perfectly right in saying that plans have been searched for a very considerable time, for on several occasions, when plans have been searched for and could not be found, Mr. Trengrouse has stated they were not in his room, and I myself have gone into his room, when everything else had been exhausted, and found them there. Therefore there is no doubt about plans having been sometimes difficult to find. "2585. Do you know whether a large number of tracings are sent to England?—I think there must be a large number sent. 2586. Why do you think so?—On account of the work that has to be done in England; they must get the sections before they are in a position to carry it out, or send it out here complete. I think there were tracings of a very large map sent home, the object of which I cannot imagine, without it is to shew the large amount of work the present staff have done since they came out here, the immensity of the country, and the difficulties they have to contend with. It is a very large tracing of the whole of the survey on the Southern Line. 2587. What is the object of sending it?—I think only to shew the difficulties they have to contend with. 2588. A sort of professional advertisement?—Just to shew their ability, I think. What makes me think this particular tracing is sent home is this: About two years since inquiries were made for this tracing, and it has not been seen for some time, I believe; and from that fact, I think it has been sent home to England. 2589. *By Mr. Stewart*: Was that a copy or the original?—That is the copy; the original took a very long time to do; this in question took over twelve months. 2590. *By the Chairman*: Who did this?—Mr. Telmon did most of it, and my son did some of it. 2591. Was it really required?—I should think not. It is 4 feet 6 inches wide, and 50 or 60 feet long altogether. 2592. Mr. Telmon was engaged upon it about twelve months—and your son, how long was he engaged?—Perhaps two or three months." Now the tracing which Mr. Trengrouse states here, was sent home, was a tracing made to lay on the table of the House. 10 Mar., 1864.
8383. *By the Chairman*: He says he thinks it was sent home? I think he has no business to say he "thinks" such things at all. The tracing was made of the line from Picton to Goulburn, to lay on the table of the House, in compliance with the Act of Parliament, to the effect that, before any works are proceeded with, the House shall approve the plans and sections. And that very plan was the plan made to lay on the table of the House. I have never sent a plan of any kind or sort home, not even a map of the Colony, nor have I sent a single thing, with the exception of one tracing of a timber viaduct at Menangle, and the plans of the Menangle Bridge, and the bridge at Penrith.
8384. *By Mr. Dalgleish*: Do you know who sent home a plan and description of the Menangle Bridge to the *Engineer*? No, I do not.
8385. You are aware it appears in a late number of the *Engineer*? I am.
8386. It appears to have been obtained officially? They may have been obtained in England, or from Mr. Wilcox or some of his people. But I have never sent any information of this kind home to any newspaper, nor have I ever sent any plans home.
8387. Do you ever lay tracings on the table that are not mounted? No, I think not.
8388. Were these tracings mounted? Yes, I believe so. I do not think we ever lay plans on the table that are not mounted. Mr. Trengrouse it seems is not at all positive about it, but it pleased him to insinuate that this thing had been done, without the slightest knowledge on his part that it had been done.
8389. Do you observe question 2597—Is that true? About what the Committee are pleased to call "clothes-props"—I can only say on lines in England I have seen much worse "clothes-props" used. I did the work for the Telegraph for nothing, and I do not know that there is any particular objection to the design. I had a good deal of trouble about the Telegraph at one time.
8390. *By the Chairman*: Were any plans made of these things? There was a plan made by Mr. Trengrouse, with a hoop on the top, to give to the contractor.
8391. *By Mr. Dalgleish*: It is the best plan, on all occasions, to furnish contractors with a drawing of the article to be made? Yes, I think so; I do not know how you can ask a man to give you a price, unless you shew him what he is to do. This was a plan made to attach to the specification, to shew what the contractor had to do. In answer to 2608, Mr. Trengrouse says, he does not think I go over the country on all occasions before adopting a line. As Mr. Trengrouse can have no knowledge of what I do when I am away, I do not see how he can arrive at the conclusion that plans are ever adopted without my going over the ground. As a matter of fact, they never are, and in many instances I go over the ground a great number of times before a plan or section is adopted.
8392. *By Mr. Dalgleish*: You observe all this is asked from him? His proper course then would have been to have told the Committee he did not know, instead of which, he goes on speculating about things he knows nothing about.
8393. Do you do all Mr. Rae's work? Certainly not.
8394. Has Mr. Rae any trouble? I do not know. If he had to deal with the people I have to deal with, he would have a great deal of trouble.
8395. Does he do all his own work? I believe he does.

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8396. *By the Chairman* : You have acknowledged you do interfere with the traffic management? I beg your pardon, I have not admitted anything of the sort.
8397. You admitted you were engaged for a month in the prosecution of Mr. Nealds? I admitted that I had certain things to prove, which ought to have been done by the Minister.
8398. You have also admitted that things have been referred to you which ought to have been done by Mr. Rae? I say probably they might have been; but I only interfere so far as to give my opinion on questions about which I am consulted.
8399. I have had a note put into my hand by Mr. Trengrouse, in which he says Mr. Barton informed him that he proposed sending home an elaborate plan, as he purposed becoming a Member of the Institute of Civil Engineers, and Mr. Trengrouse believes this large plan was sent home as a specimen, with a view to his nomination? I cannot tell what Mr. Barton may have told Mr. Trengrouse, only I say that no plan of that kind has been sent home with my knowledge or my sanction.
8400. May it not have been sent home without your knowledge or your sanction? No, I am quite sure it would not. No officer, particularly one in Mr. Barton's position, would have sent home such a plan without my consent.
8401. I am given to understand this set of tracings was never mounted? We have no plan of the dimensions referred to by Mr. Trengrouse—50 feet long by 4 feet 6 inches in width—except the plan of the Goulburn line.
8402. Then I suppose it must be the Goulburn line that he alludes to? Then I distinctly say it was not sent home.
8403. Do you say no set of plans were made of that line which were not mounted? That I cannot tell. I cannot conceive that any set of tracings could have been made of the Goulburn line without being mounted. I am quite sure the plan never was sent.
8404. Can you tell the Committee where these tracings now mentioned can be found. It appears that Mr. Campbell and others can be named who were employed upon them? If Mr. Trengrouse will state what line it was, I will have inquiry made, but I cannot on a vague statement of that kind.

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Mr. N. Trengrouse (being present in the room) further examined :—

- Mr. N. Trengrouse.  
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8405. *By the Chairman* : You have heard the evidence given by Mr. Whitton—can you explain to the Committee what plan it was? There was but one plan got up of that great length and style; it must be that of the Southern line.
8406. Did you ever see it yourself? Yes, it was twelve months about; I think it was.
8407. Did you see the plan yourself? Yes, repeatedly, daily.
8408. *By Mr. Dalgleish* : Was it ever mounted? I believe not.
8409. At what time was this plan that you allude to made? About two or three years ago.
8410. *By the Chairman* : When you say it was twelve months about, was it continuously? Nearly all that time.
8411. *By Mr. Dalgleish* : Then, if one set of tracings similar to that have been mounted, and laid on the table of the House, that must be the plan you have seen? I do not know; I think it was the original that was laid on the table of the House; I will not be certain about it.
8412. *By Mr. Morris* : Then there was a copy made of it, to which you refer as having been sent home? Yes. Mr. Mason asked me about two years ago if I knew where this particular set of tracings were, or had I seen them lately. I told him I had not seen them for a long time. He said they had been searched for, and could not be found, and it was a strange thing what could have become of them. They were in my room for some time on a top shelf.
8413. Is that the reason why you infer they were sent home? Yes.
8414. Merely that conversation? Yes; because Mr. Barton told me it was his intention to send home an elaborate plan, as he purposed to become a Member of the Institute of Civil Engineers, and he must send home something stylish to be seen by them. (*A tracing of the Goulburn line was here produced.*) This is not the plan.
8415. *By the Chairman* : Are you sure that is not the plan? Yes; it is nothing like it; Mr. Telmon does not work like this.
8416. Would you know it from Mr. Telmon's work? I should, more than anything else. I should hardly think there is a foot square on the paper but what there are features on the plan I refer to.
8417. *By Mr. Dalgleish* : Can you say this is not the plan? I do not believe it is.
8418. Can you say positively? I cannot say positively; I say it is not the plan of Mr. Telmon's that I refer to.
8419. This is not the plan you refer to as having been made in the office with the intention, according to your conversation with Mr. Barton, of being sent home to England? It is not.
8420. *By the Chairman* : Was the plan you allude to about the same length and width as that? Yes, 4 feet 6 inches is the widest paper we have. I believe it to have been a fair copy of the original we had in the office.
8421. *By Mr. Dalgleish* : Was it on tracing paper? Yes.
8422. Is it possible two plans of the Goulburn line could have been traced in the office without your knowing it? Yes.
8423. I think you have previously said nothing of an extensive character could go forward in the office without your knowing it? I do not remember saying that.
8424. I think you said something to that effect? I do not remember it.

8425. How many persons were employed on the tracing you speak of? Mr. Telmon did the principal portion of it; my son was on it two or three months, perhaps more; Mr. Campbell, who was dismissed for drinking, was another; and I will not be certain of the others
8426. Mr. Campbell dismissed for drinking—that is the first we have heard of that? I have not mentioned his name in connection with that subject before.
8427. Who dismissed him? Mr. Whitton, I believe.
8428. Was it for drinking in the office? I think it was out of the office. He used to drink and stop away for some days together.
8429. Did he drink in company with any of the other persons in the office? I do not remember seeing him drinking in the office.

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John Whitton, Esq., examination resumed:—

8430. *By Mr. Dalgleish*: Was any other copy of the plan referred to made besides this one? I am pretty certain that is the only copy that has ever been made of that line, except short lengths made out for the District Engineers.
8431. Were they made out on this scale? No, some were made out on a scale of 10 chains, and some 4 chains.
8432. *By the Chairman*: What is this? 10 chains.
8433. *By Mr. Dalgleish*: Is it usual with civil engineers, when they apply for admission to the Institute, to send to the Institute such works as have been mentioned? It is not. The usual course is for some one to propose you as a member, and at the same time state where you are employed, and the work you are engaged on, and that you have for a certain number of years been employed on important public works which would justify your admission as a member of the Institute. You then have to get four or five others to second the nomination, and you are balloted for.
8434. Has Mr. Barton, to your knowledge, made any application to be admitted? Not as a member; as an associate he did, a considerable time ago, immediately after he came to the Colony.
8435. *By the Chairman*: Do you know that of your own knowledge? I know he has applied to be admitted an associate.
8436. *By Mr. Dalgleish*: Do you know whether he has made any application to be admitted as a member? I am positive he has not, for, in the first place, he would have to get a certificate from me, and the papers would come out to me to be signed. Nor do I know that Mr. Barton ever had any intention of applying to be admitted as a member.
8437. *By Mr. Morris*: What are these mistakes in calculation that are spoken of in question 2622? With reference to culverts and viaducts.
8438. *By the Chairman*: That is referred to in 2634? Yes. All that I have to say about this is that the plans and sections were made for the state of things that existed at the time the surveys were made, that is, in accordance with the flood levels that had up to that time been taken; but in consequence of the floods of 1860 being higher by 10 feet than any ever known before, I at once made the necessary alterations. I went over the lines and took the area of every creek as I came to it, and then on the spot made the alterations I conceived to be necessary. I think I should have been very much to blame, knowing these things to have taken place, if I had not taken every precaution.
8439. *By Mr. Morris*: It is stated, in Captain Martindale's report, that the cost towards making good the unusual damage, amounted to £5,051 10s.? In a paper laid before the Assembly, with reference to the Campbelltown line, I gave the entire cost; the total cost, including all flood repairs, was not more than about £9,000 per mile. Mr. Trenrouse could have no means of knowing the cost of these repairs. The alterations on the other lines were made for the same reason. I should like to make a remark respecting the following piece of evidence:—"2666. *By the Chairman*: These mistakes were mostly connected "with the culverts, were they not—were there any other mistakes in these lines, with "the exception of the culverts?—I think that is all. There was a mistake in laying out the "line, the extension into Penrith; it is hardly worth noticing; they were some 5 feet out "in making the survey; the points did not agree. 2667. Do you mean 5 feet out in the "level?—No, in the position on plan; they commenced the survey from Proctor's-lane to "meet the line already surveyed, and they were some 5 feet out at the junction of last "contract. 2668. *By Mr. Dalgleish*: So that if the two lines had been formed, as they went "on, by the survey, they would have varied 5 feet where they should have met?—Yes, they "would require a sharp curve to connect each other. 2669. The width of the gauge?— "Yes, just the width from centre to centre; and this was in a short length, too; had it "been a long length it might have been a quarter of a mile out." This shews the errors people will get into by making statements about things they are entirely ignorant of. The difference in the centre lines is what he alludes to. The line at present being constructed is the down-line; as far as Penrith Station, beyond this point to the west side of the Nepean, the up-line is being constructed, to give the road traffic the left-hand or down side of the bridge; and immediately we get off the bridge I have changed the centre line again from the up-side to the down-side; and that is the 5 feet 6 which Mr. Trenrouse calls an error. The two centre lines do not meet within 5 feet 6 inches.
8440. *By the Chairman*: Which would appear to be an error? If a man gives an opinion he should know what he is talking about.

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8441. Mr. Trengrouse, being a draughtsman, cannot be expected to understand these matters so well as an engineer? Mr. Trengrouse should not offer opinions about things of which he is thoroughly ignorant.

8442. *By Mr. Dalgleish*: Was it Mr. Micklethwait who made this survey? No.

8443. *By Mr. Morris*: Is it a point of Mr. Trengrouse's duty to overlook these maps? He has nothing whatever to do with them; he would be far more usefully employed in getting up his own work. This survey was made by the sappers.

8444. We have had some evidence to shew that Mr. Micklethwait was employed on that line? He was employed staking out that portion from the end of Peto's contract, on the Western line, to Proctor's-lane, below the Penrith Station.

8445. *By Mr. Dalgleish*: It is stated this mistake took place between Proctor's-lane and Parker-street? I do not know of anything of the kind there. If Mr. Trengrouse does know, it is a pity he should not make himself intelligible. As the change in the centre line that I have mentioned is the only one I know of, and as it was a very likely mistake for him to fall into, I have no doubt that is what he means.

8446. Mr. Micklethwait marked out this line for construction? He marked out the line from the end of Peto's contract to Proctor's-lane.

8447. If the mistake took place in the survey from Proctor's-lane to the junction of Peto's work, I presume it must have been an error of Mr. Micklethwait's? If any such error ever existed.

8448. Are you aware such an error did not exist? I am not aware it did.

8449. Have you inquired? I have not; but I think it is a very unlikely thing I should not have known it if it had.

8450. The surveyors would have had it in their power to have shielded each other and kept that information from you? I do not think they could very well. Indeed, if I had found any man attempting to shield a thing of that kind from me, he would not have staid many days in the department. Mr. Trengrouse refers again to an alleged discrepancy of several chains on the Western line:—"2711. Then you mean, that if the workmen had been started on two different parts of this line, where they should meet, the lines would be several chains apart from each other?—Yes, that may have taken place had they commenced the work. 2712. Would there have been any alteration in the level?—That would depend upon the nature of the ground. 2713. Suppose the ground were not level?—In that case there might be a difference of several feet. 2714. In the level?—Yes." Now whatever error there was on the plan could not have been an error on the ground, because the line was all staked out on the ground, and the workmen worked from the stakes on the ground. At the same time I do not admit that the error was there; and as far as the levels were concerned, certainly errors on the plan could have nothing to do with the levels, because the working section was taken and the centre line was staked out. There is another extraordinary statement of Mr. Trengrouse's at "2734. Was the plan altered?—No, the plan was not altered—that is, the plan from which I was working; but after the Christmas holidays, when I returned and took up the plan to continue my duties, I found another plan had been put there, and the one I had previously been using taken away. It was placed just in the same position as the one I had left when I went away; it was rolled up from both ends to come to the middle of the plan, just as I had left the other on the table." That is an extraordinary statement. It is impossible for anybody to contradict such a thing, but I cannot see who could have done anything of the kind; and if anything of the kind had happened, I think Mr. Trengrouse might have made some inquiry to ascertain who did it. Then there are some questions with respect to the hardships Mr. Trengrouse had to undergo in a cold room without a fire "2741. Was not this Mr. Cowlshaw's room?—Yes; Mr. Cowlshaw had only left it a day or two before. 2742. How came Mr. Cowlshaw to move from it?—Mr. Cowlshaw could not stand the cold; it was a very cold room, and he was at home occasionally from ill health, caused, it was said, by his having taken cold there." I asked Mr. Cowlshaw about that, and he says there was nothing of the kind—he never was at home from ill health from any such cause.

8451. Is Mr. Cowlshaw a permanent officer in your department? Yes.

8452. What is his position? His position is that of valuer of land required for railway purposes.

8453. Have any minutes passed with your office lately with regard to ticket printing? None through my office.

8454. Have any come to your notice—have any been sent from you to the Railway Department about ticket printing? No. The Government Printer called upon me the other day, to ask if I could lend him a man, a fitter, to erect an embossing machine they have got out from England, and I directed Mr. Scott to send one up to assist him in putting up the machine. That is the only communication I have had in reference to tickets. There is something said by Mr. Trengrouse about Mr. Quodling and his repeated increases; and the examination goes on:—"2776. Then they go on the principle, the more pay the less work?—I do not see what they can have to do. Mr. Quodling does little else but run about the offices. I do not know whether it is necessary he should do so; but he is known there as "Mr. Whitton's policeman." I simply wish to say there is not a better officer in any department of the Government service than Mr. Quodling, nor a man who does more work; and instead of decreasing his pay, I should be very much inclined to increase it if I could. He is a most valuable officer. Then with reference to Mr. Cowlshaw:—"2782. Does this £600 include travelling expenses?—No, it is independent of that. 2783. Could not a man of ordinary capacity perform those duties, do you think? I should say he could." I do not see how Mr. Trengrouse can attempt to give an opinion on Mr. Cowlshaw's abilities as a valuer. I believe he is as good a man as can be got for the office, and I am quite sure

Mr.



Mr. Trengrouse must be thoroughly ignorant of his duties, and therefore I do not think he should attempt to underrate him in order to say something disagreeable about everybody in the department. Then he wants to make it appear, a little lower down, that Mr. Cowlshaw is only engaged two-thirds of the year, but from questions of the Committee he admits afterwards that he is fully employed. There are some remarks about Mr. Moody which I leave Mr. Moody to attend to himself.

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8455. Where is he? I do not know.

8456. *By Mr. Morris*: He is not in your department? He is not in the office, that I am aware of. I think he got leave of absence from the Minister some time ago, on account of his health, and I have not seen him since.—“2844. *By the Chairman*: Have you ever made any application for an increase of salary?—I have repeatedly—that is, almost annually. 2845. To whom did you apply?—I have spoken to Captain Mann when he was Commissioner, and I spoke to Captain Martindale soon after his arrival in the Colony, but I found that by having done so I gave great offence to Mr. Whitton. 2846. *By your* having applied to Captain Martindale instead of to Mr. Whitton?—Yes; I had previously applied to Mr. Whitton, and could not get it, and then I applied to Captain Martindale. I was told by Mr. Micklethwait that Mr. Whitton should say he never would forgive me for having done so—that I had so offended him by having applied to Captain Martindale.” Now that is utterly untrue; what offence could he possibly give to me by applying to Captain Martindale?

8457. Have you not, out of your official capacity, shewn a great deal of kindness to Mr. Micklethwait and his family on many occasions? Undoubtedly I have.

8458. And, in fact, placed them under considerable obligations of gratitude to you? Yes, I think so.

8459. Do you think it likely then, from what you know of Mr. Micklethwait, that he would make a statement so damaging to you as that you “were never known to forgive any one you took a dislike to or that gave you offence”? Of course it is impossible for me to say what Mr. Micklethwait would say, when Mr. Trengrouse asserts it; but I do not believe it. There is another matter I wish to refer to:—“2899. Referring again to the Menangle Bridge, I have been told there was a large amount of earth removed from a cutting, before commencing the bridge, which had to be taken back again and replaced—do you know whether that is true?—Yes, there was a great deal taken from the northern approach to the bridge—taken too low—and had to be replaced. 2900. I presume that was another mistake of the Engineer’s?—I do not see whose mistake it could be, without it was the Chief or District Engineer. 2901. Do you know what was the cost of taking away this earth and replacing it again?—I do not think it was so very much; something like three or four thousand cubic yards, which would cost some £400 or £500 perhaps.” I will explain how that was. The line originally was to be taken over the Menangle Bridge at a lower level, by 10 feet, than the present bridge; there is a short cutting before you come to the viaduct; this cutting was taken out for the lower level; and when the line had to be raised 10 feet higher, to give the same gradient, a small amount of excavation had to be put in again, which amounted to 1,400 yards. Therefore it was no mistake at all, nor was it a fraud.

8460. *By the Chairman*: It was merely because you were taking the bridge over at a higher level than you at first intended? Precisely. All these things, in the way they are stated, would give the public the impression that there was some collusion between me and the contractor. The next thing is with regard to the Penrith Bridge. Mr. Trengrouse states, at 2922, that “they have had to go some 14 feet deeper than was anticipated or ascertained—17 feet instead of 3 feet.” It is only 8 feet deeper; but I explained the whole of that the other day. There is one question, 2939, which I have no right to complain of, of course, but it certainly puts a very ugly complexion on matters: “2939. Speaking of engineering bumbles on the lines, they can be very easily rectified by adding a few thousand pounds to the contractor’s account, and the public be none the wiser?—Of course it could be managed.” If the Committee are in possession of any evidence whatever that would justify any examination of all papers and documents that have passed through my hands, I should be very glad if they would make it. I name that, because it shews the effect the evidence of Mr. Trengrouse must have had on the Committee at the time of his examination. “2951. Was the present mode of getting up Lapstone Hill Mr. Barton’s idea?—He takes the credit for it; but it was first suggested by seeing the *Illustrated Times* or the *Illustrated News*, where it was given in a plate.” Such evidence as that is perfect nonsense. Every one must have known of zigzags having been used in America for a very considerable time—long before I came here or Mr. Barton came here. Therefore the idea was not Mr. Barton’s, nor was it copied from the *Illustrated News*. There is another remark, about drinking in the office, which I do not know that there is any occasion to speak about, except so far as Mr. Barton is concerned (2982). I have known Mr. Barton since 1847, and I have never seen him the worse for drink. To say that a man is flushed is most extraordinary evidence of his having taken too much wine or beer. Mr. Trengrouse says (2984), “I have seen him very much bloated in his face, flushed a great deal.” It is very difficult for a man to rebut a charge of that kind.\* “2992. What is the meaning of twelve ‘District Engineers,’ set down in the Estimates at £573 each?—I cannot understand that: it is altogether a fresh term; I think it is meant for the Inspectors on the lines. 2993. Is Mr. Micklethwait to be one of these?—I expect so. 2994. Then these twelve District Engineers is a new creation? Yes, as regards the term; the duties of course are the same. 2995. Are the duties the same as those of Line Inspectors?—Yes, it must be meant for the same parties.” 8461.

\* NOTE (on revision):—I look upon such statements as beneath contempt.

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8461. *By the Chairman*: I can only say I had information that you intended one of these situations for Mr. Micklethwait? I did recommend him for one of them; I never attempted to deny that. At the time I recommended him, he was the best man I could get, some eight or nine months ago. He has not been appointed; Mr. Bollard is on that length. Mr. Trengrouse suggests that these District Engineers are precisely the same as the Inspectors at £400. Now when I first came here, the length of line was not sufficient to justify the appointment of District Engineers, for I could always send some one to set out the line and give the levels; but now the lines are so far from Sydney, and require daily attention, I have felt it necessary to appoint District Engineers, giving them twenty or thirty miles each; but they are not "merely Inspectors"—they are men who can level, set out, measure up, all the works, and take general charge of the contracts.

8462. I can only say I heard, from persons connected with your own office, that the duties were exactly the same—that they were not required at all—and that you intended to appoint Mr. Micklethwait as one and Mr. Morgan as another, and that was the reason I put those questions? Mr. Micklethwait has not been appointed, nor will he be.

8463. The person who told me said that Mr. Morgan was not an engineer—that he was a carpenter and always employed as a carpenter till he came out here, and that he had no experience as a railway engineer? He was employed before he came out here, on the Oxford and Worcester line, under me, and previous to that he was some time with Mr. Brunel. He has been out here now four or five years. He had charge of the Picton line, and has since been appointed District Engineer from Penrith up to the end of the first contract; and I am quite sure any person who ever came in contact with him, with reference to the works on the line, will have a very high opinion of him indeed, as a thoroughly practical man. Mr. Morgan has been exclusively employed on railway works for seventeen years.

8464. *By Mr. Dalgleish*: Can he perform the duties of an engineer? He does; he measures all the works, sets them all out, and superintends them in every way as an engineer.

8465. Levels? Yes; in positions of that kind you require men you can depend upon—men you can trust. With reference to other points in Mr. Trengrouse's evidence, if I thought the Committee had any doubt upon many of them, I would have some remark to make on almost every question. The Committee will much oblige me—if they can place any confidence in any statement made by Mr. Trengrouse that I have not replied to—if they will give me the opportunity of doing so. As to my being out in Mr. Barton's sailing-boat during office hours, at a time when I was away from the office—"said to be ill"—(3079, 3080)—this is one of those paltry things that Mr. Trengrouse is so fond of suggesting. I have not been more than two months absent from work since I have been here, and assuming I was at home for a fortnight and wished to go out in a sailing-boat, surely I could do so if I thought proper.

8466. *By the Chairman*: The information I received was that Mr. Barton had a sailing-boat, and spent a large amount of his time in it when he should have been in the office? I do not remember whether it was in office hours, but I have been perhaps half-a-dozen times in a boat with him. There is another matter with reference to Mr. Hall:—"3145. Have you heard of Mr. Hall having been promised or having received money for certifying without measuring up the work?—I have not heard that he has received money, but he made about the first attempt to get it, or to feel a contractor's pulse whether he was inclined to do anything of the sort. Mr. Micklethwait told me this. 3146. What did he do?—He was measuring up work with Mr. Gibbons, I think it was, and he said to him, 'Mind, I have admitted that work to be two or three hundred feet more than it is.'" Mr. Hall had been measuring the Blacktown Station, and after his quantities came in, I heard from Mr. Mason that Mr. Gibbons had told him Mr. Hall had made this remark. Without saying a word to Mr. Hall, I sent for his measuring books, and went through the whole of the dimensions myself, and I sent Mr. Mason over to measure the same work, and his dimension book and measurements corresponded within 2 or 3 feet in the whole work. 8467. The matter was reported to you? Yes, that he had made that remark. If I had found his dimensions disagreed with the actual measurements I should have dismissed him at once.

8468. Do you not know Mr. Trengrouse and Mr. Micklethwait were at one time very intimate—on friendly terms, in fact? I believe they were.

8469. And up to the present time? Up to the present time for anything I know.

8470. *By Mr. Dalgleish*: Did you make a confidant of Mr. Micklethwait? Never. It is just possible Mr. Micklethwait may have been saying something to me at some time or other in reference to Mr. Hall, and I may have said I had heard this in reference to him.

8471. Did you make any inquiry into the conduct of Mr. Hall with regard to the lock furniture for the Burwood Station? Yes, and on that I recommended his dismissal.

8472. *By the Chairman*: Did you deduct £6 2s. 6d. from the contractor for the Singleton and Picton Stations, that being the difference between the amount named in the specification, that was to be allowed for ironmongery, and the actual amount paid for it? I did.

8473. Did it come to your knowledge that the contractor had already given Mr. Hall a cheque for £55—the full amount? It did not come to my knowledge until I requested to have the bills sent in; Mr. Jamieson at first told me most distinctly he had never paid one farthing to Mr. Hall, and that he had paid the cheque himself direct to Iredale & Co.; but some time afterwards he came and told me he remembered he had paid this cheque to Mr. Hall. The moment I heard that, I told him what my views were on the matter, and that I thought him as bad as Mr. Hall.

8474. *By Mr. Dalgleish*: You say you recommended the dismissal of Mr. Hall? Yes.

8475.

8475. It does not appear so from the printed papers? It does appear somewhere. "I have read Mr. Graham's letter and Mr. Hall's reply. I have also seen Mr. Hall on the subject; and, as I consider his explanation most unsatisfactory, I recommend that his services be dispensed with."

J. Whitton,  
Esq.

10 Mar., 1864.

8476. Is that yours? Yes.

8477. Is it not Mr. Rae's—it is signed J.R.? It is wrongly printed; it is mine. Mr. Rae would not have recommended that. Immediately after I had read the letters, I sent for Mr. Hall and I asked him to explain the matter to me, and, as I considered his explanation very unsatisfactory, I at once recommended his dismissal. There can be no question in my mind that he intended to have received the difference, and did receive the difference, between £55 and the amount expended; and whatever explanation he may give of it, he cannot explain it away. If there is anything the Committee would wish to ask me with reference to points I have not gone through, I should feel obliged by their doing so. There are many matters into which Mr. Trengrouse enters—such as reverse curves; but as Mr. Trengrouse is not responsible for these things and I am, I should be very sorry to attempt to argue such questions with such a man. He gives his opinion about things that he can know nothing about, and therefore I will not waste time with him.

8478. *By the Chairman*: You know nothing against Mr. Trengrouse's evidence, where he has stated as positive facts things which he knows of his own knowledge? I think the whole of his evidence is hearsay; I think it is utterly worthless from beginning to end. I do not know that he says a single thing that he knows of his own knowledge. There is one very extraordinary matter here, which may serve to shew the value of Mr. Trengrouse's evidence:—"3462. Did you not ask Mr. Gardiner whether he would accept an office in the Roads Branch, and leave the Railway Department?—I do not remember that." 3463. You do not remember making any suggestion at all to Mr. Gardiner about accepting an office in the Roads Branch?—No. 3464. *By Mr. Dalgleish*: Had you ever the power to make such an offer?—No. 3465. *By the Chairman*: Did anybody speak to you, and ask you to make an offer of that description?—No. 3466. Did Mr. Micklethwait ever suggest to you to say to Mr. Gardiner, that he had better accept an office then vacant in the Roads Branch?—I could not speak with any certainty to that question. 3467. Will you consider the question—this evidence will be sent to you to revise,—and will you tax your memory with reference to it, and let us know what occurred, or if it did occur, and by whose suggestion you made the offer or suggestion to Mr. Martin Gardiner, and also Mr. Martin Gardiner's reply thereto?—Yes, I will." It is an astounding thing that Mr. Trengrouse did not, when examined by the Committee, remember a single thing about this; and yet, when he gets his evidence to revise, he writes a long note, giving every detail of the conversation.

8479. The fact is I was informed Mr. Trengrouse did do this, and that Mr. Micklethwait was the person who suggested it to him; and I have no doubt Mr. Trengrouse made the offer to Mr. Gardiner? Then on whose authority he made it I cannot tell. I never had any conversation with any person on such a subject.

8480. I further knew Mr. Trengrouse was very intimate with Mr. Micklethwait, and he thought he would injure Mr. Micklethwait by stating this, and that was one reason why he did not give the evidence here. I was forced to press the question very strong on him on that account? It is insinuated that I requested this suggestion to be made by Mr. Micklethwait for the purpose of getting rid of Mr. Gardiner. Is it not utterly beyond belief that a man should be here and know nothing about this, and go home and give a long account of it?

8481. *By Mr. Dalgleish*: Mr. Trengrouse states he kept a diary, and by referring to that diary he refreshed his memory? Can Mr. Trengrouse produce his diary with that memo. in it? There is one matter in reference to my last examination that I wish to name to the Committee. It has been stated by several witnesses that plans of the Mudgee Road, with "Error" marked on them, had been laid on Mr. Gardiner's table for the purpose of annoying him. I then stated to the Committee that I had no knowledge that this had been done, nor did I think it could have been done; and on making inquiry I find that the plans never were in Mr. Gardiner's room, and as he sat here the whole of my examination and heard the discussion with the Committee, he might very well have told them the plans were not laid on his table at all, but he went down stairs to see them; they were never in Mr. Gardiner's office.

8482. I can assure you there is a mistake somewhere, because the whole of the witnesses have told us positively the plans were on Mr. Gardiner's table, and put on his work? I simply say, if they have made that statement, it is incorrect.

8483. Mr. Gardiner informed me of the matter almost as soon as it occurred the same day? They were never there.

8484. I believe you must be misinformed—Mr. Drewett himself admitted it? I told you at the time that if Mr. Drewett admitted it he made a mistake, but you will find, by referring to his evidence, that he gives one answer to two questions; one as to the word "Error" being on the plans, and the other as to whether these plans were laid on Mr. Gardiner's table; he intended his reply to be to the question as to the word "Error," and I think the statement that the plans were not laid on his table is strongly corroborated by the fact that Mr. Gardiner in his letter to me makes no mention whatever of these plans having been laid on his table. If they had been, I think it would have been one of the first things he would have mentioned.

8485. *By the Chairman*: We have had Mr. Doherty here for the express purpose of questioning him about this, and he says the plans were put on Mr. Gardiner's table? From the general inaccuracy of Mr. Doherty's statements, I do not think he can be relied upon in that.

8486. *By Mr. Dalgleish*: Of course you will observe that this is a matter on which you cannot speak from personal knowledge; and we have had these very officers on this very question,

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- question, and surely we cannot be expected to take your opinion in contradiction to their evidence? Of course the Committee will exercise what discretion they please; but I assert it as a fact that the plans were never there; they were always in the office down-stairs, and were mounted in the office. By whom were they laid on Mr. Gardiner's table?
8487. By Mr. Drewett? Mr. Drewett denies it flatly.
8488. Mr. Drewett has acknowledged it? I beg your pardon. If you read his evidence carefully, you will see it will not bear that construction. I think it would be very easy for a person under examination, like Mr. Drewett was, to make a mistake.
8489. *By the Chairman*: I will refer you to Mr. Drewett's evidence:—"4501. At the time that Mr. Gardiner made his report, or shortly afterwards, did he come up to your office and complain to you of the conduct of his brother officers, in placing upon his desk a plan marked all over with the word 'Error'?—I think it must have been some time after that, that he made his report. 4502. Are you sure?—No; now I remember, it was after he had made his report. 4503. Did you mark the word 'Error' on that plan?—No. 4504. Did you place it on Mr. Gardiner's desk?—No. 4505. Did you cause it to be placed there?—No. 4506. Were you aware that it was to be placed there?—No; I heard it spoken about, and I did all I could to dissuade them from putting it there. I tried to keep it away from him, as I did not wish to hurt his feelings." That seems very clear? It does; but he does not mean it. I was astonished when I read it; but I believe, if you come to inquire into the matter, you will find they were never laid on his table at all. With reference to Mr. Fowler's evidence, I beg to put in a letter written by him to Mr. Wilcox, clearly asking for money to be given to him to enable him to leave the Colony, and intimating that if the money were not given him he had got such statements to make as would reflect upon the character of myself, Messrs. Peto, Brassey, and Betts, and Mr. John Fowler—things that would never be forgotten. (*Original letter produced and copy handed in. Vide Appendix.*) I have yet to learn what revelations he has to make that would affect the characters of any of the parties mentioned. There is a receipt appended to this that he gave to Messrs. Peto, Brassey, and Betts, in full satisfaction of his claim against them, and afterwards he applies to them for the balance of the account.
8490. *By Mr. Dalgleish*: That would be to the date of the document? He has done nothing for them since. I may conclude the evidence I have been giving to day, by saying again, that if there is anything I have omitted to reply to, upon which the Committee desire any explanation, I shall be very glad to afford it.

TUESDAY, 22 MARCH, 1864.

Present:—

MR. DALGLEISH, | MR. TIGHE.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Charles Fowler, C.E., again called in and further examined:—

- Mr. C. Fowler, C.E.  
22 Mar., 1864.
8491. *By the Chairman*: You see that document (*handing a paper to witness—vide Appendix*)? Yes.
8492. You acknowledge that to be yours, and you handed it to a Member of the Committee the other day? Yes, and asked him to read it before the Committee.
8493. The whole of the statements there are true? Yes. This is Mr. Want's writing at the back, and this is Mr. Fraser's writing.
8494. What do you mean by at the back? It is on a letter written by me to Mr. Want; the corner is turned down, and there is a memorandum on the back—"I believe the within statement to be correct. R. J. WANT."
8495. This is in Mr. Want's handwriting? Yes.
8496. The statement is in your own? Yes, a statement of facts and circumstances within my own knowledge.
8497. *By Mr. Dalgleish*: Mr. Want is the Solicitor for Messrs. Peto, Brassey, and Betts, or their agents? Yes, and he has been from the first.
8498. The other letter is from Mr. Fraser, the Accountant to Messrs. Peto, Brassey, and Betts; Yes, he was in the same position, when Mr. Rhodes was here, as Mr. Spiller is now, and knew all about the matter.
8499. Mr. John Fowler is your brother? Yes.
8500. Is he the builder of the Torksey Bridge over the Trent? Yes.
8501. What is the weight of that bridge per foot run—of the iron permanent road and everything connected with the bridge? The net weight of the iron-work is 1,800 cwt. per foot forward; the girders are 10 feet deep—
8502. There is no wood-work about the bridge? There is no wood-work about the bridge; it is calculated to carry four times the weight that can ever come upon it; that is, locomotive engines loaded and coupled together on each roadway and the sleepers and rails.
8503. What is the weight of the Menangle Bridge per foot forward? I have been told 960 tons for three 150 feet each—or, including the piers, 480 feet; taking the entire weight at 960 tons, that would be 2 tons per foot forward exactly; that is double the weight that there is the slightest necessity for.
8504. How many more iron bridges do you know Mr. John Fowler to be the consulting Engineer for? I will speak of two; the Gainsborough Bridge, where the span is two 154 feet

feet arches, and the weight per foot forward is a little over 20 cwt.; that was the first design—the Torksey afterwards.

8505. Was there any dispute with regard to the Torksey Bridge, between the Commissioners for Railways and the Engineer? Yes.

8506. Who gained the victory? We did.

8507. The Engineer? Yes.

8508. The Commissioners held the bridge to be too light? Yes.

8509. And the bridge was subjected to very severe trials, the decision of the Commissioners was overruled by the Board of Trade, and the bridge was ordered to be opened for traffic? Yes.

8510. Has that bridge been open for traffic ever since? Yes.

8511. How many years is it since that was built? Since 1848.

8512. Has that bridge ever been stopped, or has any accident ever occurred? No.

8513. Is it not quoted by engineers as an example of iron-bridge building? It is quoted as an authority.

8514. The Gainsborough Bridge is a little more than a ton per foot forward? Yes.

8515. Not more than 21 cwt.? About a ton per foot forward.

8516. Is there any other bridge you know, that Mr. John Fowler was consulting Engineer for? There were several of 80 feet.

8517. Of large span? I do not know of any others particularly, but I recollect these two bridges remarkably well, inasmuch as the Gainsborough was the first bridge of large span of wrought iron that was put up before the Menai tube, and there were various experiments as to the shapes of models; and from these experiments, which I investigated, I deduced formulæ for completing the Gainsborough Bridge, which are used to the present day. Torksey and Gainsborough are used as models. There was this discussion about it: Capt. Tyler reported about it. We had a discussion on the matter among the Civil Engineers; that discussion came under the consideration of the Board of Trade, and they certified the decision of the Civil Engineers, most of whom calculated the strength of the bridge. I may mention Robert Stephenson, Bidder, Brunel, Hutton, Gregory, Fairbairn, and others; and they all reported that the bridge was fully equal to carry a load of four times the weight that could ever possibly come upon it. Their decision was taken to the Board of Trade, who set aside the report of their own officers, and opened the bridge.

8518. Can you account in any way for the immense weight of the Menangle Bridge? I cannot account for it; I can only suppose things. I do not know whether the iron is of good quality, or whether it is \*ship's plates, coming from Birkenhead Works. If it is good iron the quantity of metal put in is absurd.

8519. Would not the increased weight of the iron give a higher commission to the person who had charge of the work? Of course, if he were paid by a per centage, the greater the cost the more the commission.

8520. Are you aware that Mr. John Fowler is the proprietor of large iron works in England? Yes.

8521. Was he the proprietor of these iron works when he designed the Gainsborough Bridge? No.

8522. Was he when he designed the Torksey Bridge? No; the Torksey and Gainsborough were designed by me nineteen years ago; of course he certified them.

8523. Was he the possessor of these iron works at that time? No, he has not had them above seven years.

8524. Have you heard that Mr. John Fowler and Mr. Leather are the moneyed partners of the firm of Manning, Wardell, & Co.? Yes, I believe them to be so. I have no doubt about it, that they found the money to start them, for it was a matter of common conversation with the family. Leather married one of Wardell's daughters. I have no doubt about it.

8525. Do you know that the greater part of the engines that were ordered before the last order—you remember that —? Yes, I remember that remarkably well.

8526. Were ordered direct from Manning, Wardell, & Co., without competition? I believe the engines for the Windsor line were; I think you have that in evidence before the House.

8527. If you do not know, say so —? You mean the bogie engines.

8528. The bogie and other engines? Yes. I do know it from Mr. Willis, of the firm of Willis, Merry, & Co. They were sent direct, and the excuse for their outrageous cost was, they had to make new patterns.

Mr. C.  
Fowler, C.E.  
22 Mar., 1864.

\* NOTE (on revision):—A very inferior description of iron.



## DISORGANIZED STATE OF PUBLIC WORKS DEPARTMENT.

### APPENDIX.

(To Evidence given by John Rae, Esq., 13 October, 1863.)

A. No. 1.

*Minute for the Executive Council.*

*Department of Public Works,  
Sydney, 17 October, 1863.*

THE Secretary for Public Works, under the circumstances disclosed in the accompanying papers having reference to the inquiry made into the alleged disorganized state of his department, recommends to His Excellency the Governor and the Executive Council, that Messrs. Hall, Trengrouse, Doherty, and Robinson, be dismissed the public service.

W. M. ARNOLD.

Clerk of the Executive Council.—B.C.—JOHN RAE.

Withdrawn from the consideration of the Council, at the request of the Honorable the Secretary for Works.

A. G. C. BUDGE,  
Acting Clerk of the Council.

19 Oct., 1863.

*Engineer-in-Chief to Under Secretary.*

I FORWARD, for the consideration of the Honorable the Minister for Works, the evidence (accompanied by a report) taken by me, with reference to the alleged disorderly conduct of certain officers in my department. Mr. Trengrouse states that, although he was aware drinking was carried on to excess in the department, by Mr. Hall, and that many of the performances which are stated to have occurred took place daily, yet he did not mention this matter to any one nor did he report it officially.

The evidence of Mr. Trengrouse is either true or not true—if true, he is highly culpable in not reporting such occurrences to me—if not true, his conduct deserves severe condemnation; and, in either case, I consider his services should be dispensed with.

I may mention that Mr. Trengrouse is only partially supported in his statements by Mr. Doherty; and twelve witnesses, including Mr. Mason, Mr. Barton, and Mr. Drewett, state that they have never seen such occurrences as described by Mr. Trengrouse.

The duties upon which Mr. Trengrouse has been employed are to make tracings of land plans required for notices to owners and occupiers of land taken for railway purposes, and also to copy on deeds plans of land purchased; his services therefore can be readily replaced.

Mr. Hall is an excellent architectural draftsman, and has rendered valuable assistance to the department; and unless the charges against him be sustained by further evidence, I shall not feel justified in recommending his dismissal.

Messrs. Doherty and Robertson (who are both only temporarily employed in the office to make tracings) have each written letters with a view to publication, and which were published in the *Empire* newspaper of the 11th August, reflecting on officers in this department; and as insubordination of this kind is in direct contravention of one of the printed rules of the service, and cannot be permitted without great injury to the public service, I recommend that their services be at once dispensed with.

J. W.—28/8/63.

Submitted.—J.R.—29/8/63.

Prepare minute for Executive Council, recommending dismissal of Messrs. Trengrouse, Doherty, and Robertson.—W.M.A.—29/8/63.

*Railway Department, Engineer's Office,  
Sydney, 24 August, 1863.*

Sir,

In compliance with the instructions of the Honorable the Minister for Works, I have made an inquiry into the charges of drunkenness and fighting, &c., which were stated by the Honorable Member, Mr. Dalgleish, in his place in Parliament, to have occurred in this department.

The following witnesses have been examined:—

George Hall,	William Mackay,
Nicholas Trengrouse,	Hyacinthe Telmon,
John Doherty,	William Quodling,
Louis Robertson,	William Mason,
William Drewett,	John William Deering,
Edwin Barton,	Thomas Collins,
Edwin Fearnside,	Thomas Fitzgerald, } Messengers.

Mr. Hall was the first witness, and it will be seen from his evidence that he positively denies the truth of all the statements made by Mr. Dalgleish with reference to himself.

Mr. Trengrouse states that he has seen Mr. Hall drink "a bottle of brandy in a day, besides beer"; and that this brandy was brought into the office by Fitzgerald, the messenger. On referring to the evidence of Fitzgerald I find the following:—"I recollect on one occasion being sent for a bottle of brandy by Mr. Hall; it was on the Saturday at the latter end of December last year; Mr. Hall told me "he wanted it to take home—it was just before he was going to leave the office; I did not see any one taking any portion of it; Mr. Micklethwait also, on one occasion (but I forget when it was) asked me to get him a bottle of brandy, as he was going by the boat to Newcastle; I got it for him and he went to the boat; I never got any other bottles of brandy, and if any person has said so it is not true; I have never seen any one fetching beer or spirits to the office."

The messenger who is stated to have brought these bottles of brandy into the office, and which it is asserted Mr. Hall drank, directly contradicts Mr. Trengrouse's statement; and it is somewhat singular that Mr. Trengrouse is entirely unsupported by any other officer of the department except Mr. Doherty.

Mr. Doherty says:—"I have seen Mr. Hall and Mr. Micklethwait once each challenge Mr. Gardiner to fight; I don't know the words used, nor the occasion of the challenges; I have seen Mr. Micklethwait stagger, and, as I thought, from drink; I have seen many bottles of brandy in the office, and had some about twice; I have never seen Mr. Trengrouse or Mr. Gardiner drink in the office, but I have seen Mr. Mackay and Mr. Fearnside taking drink to lunch. "I

" I have seen Mr. Hall under the influence of drink frequently, and I have seen Mr. Micklethwait once or twice; in my opinion they were not capable of properly performing their duties.

" I have formed my opinion of Mr. Hall's incapacity to perform his duties because I have seen him go into the ante room and wash and bathe himself.

" I am unable to define or give a reason for supposing Mr. Micklethwait was incapable of performing his duties; I say it was 'my opinion'; I have seen a bottle of brandy and one of beer brought into the office and drunk by Mr. Hall and Mr. Micklethwait; I mean I have seen it brought in, but I don't know whether it was all drunk or not.

" I have seen beer brought into the office at lunch-time, and drunk by other gentlemen.

" I have seen Mr. Hall perform the 'Scissors Grinder' in the office; I don't know anything about 'Suffolk Punch'; I don't know what it means."

Mr. Louis Robertson states—" I have seen Mr. Micklethwait unable to do his work from the influence of drink once; I judged from seeing Mr. Micklethwait's face being redder than usual, and from his outward manner, and from having poured water upon the back of his head; Mr. Drewett was in the office with us."

Mr. Drewett states—" I recollect Mr. Micklethwait some time back (on one occasion only) asking Mr. Robertson to pour water upon the back of his head, but it was not in my opinion because he was under the influence of drink; I have never seen Mr. Micklethwait under the influence of drink, nor have I seen any other person in the department under the influence of drink in office hours. I had never heard anything of the office performances until I read of them in the newspapers."

One of the charges made by Mr. Dalgleish, and in my opinion by far the most important charge, was that of drunkenness against Mr. Hall and Mr. Micklethwait; I have taken the evidence of fourteen witnesses, whose names are appended, and not one has ever seen either Mr. Hall or Mr. Micklethwait drunk, and only three of these state that they have seen Mr. Hall or Mr. Micklethwait under the influence of drink.

Mr. Trengrouse says—" I have never seen any one intoxicated, but I have seen Mr. Hall with more drink than he should have had."

Mr. Doherty says—" I have seen Mr. Hall under the influence of drink frequently, and I have seen Mr. Micklethwait once or twice."

Mr. Louis Robertson says that he has seen Mr. Micklethwait unable to do his work from the influence of drink once.

Therefore Mr. Doherty and Mr. Robertson state, that they have seen Mr. Micklethwait under the influence of drink each once, and Mr. Trengrouse and Mr. Doherty state that they have seen Mr. Hall under the influence of drink frequently; eleven witnesses state that they have never seen either Mr. Hall or Mr. Micklethwait affected by drink in the office or during office hours.

I wish to draw the Minister's particular attention to the evidence of Mr. Trengrouse, who has exhibited such a strong feeling towards Mr. Hall as, in my opinion, to render his evidence utterly worthless

The evidence of Mr. Doherty also is somewhat remarkable: he has seen Mr. Mackay and Mr. Fearnside taking drink to lunch, but he has never seen Mr. Trengrouse or Mr. Gardiner drink in the office.

Mr. Trengrouse, however, states that he has taken brandy or beer at lunch in the office daily.

The peculiar reasons assigned by Mr. Doherty for supposing Mr. Hall to be under the influence of drink are worthy of special attention; as relates to his belief that Mr. Micklethwait was under the influence of drink, he is unable to give any explanation as to how he formed that opinion.

The charge of drunkenness brought against Mr. Hall and Mr. Micklethwait appears, from the evidence taken, to be a pure fabrication.

Another charge made by Mr. Dalgleish in his place in Parliament is, that Mr. Hall enacted in office hours a part called the "Suffolk Punch."

It will not be necessary for me to say more with reference to this matter than that *not one* of the witnesses examined ever heard of the "Suffolk Punch," until after reading the speech of the Honorable Member as reported in the *Sydney Morning Herald* of the 29th July.

The statements as to the performances called the "Redan," the "Malakof," the "Tap-room Toper," and "Storming the Garrison," are not corroborated by any of the witnesses examined except Mr. Trengrouse, whose evidence I have previously referred to.

The performance called the "Scissors Grinder" has occasionally taken place at lunch-time. Mr. Fearnside says, " I recollect on one occasion at lunch-time that Mr. Hall for a few seconds only was acting a little mimicry, but it was only for a few seconds, and I never saw it but that once."

Mr. Trengrouse states—" I have seen him (Mr. Hall) performing the 'Scissors Grinder,' generally beginning about 1 o'clock, and continuing at intervals throughout the day—lasting about ten minutes at a time."

Mr. Doherty states—" I have seen Mr. Hall performing the 'Scissors Grinder' in the office; I don't know anything about 'Suffolk Punch'; I don't know what it means."

It appears therefore that, out of fourteen witnesses, three only have heard this performance, and Mr. Fearnside has only heard it once during a period of eighteen months; it is difficult therefore, to believe that it has been of such constant occurrence as stated by Mr. Trengrouse.

The following evidence has been given, with reference to the charge of fighting which was stated to have occurred in this department:—

Mr. Trengrouse, who has been in the department ten years, states—" I have seen blows exchanged between Mr. Hall and Mr. Deering in the office; it was in consequence of Mr. Deering saying Mr. Hall was no gentleman."

Mr. Deering, who is not now in the department, states—" I recollect an instance occurring when some few words took place between myself and Mr. Hall, but the circumstance was so trivial that I thought no more about it; it was not fighting at any rate."

Mr. Fearnside states—" I recollect Mr. Hall and Mr. Gardiner quarrelling after 4 o'clock; Mr. Hall threatened to thrash Mr. Gardiner, as Gardiner had called him a 'pot-house bully.'"

Mr. Trengrouse has therefore, during a period extending over ten years, heard one quarrel in the office, which he considers was a fight, and only one other instance of quarrelling is known to any of the witnesses examined.

Mr. Dalgleish also stated that Mr. Micklethwait was "subject to *delirium tremens*;" I append medical certificates on this matter, shewing that such statement is utterly without foundation; in justice to Mr. Micklethwait I may state that I have known him for nearly twenty-seven years, and I never saw him intoxicated; Mr. Mason has known him for about twenty years, and he never saw him intoxicated, and from my knowledge of Mr. Micklethwait, I find it impossible to believe the statements made with reference to him.

The whole of the evidence taken by me has been signed by the witnesses, and is hereto appended.

Mr. Gardiner was requested to attend to give evidence, but declined to do so.

Not finding any evidence requiring in my opinion an explanation from Mr. Micklethwait, I have felt it unnecessary to request his attendance in Sydney, from Muswellbrook, where he is now employed.

I have, &c.,

JOHN WHITTON.

John Rae, Esq.,  
Under Secretary for Works.

Charges



*Charges against Mr. Hall and others, as reported in the "Sydney Morning Herald" of 29 July, 1863.*

*George Hall* states:—I have read the reports in the *Sydney Herald* of 29 July, relative to my being intoxicated, &c.; I state I have never been intoxicated during office hours, nor have I ever in the office enacted the parts of "Scissors Grinder," &c., as alleged; nor did I even know the meaning of the "Suffolk Punch" until explained to me after the publication of the *Herald*; the "Tap-room Toper" I know nothing of, nor did I ever perform it; I admit that on several occasions I have for perhaps two or three minutes endeavoured to amuse the people at lunch time, but only at that time; the titles are new to me; I never heard anything of the terms "storming the garrison," as applied to drinking in the office; nor did I ever hear anything about the "Malakof" or the "Redan"; I state it is a pure fabrication; I never used the words, nor have I ever heard them so applied, until after the publication of the *Herald*; I say it is not true that I ever drank a bottle of brandy or even a bottle of beer in the office during any day; it has not been my general practice to use stimulating drinks during office hours, except for a short time during sickness, when acting under medical advice, I used to drink not more than a glass of brandy during the day, and that I may add was only at lunch time; the messenger who has always procured this brandy for me, can no doubt give information on this matter; I state that the whole of the officers, with one or two exceptions, take beer or some other stimulating drink for lunch, but I never saw it taken to excess; I have seen Mr. Gardiner take beer as well as the other gentlemen; I never challenged to fight in the office, but I once threatened to knock Mr. Gardiner down; I now recollect I did say I would fight him; it was under very strong provocation, he called me "*a low pot-house bully*"; I did not strike him, nor did I attempt to strike him; I recollect on one occasion having some words with Mr. Deering, and I slapped his face; he said I was no gentleman; I have no recollection of any other instance of quarrelling, and I say I never threatened to fight or challenged any other person except as above mentioned; I have never seen any officer under the influence of drink during office hours, nor at any other time; I say, with reference to the whole of the charges made by Mr. Dalglish, that they are without foundation, and not true; I never saw a bottle of brandy hid in a roll of drawing paper in the office, nor have I ever heard of such being the case until I read it in the newspaper.

GEO. HALL.

*George Hall*, recalled:—I heard the statements of Mr. Trengrouse read, and so far as they relate to myself, I say that the statements made are untrue and without foundation; I have never received from contractors brandy or any other drink when measuring up works, nor have I ever requested that brandy or other liquor should be sent for; I deny that money has been collected and pocketed by me; I deny that I ever sent an order for a bottle of brandy out of the office; I did on one occasion send for a bottle of brandy at Christmas time; it was the last Saturday in last year; that is the only bottle I have sent for; I paid for it; Mr. Trengrouse's statement that I am in the habit of being made helplessly drunk at Newtown is a wilful and malicious falsehood; I deny that I have ever been drunk at Newtown.

GEO. HALL.

*Nicholas Trengrouse*:—I have been in this department near ten years; I have read the *Sydney Morning Herald* of 29th July, wherein certain charges are preferred against Messrs. Hall and Micklethwait; I have never seen any one intoxicated in the office, but I have seen Mr. Hall with more drink than he should have had; I have known him to drink a bottle of brandy in the day besides beer—the ordinary bottle is what I refer to; I have seen Mr. Hall with brandy and blood running out of his nose; I have seen Mr. Hall frequently go to his bottle to drink; I have seen Mr. Hall send for a bottle of brandy, and I have seen him drink the whole of it in one day; this was when I was in the large room; I have no doubt the bottle was finished; I never had the curiosity to look at it; it has been sent for day after day; Mr. Hall is very clever at mimicry; I have seen him performing the "Scissors Grinder"; generally beginning about 1 o'clock and continuing at intervals throughout the day—lasting about ten minutes at a time; I have seen him performing "Punch and Judy" during office hours—generally in the afternoons; I have seen this going on for years, but I have never mentioned it to any one, nor did I ever report it; I have known contractors stop in their calculations and look up with astonishment at the noise made by Mr. Hall, but I do not know the names of any one of them; I have taken drink in the office daily—brandy or beer at lunch; Mr. Hall has requested contractors to send out for drink, which has been brought into the office; I never had any of it; Mr. Croshaw is one of the contractors who has sent out for drink; I state that Mr. Hall expects, as a rule, a bottle of brandy to be ready or to be sent for when he goes out to inspect buildings; I have not seen it, but I have been informed of it, and I declined to give up my authority; I state I have been informed by Mr. Harris of Newtown, painter; Mr. Harris stated to me that Mr. Hall expects to have a bottle of brandy, under the circumstances stated by me, from the contractors, and when the brandy has not been ready it has had to be sent for; Mr. Hall has frequently raised, by subscription in the office, 4s. 6d. for a bottle of brandy, which has been sent for and drunk in the office; I have subscribed more than once, to get rid of the annoyance of being so often pestered by Mr. Hall; I have seen blows exchanged between Mr. Hall and Mr. Deering in the office; it was in consequence of Mr. Deering saying Mr. Hall was no gentleman; Mr. Hall's drunken habits are so well known that his friends at Newtown have refused to acknowledge him—some having been in the habit of giving him so much brandy as to render him quite helpless, so that they may have him carried away; I decline to give up my authority; I have never seen Mr. Micklethwait under the influence of drink in the office, or during office hours; I have seen a bottle of brandy hid under a roll of paper, and I have heard the terms "Malakof" and "Redan" frequently used in reference to drink in the office; I have heard and seen Mr. Hall "storming the garrison" as he termed it,—*i.e.*, rushing wildly upon his bottle; I never considered it within my province to mention these things to my superior officer; I am the longest in the office; Mr. Hall has tried a good deal to injure me.

N. TRENGROUSE.

*Mr. Trengrouse* recalled, states:—The bottles of brandy mentioned by me as having been brought into the office, were brought by Fitzgerald, the messenger; I wish to add more than one contractor has brought in spirits, but I do not mention names; I decline to mention names; when the money has been subscribed for brandy, it has been generally about the last week of the month; the money has been pocketed by Mr. Hall, not sent for the drink; an order has been sent for it on the spirit merchant.

N. TRENGROUSE.

*John Doherty*:—I have read a letter in the *Empire* of August the 11th; it was written and signed by me; I have seen Mr. Hall once, and Mr. Micklethwait once, each challenge Mr. Gardiner to fight; I don't know the words used nor the occasion of the challenges; I have seen Messrs. Hall and Micklethwait each drinking brandy and beer, and I believe the challenges were given under the influence of drink; I have seen Mr. Micklethwait stagger, and, as I thought, from drink; I have seen many bottles of brandy in the office, and had some about twice; I never saw Mr. Trengrouse or Mr. Gardiner drink in the office, but I have seen Mr. Mackay and Mr. Fearnside taking drink to lunch; I have seen Mr. Hall under the influence of drink frequently, and I have seen Mr. Micklethwait once or twice; in my opinion they were not capable of properly performing their duties; I have formed my opinion of Mr. Hall's incapacity to perform his duties because I have seen him go into the ante-room and wash and bathe himself; I am unable to define or give a reason for supposing Mr. Micklethwait was incapable

of

of performing his duties; I say it was my opinion; I have seen a bottle of brandy and one of beer brought into the office, and drunk by Mr. Hall and Mr. Micklethwait; I mean I have seen it brought in, but I don't know whether it was all drunk or not; I have seen beer brought into the office at lunch time, and drunk by other gentlemen; I decline to answer whether I have been seen drunk in Sydney streets; I have seen Mr. Hall performing the "Scissors Grinder" in the office; I don't know anything about "Suffolk Punch"—I don't know what it means.

J. DOHERTY.

*Louis Robertson* states:—I have read a letter in the *Empire* of 11th of August; that letter was written and signed by me; I have seen Mr. Micklethwait unable to do his work from the influence of drink once; I judged from seeing Mr. Micklethwait's face being redder than usual, and from his outward manner, also from having poured water upon the back of his head; Mr. Drewett was in the office with us; I only remember that one occasion; I know of no other instance in the department of seeing any one under the influence of drink in office hours.

LOUIS ROBERTSON.

*Mr. Robertson* recalled, states:—I have never seen or heard anything of the performances of the "Suffolk Punch," &c., referred to in the newspapers, until after they were published.—L.R.

*John William Drewett* states:—I recollect Mr. Micklethwait some time back (on one occasion only), asking Mr. Robertson to pour water upon the back of his head; but it was not, in my opinion, because he was under the influence of drink; I have never seen Mr. Micklethwait under the influence of drink, nor have I seen any other person in the department under the influence of drink in office hours; I had never heard anything of the office performances until I read of them in the newspapers.

J. W. DREWETT.

*Edwin Barton* states:—I am assistant engineer in the Railway Branch; I have been in the department about seven years; I have read the statements made by Mr. Dalgleish, as reported in the newspaper of 29th July last, relative to drunkenness, &c., in the Railway Branch; for some years I was constantly in the drawing office when not in the field, and I state that I never saw or heard anything of the performances alluded to, and I have never seen drinking to excess in the office; had such happened I should have taken such steps as would have prevented a recurrence.

EDWIN BARTON.

*Edwin Fearnside* states:—I have been in the drawing office for the last eighteen months; I have never during that time seen any one in the drawing office under the influence of drink; I recollect on one occasion, at lunch time, that Mr. Hall, for a very few seconds only, was acting a little mimicry, but it was only for a few seconds, and I never saw it but that once; I know nothing whatever about the "Suffolk Punch," the "Malakof," or the "Redan," and never heard anything of the like in the office; I have read the newspaper of the 29th July last, and I deny the statements therein made about certain performances and drunkenness having taken place in the office; it is usual to take beer at lunch time, all very nearly take it; there is no time allowed to go out for lunch; I recollect Mr. Hall and Mr. Gardiner quarrelling after 4 o'clock; Mr. Hall threatened to thrash Mr. Gardiner, as Gardiner had called him "a pot-house bully"; I have never seen bottles of brandy brought into the office, but I have seen a little brandy taken, and have taken it myself in sickness, but I never used it nor have I ever seen it used to excess; I never saw Mr. Hall take a bottle of brandy in a day, nor do I believe he could have done so; I never saw him incapable of doing his duty in the office, or at any other time.

EDWIN H. FEARNSIDE.

*William Mackay* states:—I have been in the drawing office about three years; I have read the newspaper of 29th July, where certain charges are made against Messrs. Hall and Micklethwait; I have never seen Mr. Hall nor Mr. Micklethwait nor any other person under the influence of drink in the office; I know nothing whatever of the "Suffolk Punch," the "Scissors Grinder," the "Malakof" or the "Redan," and never heard anything about those matters until after they appeared in the newspapers; I never saw Mr. Hall neglecting his duty to carry on the performance stated, nor have I ever seen him empty a bottle of brandy in a day, nor do I believe any person has done so in the office; had it been so I must have seen it; I never saw fighting in the office, but I once heard quarrelling between Mr. Hall and Mr. Deering; I interfered and prevented, but Mr. Gardiner quarrelled with me afterwards for interfering in the matter, saying that Mr. Hall was quite right; I never saw Mr. Micklethwait the worse for liquor; I have seen him take beer at lunch, but not at any other time; I have seen Mr. Hall and Mr. Gardiner taking beer together at lunch time; indeed it is usual for most of the officers to take beer for lunch; I have taken it as well as others; I can state positively that I have never seen Mr. Micklethwait acting in any way unbecoming a gentleman; he has always been sober and steady when I have seen him.

WILLIAM MACKAY.

*Hyacinthe Telmon* states:—I have been in the drawing office about three years; I have never during that time seen any one in the room intoxicated or under the influence of drink; I have never seen drink taken to excess; I have seen people taking drink with lunch, but I never saw a bottle of brandy brought in; if Mr. Hall or Mr. Micklethwait had taken a bottle of brandy I should have seen it; I never saw or heard anything of drunkenness amongst the officers; I never saw Mr. Hall wasting his time giving performances in mimicry; I have seen him sometimes at lunch making people laugh only for a few minutes.

HYACINTHE TELMON.

*William Henry Quodling* states:—I am clerk in the Engineer-in-Chief's Office; I have been in the department nearly six years; I am necessarily continually backwards and forwards amongst the engineers and draftsmen; I have never upon any one occasion seen drinking or drunkenness in the department, except that I have seen beer taken at lunch time; if any person had been in the habit of getting drunk, or drinking a bottle of brandy in a day, I think I should have either seen it or I should have heard of it; I have never heard anything about such matters; I had never heard anything about performances during office hours, until they appeared in the newspapers; I mean the "Suffolk Punch," the "Malakof," the "Redan," &c.

W. H. QUODLING.

*William Mason* states:—I am principal assistant engineer in this department; I have been in the office about seven years; I have never on any occasion seen drinking or drunkenness in the office during that period; I am necessarily backwards and forwards amongst the officers, and if such cases as are alluded to in the newspaper of 29th July had taken place I should either have seen or heard of them. I may also add, with respect to Mr. Micklethwait, that I have known him for the last twenty years; and although I have during that time met him frequently, and on occasions when he had the opportunity of indulging in drinking to excess, yet I can most conscientiously say that I have never once seen him intoxicated.

WILLIAM MASON.

*John Williams Deering* states:—I was formerly a draftsman in the Railway Branch for about three months; I have seen the statements made in the newspapers of 29th July, relative to drinking and fighting and certain performances in the drawing office, and I most positively state that, so far as relates to the time I was in the office, the whole is without foundation and not true; I worked next to Mr. Hall, and I never saw him wasting his time, or drinking except at lunch time; no time was allowed

allowed to go out for lunch; I recollect an instance occurring when some few words took place between myself and Mr. Hall, but the circumstance was so trivial that I thought no more about it; it was not fighting at any rate; I have been in many offices in the Government service for the last ten years, but I have not been in one so strictly kept as the Railway Office; I have not spoken to Mr. Hall for nearly three years, and I came voluntarily to make this statement.

JOHN WILLIAMS DEERING.

*Thomas Collins* states:—I am principal messenger in the Railway Office; I have never been asked to get bottles of brandy or beer by the gentlemen in the drawing office, nor have I ever got any; I never saw or heard of bottles of brandy being sent for; if it had been so I must have known it, as Fitzgerald is accountable to me when he leaves the office; I know he gets beer for lunch, but I never heard of his getting a bottle of brandy at lunch-time; it is possible that a bottle may have been sent for without my knowledge, but it could not be the practice; I have never seen any officer under the influence of drink.

THOS. COLLINS.

*Thomas Fitzgerald* states:—I have been in the Railway Office as messenger for more than three years; I have read the newspaper of the 29th July; the statements made about drunkenness I know nothing of, nor have I seen any of the performances; I have never seen any officer under the influence of drink in office hours; I have been in the habit of getting the beer required for lunch by the gentlemen, but it has always been at lunch-time; I have never been asked to get it only at lunch-time; very nearly all the gentlemen get a glass of beer or spirits, but not often spirits; I have got brandy for Mr. Hall, Mr. Micklethwait, and Mr. Trengrouse, but only a glass at a time, and that was for lunch; I recollect on one occasion being sent for a bottle of brandy by Mr. Hall—it was on the Saturday, at the latter end of December, last year; Mr. Hall told me he wanted it to take home; it was just before he was going to leave the office; I did not see any one taking any portion of it. Mr. Micklethwait also on one occasion (but I forget when it was) asked me to get him a bottle of brandy, as he was going by the boat to Newcastle; I got it for him and he went to the boat; I never got any other bottles of brandy, and if any person has said so it is not true; I have never seen any one else fetching beer or spirits to the office; I have often ordered wine and brandy and ale for the gentlemen, to go to their homes; I have taken orders for Mr. Trengrouse, Mr. Hall, and Mr. Micklethwait; I never carried an order for a single bottle, and I paid for each bottle; I have mentioned I never paid but for two; if anybody has said I carried orders for bottles of brandy instead of money it is not true; I never carried bottles of beer except for lunch.

THOS. FITZGERALD.

Department of Public Works,  
Sydney, 26 August, 1863.

Sir,

I have read the evidence taken in the inquiry by the Engineer-in-Chief, into certain alleged disorders in the Railway Branch of this Department, and I am amazed to find that practices therein described could have existed so long without the attention of the Minister being called to them.

I shall bring the matter at once under the notice of the Executive Council, and meanwhile direct that Messrs. Robertson, Trengrouse, and Doherty, be suspended from further duty.

I remain, &c.

W. M. ARNOLD.

Prepare minute for Executive Council—then forward to Mr. Whitton.—J.R.—26/8/63.

Seen.—J.W.

Minute for Executive Council, 29/8/63.

No. 1.

Examined by Mr. Arnold:—

4 September, 1863.

*Henry T. Harris*:—The statement in my letter refers to what took place at Cabramatta; I was doing the plumbing and painter's work; Mr. Hall used to come to inspect the work occasionally; Mr. Parkinson was generally there to represent the contractor; this is the only job I allude to; it was always expected, when Mr. Hall visited the work, that a bottle of grog should be there; I mean when Mr. Hall was expected a bottle of grog was always got ready—sometimes brandy, sometimes rum; it was sometimes there and sometimes sent for; generally paid by Parkinson; the spirits were drunk while the inspection was going on; it was not confined to meal time; it was drunk principally by Hall, Parkinson, and myself; there was more drunk than I think was right for a business man; while engaged in inspection I would not like to say whether Mr. Hall was sober, but a bottle of spirits was drunk, of which Mr. Hall and Mr. Parkinson took the largest part; Parkinson sent for the drink to a public-house generally; I can't say that Mr. Hall ever asked spirits to be sent for; when Mr. Parkinson was not there, Mr. Hall has gone to the box where the spirits were kept, to look for refreshment; I have seen Mr. Hall on these occasions take spirits from the box, and I have done so too; I don't mean to insinuate that Mr. Hall favoured the contractors in consequence, at least I know he never favoured me.

Examined by Mr. Hall:—

I was not there at the commencement of the building, but about five weeks in all, from the commencement of my work; at the final measurement of the work I think I was present, but left early in the day; I did not walk from Cabramatta to Liverpool after the measurement was over; I know that on every occasion on which Mr. Hall was present there was a bottle of spirits, during the time I was there; you visited the building three or four times while I was there; I do not know that Mr. Hall favoured the contractors, but people don't generally treat others without expecting something in return.

HY. T. HARRIS.

5 Sept., 1863.

*Martin Gardiner* will send his evidence in writing in the beginning of the week.

*Thomas Parkinson*:—I was partner of the contractor for the work at Cabramatta, and was present all the time it was going on; Mr. Hall inspected the work; I am not aware that it was the practice to provide spirits for Mr. Hall on those occasions; spirits were used by myself, Harris had his share; Mr. Hall took lunch with us, and drank spirits with us; I never saw him drunk in my life; he did not drink to excess; he was never unfit for his work; he did not drink more than myself; this drink was never sent for for Mr. Hall—it was provided for myself; he never induced or expected us to provide spirits for him; the drink certainly never was provided for him; I don't think he partook of spirits on every occasion he was there—I feel certain he did not; there were other workmen at the building, bricklayers and labourers; Mr. Bryant, the contractor, is since dead; I have been foreman under Peto & Co. when Mr. Hall has inspected; I have never seen Mr. Hall unfit for his duties, or in such a state as to excite observation.

Examined by Mr. Hall:—

I don't believe it was customary to provide a bottle of spirits for you when you came to inspect works; I never saw it.

We usually had a supply of spirits at Cabramatta; when Mr. Hall arrived it was not usual for him to take a glass of spirits; the drinking was confined to meal times; I never saw him drink spirits before he commenced work.

THOMAS PARKINSON.

Evidence

*Evidence given by Martin Gardiner, in an inquiry into the conduct of Officers of the Railway Department.*

(Evidence concerning Mr. Hall.)

1. He brought in small bottles of brandy to the office, in his pockets.
2. He sometimes brought in rum in the same manner, and at other times he brought in a mixture of brandy and laudanum.
3. And besides the small bottles just mentioned, he brought in, on an average, about two or three full bottles of pale or dark brandy each week, from the time that Mr. Trengrouse (senior) was removed from the wooden house into the large house, until the removal of the department to the new offices now occupied; these large bottles he brought in papered, as if they were other kinds of packages than bottles.
4. He sent the messenger regularly for beer, and sometimes for dark brandy or rum.
5. Strangers (on two or three occasions) brought him in bottles with a seal on top and labelled with Martel's brandy labels.
6. The large bottle of brandy he planted in a box in the small room attached to the end of the drawing room; and, after drawing the cork (I never yet knew him to be without a corkscrew) and taking a full half-tumbler of it, he covered it over with old rolls of drawings and other papers.
7. He kept the small bottles on a shelf in the same room; they were marked "Mixture. Three teaspoonfuls to be taken daily." But I saw him often drink the entire contents of one of them daily, from between 10 and 12 o'clock.
8. He usually commenced to drink his brandy immediately after entering the office, at about a quarter after 9 o'clock; and he commenced his daily antics and gambols at about 10 or half-past.
9. When he planted a bottle of brandy beside him on the table, he usually covered it over with a roll of drawing of one of the stations, and in such a position it was known by the name of the "Malakof," and the square gin bottle, in which he kept his beer, was known as the "Redan."
10. I remember, on one occasion (during the time he was in the small room, looking after the servant girls) I took the "Malakof" out of the roll, and placed it behind one of the drawing-boards. He walked up, as usual, to "storm the garrison," and not finding the bottle, he became furious, and commenced searching round the room; and when he approached to where Mr. Telmon was working, and asked about the bottle, Mr. Telmon snuffed up his nose, and observed that he smelled something like a brandy cask.
11. He always advocated drink, and advised me to leave off cold water, and join him in "keeping spirits up by pouring spirits down." He termed his drinking, "imbibing from the fount of inspiration, and leading a rigorously spiritual life." And, under the influence of drink, he assumed the following various dramatic and comic characters:—"Richard the Third," "Shylock," "Out, damned spot," (not Macbeth's spot), "The Scissors Grinder," "The Suffolk Punch," "Any oder man," "The Tap-room Toper," "The walking Boss." And he sometimes sang, "The rubics that garnished his nose, jolly nose!" at the same time that he rolled his eyes and twisted his nose like indiarubber.
12. He was also fond of conjuring during office hours, particularly with the smooth round top of his walking-cane. He took the top of his cane in his hand, and acted so as to make it appear that he had a hold of something which he could shew out at his breast, or out under his shirt-collar.
13. His language was often of a very low description, particularly in his impersonation of the "Tap-room Toper"; it consisted of—"You're a liar; you're another; you're a damn infernal liar; you're a damn infernal b——r," &c. And, in boasting of his great ability as a comic actor, he was accustomed to say, "it came out of him spontaneously, like a cow s——g."
14. He termed Mr. Whitton "John," or "The Big Potato"; and when, after seeing Mr. Whitton, he called it, "wiping John," or "sucking John." I remember one occasion, when I advised him to go up stairs, and give "John" a blowing-up (for breaking through the private compact he told me they made, so as to be able to crush unruly contractors), he came back pale and angry, and said he would never "wipe up John again." I requested to know what had happened, and he said, "I have wiped up John's —— with a broken bottle, and cut him so severely that he will never let me at it again"; and then he added, that "no doubt he took that as the unkindest cut of Hall." And in respect to this affair I may remark that, if Mr. Whitton saw Mr. Hall on that occasion, then Mr. Whitton saw Mr. Hall well intoxicated, no matter what he says to the contrary.
15. He and his office companion in drink (Mr. Fearnside) were many times compelled to shut themselves in the small room at the end of the office, when so unsteady as to be unfit for work; and whenever I entered and saw them lying on the boxes in a bloated state, Mr. Hall told me that the *tableau vivant* before me was "The grand histrionic act called sitting Marius on the ruins of Carthage."
16. I often caught Mr. Hall standing on the boxes in the small room, endeavouring to draw the attention of the servant girls of an adjoining house.
17. I saw Mr. Hall and contractors go into the small room, where Mr. Hall kept his brandy planted, and I heard clinking of a bottle and glasses, and have no doubt they drank together inside.
18. Mr. Hall, at various times (when under the influence of brandy), knocked himself against me as if he wished to have me fight him in the office; and on one occasion (which I officially reported to Mr. Whitton, but got no redress) he threatened to strike me, and wanted to have a pugilistic *set-to* in the office, because I advised Mr. Doherty not to take any notice of his immoral language, which he evidently brought from the tap-rooms.
19. I have already adverted (in the *Empire*) to a fight which occurred in the office about three years ago; but I will now give the history of the cause of that act:—When Mr. Deering entered the Railway Department, he found before him a draughtsman of the name of Braddock, who came from Adelaide. Mr. Deering informed a party in Adelaide of Mr. Braddock's presence in the department, and took steps to compel Braddock to pay some money he owed in Adelaide; Mr. Deering told Mr. Hall what he had done, and Mr. Hall informed Mr. Braddock, and then Mr. Braddock upbraided Mr. Deering with letting the matter transpire; Mr. Deering said that he knew the person who gave the information to Mr. Braddock, and that he was *no gentleman* to break trust, as it was told him in confidence; Mr. Hall asked did Mr. Deering refer to him; Mr. Deering said he did, and that he (Mr. Hall) was no gentleman; Mr. Hall then, without giving notice, attacked Mr. Deering; they fought three rounds, and were separated; and, although Mr. Deering may think he was a match for Mr. Hall, I am still of opinion that he came off second best in that encounter.
20. Mr. Hall told me, about a year ago, that Mr. Whitton heard of how he "polished off" Mr. Deering, and that he told him he would be doing right to "clear the whole pack out of the long room"—meaning all the draftsmen who were not brought from England by Mr. Whitton.
21. Mr. Hall informed me, some ten or twelve months ago, that Mr. Trengrouse complained to Mr. Whitton about the disorderly state of the department, but that "honest John" would take no notice of the complaints; he also told me that Mr. Whitton was as heavy a drinker as himself, and a great man for singing at small tea parties.
22. I will also remark that it was only after the removal of Mr. Trengrouse (senior) from the wooden house into the large house, that drinking and buffoonery became the predominating characteristic of the wooden house, in which all the scenes complained of took place; the day on which Mr. Trengrouse was removed, Mr. Hall squared up and down the room, crowing like a cock, and saying that he had got rid of him at last; indeed, previous to this period, there was not either acting or drinking to one-fourth the extent that took place afterwards.
23. Mr. Hall often assured me that Mr. Whitton told him (and that Mr. Barton also told him) that he (Mr. Whitton) recommended Trengrouse's dismissal on account of his complaints about himself (Hall) and Micklethwait, and that "he (Mr. Whitton) would insist on the dismissal of both the old and young fellow (Trengrouses) on the first opportunity."

(Evidence

## (Evidence concerning Mr. Micklethwait.)

1. Mr. Micklethwait brought in brandy and rum to the office.
2. He drank to excess daily in the office, and sometimes he came to the office in the morning very much under the stupefying influence of liquor.
3. He drank, from the brandy planted in the small room, turn about with Mr. Hall, and sometimes they drank together in the room, and poured cold water over each other's heads in order to keep down the effects of their potations.
4. He was often thoroughly intoxicated in the office, and unable to express his ideas in an intelligible manner; he often fell asleep over the work before him, which he was too drunk to perform; he was often compelled to stagger away from the office before the usual hour to quit work.
5. He went on some occasions to the water-tap, and let the water pour over the back of his head, before going to see Mr. Whitton; he was generally advised by Mr. Hall.
6. He told me he was a schoolfellow of Mr. Whitton's, and that Mr. Whitton was beginning to forget old times, and to grow aristocratic; and he advised me (in December, 1862) to insert advertisements in the papers, calling on candidates to send in testimonials to Mr. Whitton as applicants for the positions of assistant engineers, and stating that carpenters would be preferred; he was drunk at the time.
7. On the morning following the acts mentioned in 6, he wrote out a form for an advertisement, calling on persons to apply to Mr. Whitton for the positions of civil engineers, and stating that carpenters would be preferred, and another stating that none but carpenters need apply; Mr. Hall handed the forms to me, and requested that I would make any improvement I thought desirable, as they (Hall and Micklethwait) were about having one of them inserted in the papers; I refused to make any change. In speaking afterwards to Mr. Robertson of this matter, he informed me that he saw Mr. Micklethwait shew a similar advertisement to Mr. Drewett, and that Mr. Drewett advised him not to insert it in the papers.
8. The smell of the beer and brandy grew so strong, during Mr. Micklethwait's stay in the office, that he himself introduced the practice of sprinkling chloride of lime over the room.
9. While under the influence of drink, he walked up to where I was at work and threatened to assault me; and, as I made this the subject of an official report to Mr. Whitton (on the 5th of January), I think it right to relate the circumstances under which it occurred:—Some few days before the occurrence, I heard Mr. Hall make the following observation in the office: "I wonder how a married man like Mr. Hall, who has a family of grown-up daughters, can use such disgraceful language about women." Immediately after Mr. Hall made the remark, Mr. Mackay came over to me and said that Micklethwait was as mean a fellow as Hall himself, for that he told Hall the very words which he (Mackay) was after telling him in confidence when at tea with Mrs. Micklethwait on the evening of one of the preceding days. I asked him why he told anything to Micklethwait but what he was prepared to tell every one. He said he "pumped" it out of him, but that he was not so soft as to let him "pump" what he invited him to tea for, viz., the loan of some money. I then advised him to take care of whatever little pence he had got, and not to allow himself to be "pumped" by Micklethwait again. In a few moments after this, Mr. Micklethwait entered the office, and leant on the table with Mackay in a confidential manner, and during the conversation which ensued between them. Mackay looked down to where I was sitting, and made the sign of "pumping" with his hand behind his back. He was observed, and, as the sign was known, some merriment ensued. The next day after this happened Mr. Micklethwait threatened to assault me (at between 3 and 4 o'clock), after coming out of the small room from Mr. Hall; and I may remark that when I demanded of him what it was that caused him to act in such a manner, he went direct to Mackay and Fearnside to inquire of them what I said of him, and they told him that I said nothing about him. They (Mackay and Fearnside) told me afterwards that it was some contractor or other who told Mr. Micklethwait that I was laughing at him during the time he was speaking to Mackay. It was at Mackay's "pumping" I was laughing, as I felt confident Micklethwait could pump him, in spite of his resolve to "keep his *sucker* dry in future."

## (Evidence concerning Mr. Fearnside.)

1. Mr. Fearnside brought in brandy to the office.
2. He also sent for beer by the messenger.
3. He was Mr. Hall's constant companion in "storming the garrison," from 10 to 4 o'clock every day they were together in the office.
4. He was very often half stupefied from beer and brandy during office hours, and when too unsteady for work, he went into the small room and poured water over his head, and then sat down on the boxes in the manner that Mr. Hall styled "Marius on the ruins of Carthage."
5. He also, in his jolly condition from drink, made a practice of standing on the boxes with Mr. Hall, and endeavouring to draw the attention of the servant girls of an adjacent house. On such occasions the anticipations and observations made by himself and Mr. Hall were as disgraceful as ridiculous, and such as no sober man, particularly married men, should make.

## (Evidence concerning Mr. Barton.)

1. I often remarked him what I consider very jolly from strong drink, and leaving the office before the usual time.
2. I saw him at a window of the large house, with a glass to his mouth hob-nobbling down to Mr. Hall, who stood with a glass of brandy (nearly half a tumblerful) in his hand before a window of the long wooden house or office. This was on the 5th of January, just three days after I sent in the letter to Mr. Whitton complaining of the conduct and drinking in the office.
3. I never saw Mr. Barton in the wooden house but twice, from the 1st of August, 1862, to the end of the year 1862, and whether he had any charge of the office is unknown to me.

## (Evidence concerning Mr. Drewett.)

1. I saw him what I consider heady six or eight times.
2. I called Mr. Robertson's attention to Mr. Drewett's appearance, on one occasion when I considered him rather stupid from drink, and I observed that he stank strongly of drink.
3. I saw him drinking beer about four or five times during the month of June.

## (Evidence concerning Mr. Telmon and Mr. Robertson.)

I never saw Mr. Telmon or Mr. Robertson taste any spirituous drinks.

## (Evidence concerning Mr. Mackay.)

1. He drank a little beer at his lunch-time, sometimes a little wine, and sometimes brandy and water.
2. He did not drink one-tenth part the amount which either Hall, Micklethwait or Fearnside drank, but what he did take had the immediate effect of giving him head-ache, and of rendering him unable to do much work in the afternoon.
3. He had sometimes to absent himself from the office, in consequence of the injurious effects brandy had on his constitution.
4. I do not think, as far as I could judge, he drank as much as would injure a strong man or any person having a strong constitution.
5. He often accepted drink from Mr. Hall.

MARTIN GARDINER,

P.S.

P.S.—I have promised to the Hon. the Minister for Works to attend at the office on any day which may be named, in order to answer any questions relating to my evidence; and I will expect (as consented to by him) to be furnished with a full account of what other persons may have said concerning me, so that I also may have questions answered and remarks recorded before the closing of the inquiry.

MARTIN GARDINER,  
September 8th, 1863.

Submitted, 9/9/63.—J.H.

*W. A. Trengrouse*:—I have been eight years in the Railway Office; I have seen spirits brought into the office nearly every day since Mr. Hall's appointment, commencing about 11; sometimes brought by Fitzgerald, sometimes by the boy Garvan; I have seen it brought in bottles and in Mr. Barton's flask, for Mr. Hall and Mr. Micklethwait; my father and Mr. Mackay have occasionally had it; I have seen spirits drunk before lunch-time by Mr. Hall and Mr. Micklethwait only; Fitzgerald's evidence is not true in regard to the quantity of spirits brought into the office; he has brought in spirits before lunch; I have often seen Mr. Hall and Mr. Micklethwait in a state unfit for the performance of their duties, and obliged to go into the small room to bathe their heads with cold water; the drinking in the office was habitually excessive on the part of Mr. Hall and Mr. Micklethwait only; I never made any complaint of this; I spoke to Mr. Whitton once or twice about Mr. Hall's conduct in the office, but not about the irregularities referred to in the Assembly; it referred to his improper interference with tracing paper entrusted to me, and jeering me on some occasions; I have seen Mr. Hall fill a small bottle from a larger one of brandy which had previously been sent for by Mr. Micklethwait; I have frequently seen bottles of brandy brought in by Fitzgerald—often one bottle a day—three days in succession; frequently for Mr. Hall only, when Mr. Micklethwait was absent; Fitzgerald's statement to the contrary is entirely untrue; Mr. Mackay and Mr. Fearnside have both seen and spoken of this; Garvan would also know, as he has himself brought bottles of brandy; on one occasion Mr. Mackay sent for a bottle of brandy, borrowing the money from Mr. Hall, some time last year; on the following day, Mr. Mackay being absent ill, Mr. Hall went to his drawer and drank the whole of the brandy, which Mr. Mackay observed on the following day; Mr. Mann and I informed him that we had seen Mr. Hall drink it; towards the end of the month Mr. Hall was in the habit of collecting money from the clerks in the long room for a bottle of brandy, putting the cash in his pocket, and sending an order for the brandy; it was sent to McCorkell, George-street; this was continued up to the time of our removal from the last offices, as a constant practice; I have seen the "Scissors Grinder" performed repeatedly by Mr. Hall, generally after lunch, and during office hours; I have seen him on the table spouting Shakespeare, interfering with the business of the office; this was seen by all in the office; I have seen Mr. Croshaw pay Mr. Hall 2s. 6d. for one bottle of ale and one of porter, which were sent for, and, I think, brought by Fitzgerald; in the mean time Mr. Croshaw left the office, and when he returned he found both bottles had been emptied by Mr. Hall and Mr. Micklethwait; there were a great many contractors present, also Mr. Mackay, Mr. Fearnside, Mr. Telmon, and myself; Mr. Hall was in the habit of drinking a pint or a bottle of ale for lunch, and afterwards drinking brandy off and on all afternoon, generally about half a tumbler at a time; I have seen him walking about the office for a week at a time doing nothing; when asked by Mr. Micklethwait or Mr. Fearnside why he did not wait on Mr. Whitton for instructions, he replied that it was Mr. Whitton's duty to wait on him.

*By Mr. Trengrouse*:—Mr. Croshaw was asked by Mr. Hall to give the money for the beer; during Mr. Hall's absence from the office no brandy was sent for, except a glass for father or Mr. Fearnside, or Mr. Mackay; I don't remember the names of any of the contractors except Mr. Croshaw, but a great many were present.

WILLIAM A. TRENNGROUSE.

5 September, 1863.

*Mr. Doherty*, in explanation of his evidence taken before Mr. Whitton:—Since my evidence I have learned what "Suffolk Punch" means, and I dare say that I have seen Mr. Hall performing this feat repeatedly during office hours, both during and after lunch time; it was calculated to disturb the business of the office, and did so; it was nearly of daily occurrence, with other theatrical actions; this took place in the long room, where Mr. Trengrouse, junr., Mr. Mackay, Mr. Fearnside, Mr. Telmon, Mr. Gardiner, Mr. Trengrouse, senr., and myself, were engaged; Mr. Trengrouse, senr., was afterwards removed up-stairs; I have seen Mr. Mackay and Mr. Fearnside unfit for duty from drink; I never saw an office worse conducted; I have known the room smell so strongly of spirits that Mr. Micklethwait has used chloride of lime to purify it; the spirits and beer brought into the office I believe were brought by the messenger Fitzgerald.

JOHN DOHERTY.

*Fitzgerald*:—I never said that I was absolutely ashamed and afraid of bringing such quantities of spirits into the office, and that I would cease doing so whether it offended Mr. Hall or not; at lunch time I never brought more spirits than a single glass for one gentleman, but I have brought a bottle of dry sherry for Mr. Barton occasionally, and a bottle of port and sherry for Mr. Trengrouse, senr., who said it was for his son to take home; Mr. Trengrouse has been in the habit, for two or three months past, of asking me if I heard any one saying anything about him I would let him know; I said I would not; I used to bring the spirit at lunch time in a flask or ginger beer bottle—the former for Mr. Hall and Mr. Micklethwait, the latter for Mr. Trengrouse; I brought it mostly for the former two, but never more than a glass at a time for each; I never went more than once a day; I know the quantity in the flask, from the money I paid for it; when the draught beer was bad I have been sent occasionally for bottled beer by Mr. Hall, Mr. Trengrouse, and Mr. Micklethwait—never more than a bottle between two in a day; I never went out for spirits or beer except for lunch, with the exceptions I have named in my former evidence; Mr. Trengrouse was the first to complain if his beer and luncheon were not ready, which consisted usually of a pint of ale and some biscuits or pies; I should not know the flask in which the spirits were brought.

T. FITZGERALD.

No one ever talked to me of giving evidence, or said to me that my situation depended on the evidence I should give.

T. F.

14 September, 1863.

*Alexander Graham*:—I have been a contractor for the station-house at Burwood, and part of the goods warehouse at Penrith; I have met Mr. Hall frequently inspecting these works; he was in the habit of drinking—on two occasions, I think, to excess, once at Burwood and once on the Sydney platform, after coming from Penrith; there was a public-house near Burwood where he went frequently to drink; I do not think he was incapacitated for the performance of his duty; he was not stupid; I was with him part of the time; he took six or eight glasses of rum and brandy; he is of a strong constitution and can stand a good deal; he is a most domineering man over the work, and did me out of about £20 or £30; I sued the Government in the District Court, but was non-suited; we both had drink together at Burwood, and Mr. Hall I think paid the greater share; instead of paying 90 per cent. he paid me only 50 per cent. on the work; on the Sydney platform he was thoroughly drunk; I was speaking

speaking of the building at Penrith; he walked unsteady, and was evidently intoxicated; this was after office hours, about 7 o'clock; he was not so drunk as to be noticeable by the public unless he was spoken to.

*Mr. Trengrouse*:—I led Mr. Hall to expect that I would give him £5 at the completion of the work; he asked me for this, and I should have given it to him if he had measured it fair; this £5 was intended by the specification to be deducted for iron-work supplied, but only a portion of the iron-work was found, and no deduction was made; I believe the portion found was supplied by Mr. Hall, and if so he was a loser to that extent; he assigned as a reason for retaining the balance of the £5, that he was allowed no travelling expenses, and I believe that he intended to keep the balance for his own use; this is the only instance of anything like dishonesty that I know about Mr. Hall.

ALEXANDER GRAHAM.

—  
Picton, 26 August, 1863.

Sir,

In reply to your letter asking me if I ever sent out for brandy or other intoxicating drink for Mr. Hall from the drawing office, I have the honor to state that I never was solicited nor did I ever send out for drink of any kind for Mr. Hall or any other officer of the department.

I have, &c.,  
AMB. CROSHAW.

To the Commissioner of Railways.

—  
1 September, 1863.

Sir,

I have the honor to lay before you certain facts relative to the investigation now pending and my suspense consequent thereon. In the first place I beg to state that, not receiving a reply to my letter of the 26th instant, I was introduced to Mr. Charles Cowper, by Mr. Thomas Holt, and informed him of my case; by his direction I now address you. Mr. Cowper instructed me to write you the substance of my conversation with him, and I trust that a simple statement will remove the ill impression that now exists against me.

I stated to Mr. Cowper that I was not aware of any charge brought against me, and could only surmise that my offence consists in not reporting the irregularity in the office; but in reply to Mr. Whitton's question as to why I had not done so, I answered, because upon my reporting certain insubordination some two and a half years since, Mr. Whitton censured me and intimated that I had better attend to my own business; I therefore considered that I should be wrong to make a second report.

I submit that it would have been more just to me had I been allowed an opportunity of rebutting any charges, before my dismissal had been recommended to the Executive.

I remarked upon the very irregular way in which the evidence was taken, and stated that my son, who knew as much or more of the conduct of the officers in the drawing room than I did, was not requested to give evidence, but upon my calling Mr. Whitton's attention to this, he said that it would be unfair to Mr. Hall, as my son was no longer in the same department; yet one gentleman from the Lands Department, with whom Mr. Hall had fought in the office, was examined.

I further stated that it was well known and was a frequent subject of conversation in the office, not long since, that Mr. Micklethwait was suffering from two several attacks of *delirium tremens*, and that it was generally thought that he could not recover.

I mentioned that Mr. Hall had only lately returned to duty, after about ten weeks absence on sick leave, and that it was currently reported that his illness had been brought on by hard drinking.

I said that the evidence given by Messrs. Mackay and Fearnside had been elicited under the fear of dismissal, as they were well aware of the excessive drinking in the office. I was induced to mention this, as I understood that both had contradicted my statements.

I maintained that Mr. Whitton had been all along aware of the propensities of both Mr. Hall and Mr. Micklethwait; this information I obtained from Mr. Micklethwait himself.

Having understood that the messenger who usually fetched the luncheons to the office had contradicted my evidence, I informed Mr. Cowper that, on several occasions, this young man had told me that he was absolutely ashamed and afraid of fetching such quantities of spirits, and that he would discontinue doing so whether he offended Mr. Hall or no.

I was charged by Mr. Whitton with taking notes; this I admitted, alluding to the journal which all draftsmen are directed to keep, and also to my own private journal or diary, which I have kept throughout my life, but have never used in any way against the Government.

I believe this is the whole substance of my conversation with Mr. Cowper, and if I have omitted anything it is unintentional.

I beg to enclose a letter received 29th ultimo, corroborating my statement relative to Mr. Hall's custom when visiting buildings in progress. I respectfully request your consideration of this statement, which I am ready to substantiate, and trust that I may obtain at your hands the justice which is now denied me.

I have, &c.,  
N. TRENGROUSE.

To the Under Secretary for  
Public Works.

Submitted, 3/9/63.—J.R.

Acknowledge, and inform Mr. Trengrouse that I shall be ready to hear any evidence he may wish to adduce, referring to the charges which have been made against officers of the Railway Office, and appoint (to-morrow) Friday next, at 10 o'clock, for the purpose. Also write Mr. H. T. Harris, Frederick Terrace, Newtown, requesting his attendance at same time. Also inform Mr. Hall to same effect.

W. M. A.—3/9/63.

Mr. Rae has informed Mr. Hall, through Mr. Whitton.—3/9/63.

Mr. Trengrouse, Mr. Harris.—3/9/63.

—  
Frederick Terrace, Newtown,  
August 29, 1863.

Dear Sir,

In reply to your inquiry respecting Mr. Hall's drinking habits, I can only confirm what I have previously stated to you; that is, while Mr. Hall was inspecting the station work on which I have been engaged, it was always the custom to have a bottle of spirits, when he was expected on the building, for him; and if not there, I have known it sent for. This fact is known to more than myself. Rum was mostly fetched. I could state other not very credible things respecting Mr. H., but the above being the whole asked for by you, I refrain from saying more.

Mr. Trengrouse.

I remain, &c.,  
HY. T. HARRIS.

*Ivey-street, Sheppard's Paddock,  
3 September, 1863.*

Sir,

I refused to give evidence before Mr. Whitton and Mr. Moody, because I had no confidence in such a tribunal, particularly as I have charges to make against both one and the other; but I think it proper to inform you that I am willing to give evidence before yourself, or before any other disinterested gentleman who may be appointed to take evidence.

And as all the statements made in the House of Assembly by Mr. Dalgleish were supplied to him in writing by me, previous to the debate on the 28th of July, I feel bound to re-assert that each and every one of them is true, and to state that I am prepared to prefer formal accusations (including those made, on my authority, by Mr. Dalgleish) against the department, and the conduct of the officers of the department, provided I be permitted to conduct the inquiry into the worth of such accusations either before yourself or any personally disinterested tribunal you may be pleased to appoint.

I have, &c.,

MARTIN GARDINER.

To the Honorable W. M. Arnold,  
Minister for Works.

Received, 4/9.

Mr. Gardiner saw the Minister on Saturday last, and agreed to send his evidence in writing.—  
7/9/63.—J.R.

*St. Paul's, Sydney,  
4 September, 1863.*

My dear Sir,

In the course of my parochial visiting this afternoon, I happened to call on Mr. Hall of your department. During our conversation, I heard that the charge had been brought against him, not only of general intoxication, but of having been so specially under the influence of liquor, as to have had in May and June last a severe illness directly consequent thereon. As I had visited Mr. Hall, in my capacity as clergyman of this district, at that very time, I at once felt how cruelly unjust was the charge. The result of this conviction has led me of my own accord, and quite unsolicited by Mr. Hall, to venture to address you on the subject. I wish to state that, having had opportunities of seeing Mr. Hall at the time, and having had conversation both with his wife and medical attendant during his illness, I am in a position to express my firm belief that the charge is entirely without foundation. As to Mr. Hall's general habits, I am not sufficiently intimate with him to be able to speak with the same confidence as I can with reference to the special charge. But this much I can say, that were he as addicted to intoxication as his accuser alleges, I must have heard of it. He is a neighbour, and during the illness of his son, some few months ago, I was frequently in and out of his house; and I could not well have avoided becoming acquainted with such habits, were they really in existence. I do not believe what has been said—I think it is a calumny resting on no foundation whatever.

I remain, &c.,

ALFRED H. STEPHEN,  
Incumbent, St. Paul's, Sydney.

John Whitton, Esq.,  
&c., &c.,

*174, Cumberland-street,  
Sydney, 4 September, 1863.*

Sir,

Having heard on yesterday that you were about taking evidence on the inquiry now pending, I feel it my duty to request that you will permit me to be re-examined, so that I may state what I do know concerning the office.

I have already given evidence before Mr. Whitton; but some of my evidence was not recorded in a faithful manner, and statements were entirely omitted, and things were written down without my consent, so that I consider it only proper to request a fair hearing.

I have, &c.,

JOHN DOHERTY.

Honorable W. M. Arnold,  
Minister for Works.

Received, 4/9. Examined on 5/9/63—J.R.

*4 September, 1863.*

Sir,

In reference to the enquiry which has taken place in the Railway Department, I beg to state that the evidence written down by Mr. Moody as my evidence does not contain the whole of my statements which I made upon that occasion. Also, not being aware of the general nature of the enquiry at that time, I have not given my evidence in full as such an enquiry demands. Believing that my suspension was the consequence of the omission of part of my statements, I trust that you will kindly give this your consideration, being anxious to have justice done to others as well as to myself.

I have, &c.,

LOUIS ROBERTSON.

To the Hon. W. Arnold,  
Minister for Works.

Received, 4/9. Submitted—J.R.—7/9/63.

Mr. Robertson has sent a written statement, which is placed with the evidence taken before the Minister.—J.R.

*8 September, 1863.*

Sir,

In reference to my letter of the 4th instant, I forward the enclosed paper containing questions and statements omitted from my evidence, and also supplementary evidence, which was not asked for, but which I believe ought to have been given, owing to the general character of the enquiry.

I have, &c.,

LOUIS ROBERTSON.

To the Hon. W. M. Arnold,  
Minister for Works.

Received, 9/9.

*Questions and Statements omitted from my evidence given before Mr. Whitton, on the 19th August, 1863.*

1. I was asked by Mr. Whitton if I wrote the letter which appeared in the *Empire*, with my name attached? I said that I did write it.
2. Mr. Whitton said it looked like a letter written by Mr. Gardiner and signed by me. I stated that it was written by me in answer to a letter from Mr. Gardiner; but I was not aware that my letter was intended to be published, until I was told it was in the *Empire*. Mr. Whitton then said it was nothing of the sort, but that it was written by me to help Mr. Gardiner to get up a charge of drunkenness.



3. Mr. Whitton then looked at my letter in the *Empire*, and said that he saw that I stated that Mr. Fearnside was not able to calculate the middle ordinate of a curve, and he asked me to shew him how I calculated the middle ordinate of a curve. I then wrote out the algebraic formula indicating the method of finding the ordinate, and handed it to Mr. Whitton.
4. Mr. Whitton asked me how long I had known that? I stated that I knew that a year ago, and that I understood geometry, algebra, and trigonometry.
5. Mr. Whitton then asked me to tell him on what occasion did Mr. Fearnside require the use of the middle ordinate? I stated that I saw him go to Mr. Gardiner to get it done. Mr. Whitton then said that Mr. Fearnside did not require to know anything about the middle ordinate, or the forty-seventh proposition of the first book of Euclid.
6. Mr. Whitton asked did I ever see Mr. Gardiner drinking? I said no.
7. Mr. Whitton asked did I ever see Mr. Gardiner drink a glass of water? I said that I did not.
8. I was asked by Mr. Whitton did I ever see any one drinking in the office? I said that I saw Mr. Barton.
9. I was asked by Mr. Whitton did I ever see Mr. Barton drunk? I said that I did not.
10. I was asked by Mr. Whitton if I ever saw anybody else drinking in the office? I stated that I saw Mr. Drewett.
11. I was asked what I saw Mr. Barton and Mr. Drewett drinking? I stated that I had seen them drinking wine and beer.
12. I was asked by Mr. Whitton did I ever drink anything myself? I stated that I was a teetotaller; but upon one occasion, being unwell, I drank a glass of wine in the office.
13. I was asked by Mr. Moody if I knew anything about "Suffolk Punch"? I stated that I did not, because my place was in Mr. Drewett's room, and not in the office where "Suffolk Punch" was said to be acted.
14. When I stated to Mr. Whitton that I saw Mr. Micklethwait under the influence of liquor, I also stated that upon that occasion I poured water over the back of his head, which latter statement was not recorded until I insisted on having it written down. I also stated that Mr. Micklethwait complained of going to sleep over his work, which was not put down in the written evidence.

LOUIS ROBERTSON.

*Supplementary Evidence.*

I have been working in the same room with Mr. Gardiner for the last six months that he was in the department, and during that time, and ever since he first came into the department, I never saw him behave in any manner insulting to either Mr. Mason, Mr. Barton, or Mr. Drewett; but this I know, that Mr. Drewett and others have always been very bitter against Mr. Gardiner.

There is a great enmity existing on the part of Mr. Hall and Mr. Drewett against Mr. Trengrouse, senr., and this has existed for a long time. I have repeatedly heard them speak of him as "the old fool," and upon one occasion as an "old cut-throat."

I remember the circumstance of the fight between Mr. Hall and Mr. Deering. I heard the noise occasioned by the scuffle, and heard it spoken of in the office by Mr. Drewett and others.

Shortly after Mr. Gardiner reported the disorderly conduct of Messrs. Hall and Micklethwait, I saw Mr. Barton lift his glass, with wine in it, above his head, and make gestures to Mr. Hall, in the drawing office in the yard, signifying that he was drinking to him.

LOUIS ROBERTSON.

8th Sept., 1863.

9 September, 1863.

Sir,

I respectfully submit the following evidence, in addition to that taken before Mr. Whitton, on the 19th ultimo.

Having stated in my report of the 1st instant that I was prepared to substantiate what I have therein stated, I beg to say, with reference to my charge of excessive drinking by Messrs. Hall and Micklethwait, that about four or five months since, knowing Mr. Micklethwait had been ill for some considerable time, I asked Mr. Drewett, when he was in my office, if he had heard recently how Micklethwait was? He replied, "A little better, but considering the way he (Micklethwait) had carried on of late, it was a wonder he had not long since been dead." I said, "You refer to his excessive drinking?" He replied, "Yes." He then said, there was another in the department who would soon be as bad as Micklethwait was if he did not leave off drinking.

About the same time I asked Mr. Barton if he had heard of Micklethwait lately? He replied, "Yes—was getting better, but at times was very strangely seized, viz.—after being out in the field about an hour, he became perfectly blind; was in that state placed upon his horse by the men, and taken home."

Mr. Micklethwait has himself told me of Mr. Whitton's knowledge of his drinking more than once; he has stated to me that the Chief has had more angry words with him on this account than anything else, and that at times he (Mr. Whitton) did not speak to him for two or three weeks together. I asked him if Mr. Whitton was also aware of Mr. Hall's drinking propensities. His reply was, "Did I think the governor was such a fool as not to know this; and also that little matter which took place at Penrith?"

During Mr. Hall's last illness Mr. Mackay was sent up to his house more than once; on his return he has spoken to me of his interview, viz.—"That on entering Mr. Hall's room, he (Mr. H.) "put on his well-known hypocritical long face, but after a minute or so his assumed sickness was "forgotten, and he was as well as ever." Mr. Mackay's opinion was that nothing whatever was the matter with Mr. Hall, beyond what would be produced by his usual hard drinking bouts.

I have recently been informed that Mr. Hall's dismissal was *not* recommended, and that the charge brought against me on which my dismissal *was* recommended, was, for having a knowledge of the insubordination under investigation and not disclosing the same. I again assert I have made it known to Mr. Whitton about two and a half years since. I also stated this when my evidence was being taken down before Mr. Whitton, but this portion was omitted by him.

I also complained to Mr. Whitton of the large amount of time uselessly bestowed upon the drawings, more particularly those for the stations and goods warehouses, and that I believed there was scarcely a drawing made that did not needlessly cost the Government nearly one-fifth of the value of the building. Mr. Whitton's reply was, "That was a matter of opinion."

I have known Mr. Hall to remain idle a whole week, waiting for Mr. Whitton's approval of station drawings. On my asking him why he did not try and see Mr. Whitton, his reply was, that it was no business of his to run after Mr. Whitton, but it was his (Mr. W.'s) duty to come and see what was going on in the office, and give any one an opportunity of asking any questions.

I have been informed, both in and out of our office, that considerable time has been bestowed in looking for a circular said to be in existence, respecting the withholding from the head of the department any knowledge of insubordination. If such a circular is still in force, why is not every officer, on being taken into the public service, made acquainted with its contents? I have never been informed of such rules. I have also been told that this instrument has been brought to bear against my evidence, and has condemned me. But if so, is such a document intended to condemn me and shield others on the same charge? Why was the knowledge of this insubordination withheld from the Minister for Works? He should have been made acquainted with the fact, say two and a half years since,

since, or even before that period; or why was action not taken in the matter when Mr. Gardiner complained by minute to Mr. Whitton, as far back as January last? All the insubordination was known to Messrs. Barton and Drewett. Why should it not devolve on them to speak of the great irregularities which have taken place? I am obliged to speak thus now in self-defence.

I must further remark that I may unavoidably have displeased some in our office, by pointing out errors I have discovered in the plans at various times. Of these I was compelled to speak, as they affected my own work. Minutes respecting some of these discrepancies which passed between Mr. Whitton and myself are now in the office. Before I close, in justice to myself, I must add that I think there can be but very few in the public service who have had to contend with such treatment as I have received, though faithfully performing my duties. It is now seven years since my salary was increased, although at present low.

About two years since I asked for three weeks' leave of absence, the first I have ever solicited, although having then been in the service nearly seven years. After several minutes had passed between Mr. Whitton and myself, he recommended that it should *not* be allowed; but Mr. Arnold, seeing my request was anything but unreasonable, sanctioned my application. For this, I have been informed, Mr. Whitton recommended my dismissal.

Not long since my free pass on the railway was taken from me, although this free pass formed part of my salary, which minutes in the office will prove. I was at home ill two days in June last; this time was deducted from my salary. Sickness often occurs with other officers, but I very much question if their pay is stopped. About the middle of July last, during the very cold weather, from which I suffered severely, I obtained permission from Mr. Whitton to have an old stove put up in my office. The following day I found it was lighted; and wishing to be secure against accident by fire occurring in any part of the building, which is of wood, I wrote to Mr. Whitton, suggesting—"Would it not be advisable to inform the Insurance Company of our having the stove put up, to guard against risk?" The next day no fire was lighted, and, upon inquiry, I was informed by the messenger that Mr. Whitton had given instructions not to light it again, so that I had to submit to further severity from the cold. Had I *not* drawn attention to the risk, and the place been burned down, who would then have been blamed? Many other facts I could relate shewing the treatment I have had to contend with.

I will now close by saying that I do think my integrity and business habits worthy of some consideration. My first appointment I held for a period of nineteen (19) years, at an engineering establishment in Bristol, and have been connected with both the Great Western and Exeter lines: I remained with this firm until their dissolution. I have been engaged at Liverpool, under Captain Morgan, R.N., making drawings and assisting in converting three American mail steamers into war steamers, viz., the "Britannia," "Cora," and "Acacia." I have been in this Colony ten years last April; I have held my present appointment nearly nine years; and my son, who was also in the Railway Department (but now in the Lands Office) for a period of eight and a quarter years.

I have not heard the evidence given in by other officers respecting this inquiry, thereby losing the chance of rebutting any charges that may have been made against me.

I respectfully request that the evidence of Mr. Alexander Graham, builder, of 30, Glebe-street, Glebe, who has expressed a wish to make a few statements, may be taken.

N. TRENGROUSE.

To the Honorable the Minister for Works.

Department of Public Works,  
Sydney, 18 September, 1863.

Ask Mr. Hall if he wishes to examine Mr. Graham on his evidence of 14th instant, which Mr. Hall has perused, or whether he has any statement to make in explanation of Mr. Graham's allegations.  
J. R.

Wrote Mr. Hall, 18/9/63.

Sydney, 21 September, 1863.

Sir,

In reply to your letter of the 18th instant, in reference to statements made by Mr. Graham that he was to give me the balance of an amount of £5 allowed for ironmongery, I have the honor to state, for the information of the Hon. the Secretary for Public Works, that in the specification alluded to, it is provided that the Government shall select ironmongery not exceeding the value of £5; such ironmongery I may add is invariably procured on my order, and is paid for by the contractor; in this instance Messrs. Iredale & Co. refused to trust Mr. Graham, and charged the account to me. I informed Mr. Graham that I should have to deduct it from his certificate, but he expressed a wish to pay the account himself, and I certified for his work, including the ironmongery, on the faith of his stating he would pay the account, which he afterwards refused to do, as he alleged I cheated him in his certificate of about £30. To save annoyance I paid the ironmongery account, but I distinctly deny that it was upon any understanding that I was to be bribed for passing his work, which must be obvious from my certificate being so much under his expectations, and for which he took legal proceedings against the Commissioner, and failed.

I still adhere to my statement that I have never been the worse of liquor in office hours, and I submit this is a most scurrilous and unwarrantable accusation.

I have, &c.,  
GEO. HALL.

Submitted, 21/9/63.—J. R.

Mr. Whitton, for consideration and report.—W. M. A.—B. C., 25/9/63.

I have read Mr. Graham's letter and Mr. Hall's reply.

I have also seen Mr. Hall on the subject, and as I consider his explanation most unsatisfactory, I recommend that his service be dispensed with.

J. R. 1/10/63.

Prepare min. for Executive Council, recommending dismissal of Messrs. Hall, Trengrouse, Doherty, and Robinson.

W. M. A. 3/10/63.

Min. for Executive Council, 7/10/63.

Department

Department of Public Works,  
Sydney, 15 October, 1863.

My dear Cowper,

Will you be good enough to place the enclosed with the papers recommending the dismissal of Hall, Trengrouse, &c., as it appears to have dropped out?

Yours truly,  
JOHN RAE.

30, Glebe-street, Glebe,  
24 September, 1863.

Sir,

I see by the report of Mr. Hall's letter, in yesterday's *Herald*, as read by you in the House of Assembly, in answer to my statement in reference to the ironmongery for the Burwood station, that Mr. Hall assigns as a reason that Iredale & Co. refused to trust me. Now, sir, this is without any foundation whatever, because I never asked Iredale & Co. to trust me, nor authorized any other person to do so; and a reference to the clause in the specification would at once shew I did not require to do so, because it states that the ironmongery shall be found (not selected, as stated by Mr. Hall) by the Commissioner, and deducted from the contract; therefore the finding of the ironmongery was the Commissioner's, not mine, although I found the greater portion myself, as I can prove by my bills. I never saw a bill of this ironmongery, and never knew from whom it came till I saw it at the Burwood station, and then I saw Iredale & Co.'s name marked on it. I should have liked to have seen Mr. Hall clear this matter up in a better way than by a mean retaliation of this kind, because it is a matter of figures as well as bare statements—a sort of mathematical problem that can be easily settled. I did not push myself forward to make these statements—I might have done so months ago if I had been so inclined. I might have made a use of it in the action I brought against the Commissioner, and, as I was afterwards told, turned the balance in my favour, but I declined to take the responsibility of throwing Mr. Hall out of his situation, supposing I was able, because I believe no persons could afford to pay for his extraordinary talents but a Government.

I think I stated my willingness to attend before Mr. Hall, and even regretted he was not present; therefore, the writing and reading of his letter was not fair—less so on your part for reading it in public, because you ought to have been able to state you inquired and found the letter true. Now, sir, the smallest inquiry in reference to Iredale & Co. and the specification, would prove it untrue.

I hope, sir, you will clear this matter up, and see who is wrong in it; and also you will give this letter the same publicity you gave the other. I have inquired of Iredales, and they seem to know nothing of either Mr. Hall or me.

I have, &c.,  
ALEXANDER GRAHAM.

The Honorable W. M. Arnold,  
Secretary for Works,  
Phillip-street.

A. No. 2.

STATEMENT of Amounts received for SPECIAL TRAINS, from 1st January, 1861, to 30th June, 1863, inclusive.

	Northern.			Southern and Western.			TOTAL.			
	£	s.	d.	£	s.	d.	£	s.	d.	
1861.										
March .. .. .	20	0	0	.....						
May .. .. .	30	0	0	.....						
July .. .. .	107	14	3	16	10	0				
" .. .. .	26	12	6	84	5	6				
August .. .. .	27	5	0	20	12	6				
October .. .. .	.....			19	10	0				
" .. .. .	.....			54	16	9				
November .. .. .	35	8	3	18	6	0				
	247	0	0	214	0	9	461	0	9	
1862.										
February .. .. .	.....			29	10	0				
July .. .. .	.....			13	0	0				
August .. .. .	.....			49	14	0				
September .. .. .	65	18	0	25	0	0				
" .. .. .	.....			5	5	0				
October .. .. .	.....			30	0	0				
" .. .. .	.....			24	15	0				
" .. .. .	.....			6	15	0				
December .. .. .	.....			41	5	0				
	65	18	0	225	4	0	291	2	0	
1863.										
May .. .. .	.....			3	15	0				
" .. .. .	.....			30	2	6				
June .. .. .	14	14	0	41	1	3				
	14	14	0	74	18	9	89	12	9	
							£	841	15	6

R.C.W. 28/10/63.

GREAT

## GREAT NORTHERN RAILWAY—SPECIAL TRAINS.

DATE.	WHERE RUN TO.	FOR WHOM RUN.
1861.		
13 July ..	Newcastle to East Maitland .. .. .	Passenger.
26 " ..	West Maitland to Lochinvar .. .. .	Do.
29 " ..	Wallis Creek do. .. .. .	Do.
19 August ..	Newcastle to Hexham .. .. .	Goods.
3 September	Do. Wallsend .. .. .	Do.
9 " ..	Do. Honeysuckle Point .. .. .	Do.
17 " ..	Do. Wallsend .. .. .	Do.
23 " ..	Do. Hexham .. .. .	Do.
2 October ..	Do. Honeysuckle Point .. .. .	Do.
3 " ..	Do. Lochinvar .. .. .	Telegraph plant.
7 " ..	Do. Wallsend .. .. .	Passenger.
8 " ..	Do. do. .. .. .	Do.
9 " ..	Do. do. .. .. .	Do.
10 " ..	Do. do. .. .. .	Do.
17 " ..	Do. Hexham .. .. .	Timber.
18 " ..	Do. do. .. .. .	Goods.
28 " ..	Do. do. .. .. .	Timber.
29 " ..	Do. Wallsend .. .. .	Goods.
2 November..	Honeysuckle Point to Minmi .. .. .	Do.
4 " ..	Newcastle to West Maitland .. .. .	Passenger.
7 " ..	Do. Hexham .. .. .	Timber.
26 December..	Do. Wallsend .. .. .	Passenger.
26 " ..	Do. Lochinvar .. .. .	Do.
27 " ..	Do. do. .. .. .	Do.
27 " ..	Do. East Maitland .. .. .	Do.
28 " ..	Do. do. .. .. .	Do.
30 " ..	Do. do. .. .. .	Do.
1862.		
1 January ..	Newcastle to Lochinvar .. .. .	Passenger.
1 " ..	Do. do. .. .. .	Do.
3 " ..	Do. West Maitland .. .. .	Goods.
3 " ..	Do. Hexham .. .. .	Do.
4 " ..	Do. Lochinvar .. .. .	Passenger.
13 " ..	Do. Wallsend .. .. .	Rails.
18 " ..	Do. do. .. .. .	Goods.
20 " ..	Do. do. .. .. .	Do.
23 " ..	Do. Lochinvar .. .. .	Passenger.
27 " ..	Do. West Maitland .. .. .	Do.
27 " ..	Do. Lochinvar .. .. .	Do.
6 February..	Do. Hexham .. .. .	Goods.
11 " ..	Do. Lochinvar .. .. .	Passenger.
11 March ..	Do. Branxton .. .. .	Do.
23 " ..	Do. do. .. .. .	Do.
3 April ..	Do. Lochinvar .. .. .	Do.
17 " ..	Do. Hexham .. .. .	Testing Ironbark Creek Bridge.
21 " ..	Do. West Maitland .. .. .	Passenger.
5 May ..	Do. Branxton .. .. .	Do.
23 " ..	Do. West Maitland .. .. .	Do.
24 " ..	West Maitland to Branxton .. .. .	Do.
26 July ..	Newcastle to East Maitland .. .. .	Do.
4 August ..	Do. Branxton .. .. .	Minister for Works.
10 November..	Do. West Maitland .. .. .	Passenger.
10 " ..	Do. Honeysuckle Point .. .. .	Do.
26 December..	Do. Branxton .. .. .	Do.
1863.		
1 January ..	Newcastle to Branxton .. .. .	Passenger.
1 " ..	Do. do. .. .. .	Do.
2 " ..	Do. do. .. .. .	Do.
26 " ..	Do. do. .. .. .	Do.
26 " ..	Do. do. .. .. .	Do.
6 April ..	Do. West Maitland .. .. .	Do.
7 " ..	Do. Branxton .. .. .	Minister for Works.
1 May ..	Do. West Maitland .. .. .	Goods.
6 " ..	Branxton to Singleton .. .. .	Passenger.
6 " ..	Newcastle to do. .. .. .	Do.
7 " ..	Do. do. .. .. .	Do.
7 " ..	Do. do. .. .. .	Do.
7 " ..	Do. do. .. .. .	Do.
20 " ..	Do. Waratah .. .. .	Goods.
20 " ..	Do. Wollombi Road .. .. .	Passenger.
20 " ..	Wollombi Road to Singleton .. .. .	Do.
21 " ..	Newcastle to Waratah .. .. .	Goods.
21 " ..	Do. Wollombi Road .. .. .	Passenger.
21 " ..	Wollombi Road to Singleton .. .. .	Do.
22 " ..	Newcastle to Waratah .. .. .	Goods.
22 " ..	Do. Wollombi Road .. .. .	Passenger.
22 " ..	Wollombi Road to Singleton .. .. .	Do.
22 " ..	Newcastle to Waratah .. .. .	Goods.
23 " ..	Do. Wollombi Road .. .. .	Passenger.
23 " ..	Wollombi Road to Singleton .. .. .	Do.
23 " ..	Newcastle to Waratah .. .. .	Goods.
25 " ..	Do. Honeysuckle Point .. .. .	Do.
26 " ..	Do. Singleton .. .. .	Passenger.

## APPENDIX.

15

## GREAT NORTHERN RAILWAY—SPECIAL TRAINS—continued.

DATE.	WHERE RUN TO.	FOR WHOM RUN.
1863.		
3 June ..	Newcastle to Singleton .. .. .	Passenger.
4 " ..	Do. do. .. .. .	Do.
5 " ..	Do. do. .. .. .	Do.
9 " ..	Do. Hexham .. .. .	Goods.
10 " ..	Do. do. .. .. .	Do.
11 " ..	Do. Wallsend .. .. .	Passenger.
1 July ..	Do. Hexham .. .. .	Goods.
7 " ..	Do. East Maitland .. .. .	Minister for Works.
3 August ..	Do. Waratah .. .. .	Goods.
19 " ..	Do. East Maitland .. .. .	Rails.
2 September.	Do. Singleton .. .. .	Passenger.
8 " ..	Do. Hexham .. .. .	Do.
8 " ..	Hexham to Singleton .. .. .	Do.
28 " ..	Newcastle to do. .. .. .	Do.

## A. No. 3.

## REGISTER of Draftsmen employed in the Engineering Branch of the Railway Department.

DATE OF APPOINTMENT.	NAMES OF OFFICERS.	DESIGNATION.	SALARY OR RATE OF PAY.		REMOVED, &c.	DATE OF RESIGNATION.	REMARKS.
			Yearly.	Daily.			
			£	s. d.			
11 June, 1856	J. W. Drewett .....	Draftsman .....	500	0 0			Salary voted on Estimates.
16 Sept., 1855	Nicholas Trengrouse	Do. ....	350	0 0	Suspended	26 Aug., 1863	
18 Oct., 1858	George Hall .....	Do. ....	400	0 0	Do. ...	26 Aug., 1863	Do.
1 Jan., 1858	W. A. Trengrouse	Assistant Draftsman	200	0 0	Resigned ...	19 May, 1863	Do.
21 June, 1860	Louis Robertson ..	Do. do. ....	100	0 0	Suspended	29 Aug., 1863	Do.
21 June, 1860	William Mackay ..	Do. do. ....	200	0 0			Vote for Temporary assistance.
28 Feb., 1860	Hyacinthe Telmon	Temporary Draftsman		10s.			
2 Aug., 1862	Martin Gardiner...	Do. do. ....	200	0 0	Dismissed	14 July, 1863	Do.
22 Aug., 1862	John Doherty .....	Do. do. ....		10s.	Suspended	26 Aug., 1863	Do.
16 Mar., 1861	E. H. Fearnside ..	Do. do. ....		20s.			Do.
3 Sept., 1863	G. A. Tillett .....	Draftsman .....	300	0 0			Voted on Estimates.
2 Sept., 1863	K. M'Kenzie.....	Do. do. ....	300	0 0			

## RETURN of Draftsmen employed in Branches of Public Works Department.

Name.	Date of Appointment to present Situation.	Date of first Appointment in the Public Service.	Salary now received.	From what Fund paid.	Remarks.
HARBOURS AND RIVERS.					
Ed. Forde .....	1 Jan., 1862	1 Jan., 1862	Per annum. £ 400	Voted on Estimates	Also acts as Chief Surveyor.
F. T. Rose .....	15 Dec., 1859	15 Dec., 1859	300	Do.	
O. Roszbach ....	12 Sept., 1860	12 Sept., 1860	300	Do.	Temporary.
G. Morell.....	5 Jan., 1863	5 Jan., 1863	200	Paid from Vote for Dredge, Newcastle.	
J. Skinner .....	19 Feb., 1863	19 Feb., 1863	200	Do.	Temporary.
ROADS.					
V. De St. Remy ..	21 Jan., 1863	25 Aug., 1859	500	Voted on Estimates	Mr. St. Remy acts as Assistant Engineer.
J. H. Thomas....	21 Jan., 1863	21 Dec., 1853	400	Do. ...	
E. Chirade .....	26 Mar., 1863	26 Mar., 1863	200	From Votes for Works on which employed.	Temporary.
— Holloway ....	1 Oct., 1863	1 Oct., 1863	52	Voted on Estimates	Boys.
W. Drewett, junr.	1 Oct., 1863	1 Oct., 1863	52		
W. Davidson, junr.	.....	.....	.....	.....	Volunteer—boy.
COLONIAL ARCHITECT'S BRANCH.					
Alfred Cook.....	24 April, 1854	24 April, 1854	300	Voted on Estimates	Voted on Estimates
R. Yarwood.....	18 May, 1862	18 May, 1862	300	Voted on Estimates	

A. No. 4.

## A. No. 4.

15 December, 1862.

THE BOARD appointed to investigate the charges brought by Mr. Whitton, the Engineer-in-Chief for Railways, against Mr. Nealds, the Traffic Manager of the Southern and Western Railways, having met and considered the evidence adduced before them in support of those charges, and the arguments urged by the learned counsel for Mr. Nealds, now beg to make their report.

The following are the charges which were brought against Mr. Nealds :—

- 1.—The working of the meat traffic from Liverpool.  
From minute paper marked charge No. 1, it will be seen that the meat from the Liverpool slaughter-houses was not weighed either morning or evening, from the 13th March to about the middle of October. I have been informed, and shall be able to prove, that about this time Mr. Nealds was borrowing money from the lessees of the slaughter-houses.
- 2.—Cheques exchanged for cash at the Sydney booking office.  
Mr. Nealds has been in the habit of exchanging his cheques for money from the booking office at the Sydney station, and on presentation the cheques have been returned dishonored.
- 3.—Money transactions with Mr. Dawson, an auctioneer holding sales on the railway premises at Sydney station.  
From minute paper marked charge No. 3 it will be seen that Mr. Nealds did constantly recommend that accommodation should be given to Mr. Dawson beyond that given to other persons using the railway, and that Mr. Dawson did use the platform at Sydney for auction sales for a considerable time without any charge being made—the charge decided upon by Captain Martindale being abandoned on Mr. Nealds' recommendation. During this time Mr. Nealds was borrowing money from Mr. Dawson.
- 4.—Borrowing money from a man of the name of Cotton, now employed on the railway as watchman at Penrith.  
Cotton has had a pass monthly from Ashfield to South Creek and back, which has not been given to any other watchman or porter; and that previous to his employment by the Commissioner he was allowed to pass free along the railway for a considerable time. Mrs. Cotton has also been allowed to travel free by a pass on blank paper signed by Mr. Nealds.
- 5.—Detention of train at Sydney station, and charge by Mr. Nealds of obstruction on the part of Scott with reference to horse boxes.  
This matter is fully stated in minute paper marked charge No. 5. Reports on this matter have been made by Mr. Nealds, and as all the minute papers on the subject have been seen by him, I do not consider it necessary to give any further particulars.
- 6.—As to the duties and general employment of the extra men charged in Mr. Nealds' time sheets.  
Extra men have been constantly employed at Sydney and Newtown, unloading billet wood and other timber, principally at Sydney, for Mr. Jolly, and no charge has been made for this service in accordance with the regulations, and generally that the services of the extra men charged in Mr. Nealds' time sheets have not been required for the purpose of the traffic. Some of these extra men have also been employed cutting billet wood at Mr. Nealds' house. Occasionally time has been charged in the sheets for which the men did not work.
- 7.—Rent of a house at Penrith.  
On referring to minute paper 62/666, relative to the house called the "White Horse Hotel," at Penrith, I find Mr. Nealds had instructions on 3rd July to procure a tenant for these premises; and from Mr. Fitzmaurice's letter, dated 28th October, 1862, it appears this house was let on the 26th July, and up to 4th October the rents were regularly forwarded to Mr. Nealds. No portion, however, of this money has been paid to the accountant.
- 8.—Porters at Parramatta.  
Mr. Aldrich wrote to Mr. Nealds, about three months ago, stating that he could dispense with two porters at Parramatta station, but no notice was taken of this by Mr. Nealds, and the porters remained.
- 9.—Season tickets.  
Under the regulations, season tickets, if held by two persons in one family, a reduction in price is made of 25 per cent.; if held by four members of the same family, the reduction in price is 50 per cent. These tickets, I am informed, are issued to persons at Newtown at a reduction in price who are not members of the same family, yet no report on this matter has ever been made by Mr. Nealds.
- 10.—General mismanagement.
  - A. Minute paper 61/407. Special train for His Excellency delayed at Liverpool.
  - B. Minute paper 60/866. Wythes' goods lost at Liverpool station, and for which the Government had to pay £175.
  - C. Minute paper 61/259. Holdsworth's account at Liverpool, timber invoice, "on service," and should have been paid by consignee.
  - D. Minute paper 62/1254. Pratt, a porter at Blacktown, suspended by station master for drunkenness, and reinstated by Mr. Nealds without inquiry or report.
  - E. Minute paper 62/1243. Report from Mr. Owen relative to passes granted by Mr. Nealds to parties not in the Railway Department.
  - F. Minute paper 62/1260. Recommendation from Mr. Owen to reduce staff of porters, sixteen can be dispensed with, reducing the cost of working the line £2,300 per annum, to which must be added the cost of the extra men, whose services are not required.
  - G. Mr. Nealds has on many occasions been intoxicated when on duty.
  - H. Paper marked 62/1279. Memorandum from accountant, with reference to goods having been sent by passenger train at goods rates from Sydney to Penrith for Mr. Hellyer. Mr. Hellyer has since stated that at about that time he was suing Mr. Nealds for the recovery of a debt.

To be continued if necessary.

J.W.—30/10/62.

## Supplementary Charges.

1. As to two coats borrowed by Mr. Nealds from the lost property room, worn by him, and not returned.
2. Papers connected with the investigation before Captain Ward, as to a statement by Mr. Nealds that certain ironwork of carriages was imperfect, and Captain Ward's report thereon.

REPORT.

## REPORT.

1. With reference to the charge that Mr. Nealds permitted the lessees of the Liverpool slaughter-houses to send their meat without having it weighed, and that about that time Mr. Nealds was borrowing money from the lessees, the Board find the charge not proved. It appears that some time before the weighing of the meat sent in the morning was discontinued by direction of Mr. Nealds, he had borrowed £50 from two of the members of the meat company; this money was repaid in December, 1860, and the meat continued to be weighed until the March following. The discontinuance of the weighing appears to have arisen in consequence of some squabble between the men in charge of the meat and the porters of the railway. The weighing was resumed by order of the Commissioner, in October, 1861. In November following Mr. Nealds borrowed the sum of £20 from Mr. Neale, one of the lessees. The Board are of opinion that there was no necessity for the discontinuance of the weighing of the meat sent by the morning train, but that there was no material loss of carriage (the weight being furnished by the company). We do not find that the money lent by two members of the meat company was given as a consideration for any peculiar benefit to be enjoyed by the company, nor that there was any loan existing during the period the weighing of the meat was discontinued.

2. The second charge is, that Mr. Nealds exchanged his cheques for cash at the Sydney station, and that the cheques so changed were dishonored. From the evidence there appears to have been a usage for the clerks at the station to take cheques in payment of fares, and occasionally to change cheques for persons whom they knew, and it would seem that the clerks were personally responsible for the payment of the cheques so taken. Mr. Nealds had his cheques changed, and on some occasions they were returned to the accountant, there not being sufficient funds to meet them. It appears that such cheques were paid on being again presented. The Board are of opinion that the non-payment of the cheques might be, and probably was, the result of accident, and that there is no serious ground of complaint against Mr. Nealds in the matter.

3. By the third charge it is alleged that Mr. Nealds gave certain advantage to Mr. Dawson, as to selling produce on the platform, not enjoyed by any other person, and that during the time such advantage was enjoyed, Mr. Nealds was borrowing money from Mr. Dawson. It does not appear by the evidence that Mr. Dawson did enjoy any peculiar advantage as to selling from the railway platform; several persons were in treaty to sell in the same manner, and two persons had commenced to do so, but the bulk of this trade centred in the hands of Mr. Dawson, and the other traders who had commenced gradually retired. It is admitted by Mr. Nealds that he had borrowed money (£30) from Mr. Dawson, but it is not established that any connection existed between the loan of this money and Mr. Dawson selling on the platform; but on the contrary, Mr. Dawson's letters tend to shew that he was not satisfied with some arrangements made by the Commissioners on the recommendation of Mr. Nealds, thereby rather negating any improper understanding with Mr. Nealds. Although the charge made is not established, the Board consider that as Mr. Dawson only commenced selling from the platform, without payment, as an experiment, it was Mr. Nealds' duty to have brought the matter under the notice of the authorities before he allowed the practice of using the platform for holding sales, without payment, to become permanent. The Board are also of opinion that although charges No. 1 and 3 have not been proved, yet Mr. Nealds, by borrowing money from persons using the railway, as Messrs. Dawson & Neale and Mr. Dawson were, placed himself in such a relation to those persons as rendered it almost impossible for him to perform his duty as traffic manager, where the performance of his duty was likely to clash with the interests of the persons to whom he was under pecuniary obligations.

4. The fourth charge is, that Mr. Nealds borrowed money (£50) from a man named Cotton, a porter employed on the railway, and improperly gave passes to Cotton, his wife, and son. The Board are of opinion that this charge is established. They report that Mr. Nealds disregarded his positive instructions, in issuing passes on blank pieces of paper instead of on the printed forms, in not making a return of the passes issued, and that the issuing of these passes to Mrs. Cotton and her son were clearly an abuse of the limited power given to the traffic manager, in the issuing of free passes. The Board are also of opinion that the borrowing of money by the traffic manager from a porter employed under him was entirely at variance with his duty, and highly irregular and improper.

5. Charge No. 5 has reference to the detention of the quarter past 10 o'clock train, on the 28th July last, on account of horse boxes not being ready. It appears that Mr. Nealds was at the station about ten minutes before 10 o'clock, on the morning of the 28th July, and that it was reported to him that certain horse boxes which were wanted were refused by the carriage inspector. It also appears that there was some trifling obstruction on the loop line which these horse boxes would have to traverse to come into the station. The Board are of opinion that Mr. Nealds did not use those exertions to procure the horse boxes and to remove the obstruction on the loop line which he ought to have used, and the Board think that Mr. Nealds' conduct in the matter shewed want of energy and indifference.

6. The first portion of the sixth charge refers to the employment, at the expense of the Government, of extra men at the Sydney and other stations, in unloading billet wood, and more particularly for Mr. Jolly. As far as the case of Mr. Jolly is concerned, the charge is unsupported by evidence; no preference appears to have been given to Mr. Jolly over other persons consignees of billet wood. There is no doubt that extra men were employed in unloading the timber trucks, and the object for doing so appears to have been to obviate a deficiency of B trucks—the ones ordinarily used for the conveyance of timber. The Board are of opinion that extra men were employed to an extent not absolutely necessary, and that some blame is to be attached to Mr. Nealds for improvident management in this matter. The second portion of charge No. 6—that the extra men were employed cutting billet wood at Mr. Nealds' house—the Board consider is established. On the occasions that these men were employed for any period extending from one to three hours, it does not appear that their time was deducted from the time charged to the Government, but when employed for half a day or longer the head porter directed the man not to enter such half day or other time in the time-book. It is not proved that Mr. Nealds was aware that the time—from one to three hours—which the men were employed by him was charged to the Government, but the Board consider Mr. Nealds greatly to be blamed in not seeing that the men working for him were not paid by the Government. It appears also that the regular porters have been occasionally employed by Mr. Nealds, at his house, cutting wood. To the third portion of charge No. 6—that occasionally time had been charged in the sheets for which men did not work—as far as this applies to the extra men above alluded to, the matter has been already disposed of, but to any further extent the charge is not established.

7. The 7th charge is connected with the letting of the house at Penrith. From the evidence, it is shewn that a house belonging to the Railway Department required a tenant, and thereupon the Commissioner wrote a minute that Mr. Nealds was to let the house to the best advantage. Mr. Nealds then had a conversation with Mr. Moody, the Chief Clerk, and Mr. Cowlshaw, the valuator, and there is some uncertainty as to what passed: Mr. Cowlshaw's recollection of the conversation being that it was agreed that Mr. Nealds should himself become the tenant, at a weekly rent of 10s; Mr. Moody's, as far as he remembered it, being that Mr. Nealds was only to collect and be responsible for the rents; Mr. Moody's observation being "We shall look to you (Nealds) for the rents." It is clear that Mr. Nealds was himself uncertain whether he were the tenant or not, and we think Mr. Nealds is to be blamed for not having that uncertainty cleared up by a reference to the Commissioner. Mr. Nealds let the house to some persons employed on the railway, at a rent of 15s. a week. The Board consider that Mr. Nealds, being uncertain whether he were the agent of the Commissioner for receiving the rent, or the tenant, by assuming himself to be the tenant and letting the house at a higher rent than as tenant he would have paid, is highly censurable.

8. The 8th charge, which amounts to one of improvident management in not dispensing with two porters at the Parramatta station, the Board consider is not sustained.

9. The charge No. 9—as to season tickets having been obtained at the reduced rate by persons who were not members of the same family, without any report by Mr. Nealds—the Board consider is not substantiated as inculpating Mr. Nealds. Assuming that family tickets were issued to persons who did not come within the meaning of the words of the regulations, “members of the same family,” the matter was not brought under the notice of Mr. Nealds. The Board beg to report that they consider the words of the regulations as to family tickets very indefinite, and likely to lead to misunderstandings between the public and the Railway Department.

10A. The charge 10A relates to the detention of a special train, on the occasion of the visit of His Excellency the Governor to Sophienburg. The Board are of opinion that Mr. Nealds is free from blame in the matter.

10B. It appears to the Board that the charge 10B, relating to the loss of Wythes' goods at Liverpool, had been inquired into and decided; they therefore refrain from re-opening the case, and make no report on the subject.

10C. The charge under this head is, that Mr. Nealds allowed the contractor for the supply of timber to the railway (which by the contract was to be delivered free in Sydney) to consign it marked O.H.M.S., thus avoiding the payment of carriage. This charge involved a second one,—that if Mr. Nealds was not cognizant of the irregularity, that he ought, in the discharge of his duty, to have been aware of it. The Board are of opinion that the first portion of the charge is not established. A person named Holdsworth had taken the contract to supply the timber for the bridges, &c., and that contract had been transferred to a Mr. Bossley, residing near Liverpool. Up to about March, 1861, the timber had been consigned by Bossley to Holdsworth, and the carriage had been regularly collected by a Mr. Flygg, the clerk in the goods department at Sydney. In March an alteration was made, and the timber was consigned O.H.M.S. This must have been done by the clerk at the Liverpool station, who, having since left the Colony, could not be called as a witness. At this time Mr. Flygg, who had heretofore collected the carriage, left the office of goods clerk, and Mr. Owen took his place. Mr. Owen, it seems, was not aware that the timber supplied under the contract was to be delivered in Sydney with freight to be paid, and therefore the carriage of this timber was not charged against the contractor. Had Mr. Flygg continued as goods clerk the error must have been immediately detected. To suppose that Mr. Nealds was cognizant of the timber being marked O.H.M.S., when he knew it ought to have been consigned to Holdsworth with carriage to be paid, it would have to be assumed that he colluded with the station clerk or the consignor to take advantage, in the change of clerks at Sydney, for the purpose of defrauding the revenue. There is no evidence to supply such an allegation. On the contrary, it is disproved by the fact that Mr. Owen had been assisting Mr. Flygg in the office before taking the latter's place, and there would therefore have been every reason to suppose that he was aware that the carriage of timber supplied under the contract had to be collected in Sydney. As to the further charge—that Mr. Nealds ought to have been aware of the irregularity—the Board are of opinion that great laxity in the supervision of the business of the railway is shown by Mr. Nealds, in not having made himself aware of what was taking place with reference to the carriage of this timber. As to the charge arising out of the minute papers in the above case—that certain timber was sent from Liverpool to Sydney for the use of the Gymnasium, consigned O.H.M.S.—it appears that this timber was supplied to Mr. Nealds on behalf of the Committee of the Gymnasium, by Mr. Bossley, who supplied the timber for the railway. Under what circumstances this timber was marked O.H.M.S. no evidence was given; the clerk who so marked it having, as has already been mentioned, left the Colony. As the carriage of the timber marked O.H.M.S. is charged to the store account, and not simply passed without payment, when this timber came to be delivered to private persons in Sydney, the error in charging to that account must have been discovered. There is no evidence to connect this irregularity with Mr. Nealds, and when it was discovered the carriage was paid.

10D has reference to the charge that Mr. Nealds improperly allowed a porter at the Blacktown station to return to duty, having been suspended for drunkenness. It appears from minute paper that the charge made against the porter was not that of drunkenness, but coming to the station with his face cut and unfit for duty. The Board are of opinion that although it would have been desirable for Mr. Nealds to have obtained further information in the matter than that afforded by the station master's report and the porter's answer, yet that Mr. Nealds, in considering a suspension of the porter efficient punishment for the charge then before him, was at the most only guilty of an error of judgment. As it was immaterial to this charge whether the porters were really drunk or not, and as the Board had no authority or desire to inquire into the conduct of persons other than Mr. Nealds, evidence which was effected to establish that the porter was intoxicated was rejected.

10E. The charge 10E is that Mr. Nealds improperly gave passes enabling clerks and workmen in the Telegraph Department to travel free of charge. From the evidence it appears that these passes were only given to such persons when on duty, and that this had been the practice for three or four years. The Board are of opinion that Mr. Nealds is not to be blamed for having continued a system which it might reasonably have been inferred had come under the notice of the authorities, and from not having been stopped, had received their sanction. The charge as to the passes to Cotton, included in 10E, has already been disposed of.

10F. Charge 10F is that Mr. Nealds did not reduce the staff of porters employed on the railway, as he ought to have done. Since Mr. Nealds' suspension a considerable reduction in the number of porters has been made. As it is obviously impossible to ascertain correctly whether the alteration will work well, the Board refrain from reporting that Mr. Nealds is blamable in not having made the reduction.

10G. The charge 10G alleges that Mr. Nealds has on many occasions been intoxicated when on duty. The evidence in support of this charge is conflicting in some particulars, and rather confused. After a very careful consideration, the Board are of opinion that, during the last four years, there have been two occasions on which Mr. Nealds has been intoxicated. It is however right to add that the statements of witnesses are, in some respects, contradictory as to what occurred on either occasion. The Board do not consider that any charge of general insobriety on the part of Mr. Nealds is established.

10H. By charge No. 10H it is alleged that Mr. Helleyer was allowed to send goods by passenger train, and that Mr. Helleyer at the time was suing Mr. Nealds. The evidence shews that, on one occasion, the regulations as to sending goods by passenger train, and that, if sent, they should be paid for as parcels, were departed from by Mr. Nealds, Mr. Helleyer being allowed to send some sugar by the passenger train. The circumstances under which Mr. Helleyer was allowed this accommodation may be considered as almost justifying Mr. Nealds' management in the matter. The implication conveyed by the last part of the charge the Board report to be in no way sustained.

With regard to the supplementary charge brought against Mr. Nealds—that he borrowed two coats from the lost property room, wore them and did not return them—the Board are of opinion that the charge is proved. They consider Mr. Nealds' conduct in the matter highly censurable, both on account of the impropriety of the act, and of the very bad example set by the traffic manager to his subordinate officers. As to the charge in the minute paper against Mr. Nealds of stealing the coats, this clearly is without foundation.

The Board perused the papers connected with the inquiry before Capt. Ward—sent to them by the Minister for Public Works—and they have nothing to add to the decision arrived at by Capt. Ward.





27. The matter of the meat not being weighed? Yes, directly. I wish to refer you to the paper which states it; it was on the statement of the goods clerk that it was disallowed. (*Letter dated 12th November, from the station master, read.*)
28. What steps did you take when this was pointed out to you—that the meat was not weighed? I immediately gave orders that it should be weighed, and when any obstruction was on the line, or chance of the train being delayed, it was passed, and the weight taken from the way-bill; this is done now and it is customary elsewhere. The reason Mr. Owen gave for not weighing the meat was, as I understood from these letters, was that he was prevented by the butchers themselves, and that the guard threatened to knock him down.
29. When this occurred, and the guard threatened to knock him down, did you take any steps in the matter? Yes, I went to the butchers and remonstrated with them against any obstruction being thrown in the way of the weighing, and at the same time I stated that in cases where the meat was late, or there was any difficulty or delay in the train coming in, that the way-bills should be taken as the weight; of course reference could have been had to sale books, which are always open.
30. It appears from these letters that you took summary proceedings with the subordinate officer? Yes, directly; but it was Mr. Owen's wish that he should not be punished any further.
31. Now with respect to these money transactions—will you state, for the information of the Board, what occurred when you borrowed this £20 from Mr. Neale? I was sitting in my office, or rather the office appointed for the traffic manager of the Sydney station, and Mr. Neale, who was waiting for the train, walked into the office. While I was sitting there, a letter was brought to me requesting the payment of £20, and I threw the letter down with an exclamation of impatience; Mr. Neale then said "What is the matter?" I said "Look here!" and handed him the letter, and he read it. His observation was, "Well, don't let that trouble you; I have plenty, and surely one brother (mason) can assist another; give me your cheque, and here is mine."
32. *By the Chairman*: That was in November? Yes.
33. *By Mr. Owen*: Have you got any cheque butt or document to shew it? Yes, I have got the butt of the cheque to shew it. (*Cheque butt put in and marked.*) That was the time I gave Mr. Neale a cheque for his cheque.
34. And you discontinued weighing the meat because Mr. Owen had reported to you in some cases it was impracticable? Yes.
35. That impracticability was owing to obstructions on the line? Mr. Owen reported to me that the curve was so sharp that the train could not get round.
36. Did you give any orders on that report? I reported this immediately. This was reported to the Commissioner—with regard to the impracticability.
37. What did you say to Mr. Owen about this? I told him, there and then, that in the morning if there was not time, or if he had not sufficient trucks to push the meat on, that he might take the way-bills and examine the sale books, and take the weight from the way-bills.
38. There are consigning notes prepared by the consignors? Yes.
39. *By Mr. Williams*: From March till October you took the weights they gave you as correct? It was not during the whole of that time—only in cases of emergency; I did not order it to be done daily.
40. *By Mr. Owen*: You gave no distinct order that it was not to be done? Decidedly not; I should not have dreamed of giving such an order.
41. *By the Chairman*: You did not give an order of that kind? No, only that they might do it in cases of emergency.
42. *By Mr. Owen*: Considering yourself protected by their sale books which you have alluded to? Yes.
43. *By the Chairman*: Did you not receive a letter reprimanding you, on the 21st February, 1862—do you recollect that letter—did you receive it in this department? I have not the slightest recollection of it.
44. Did you receive it? I have not the slightest recollection of it.
45. Do you think you would recollect it if you heard it read? I don't recollect receiving any reprimand from the Commissioner except one, and that will appear hereafter.
- Copy of letter dated 21st February, read.*
- Mr. Nealds pointed out that the letter was not signed.*
46. *Capt. Mayne*: Copies are often taken before signature. *Mr. Nealds*: I don't recollect receiving it; it may have been put in my hands.

Edward Owen called and examined:—

47. *By Mr. Williams*: What are you? Station master.
48. Where? Sydney station.
49. What were you in January, 1861—were you at that station then? Yes, as goods clerk.
50. Had you anything to do with the meat brought down from the Abattoirs at Liverpool—did it pass through your hands at all? Yes.
51. What had you to do with it? One portion of the time I had to weigh it, but I question whether it was in 1860 or 1861.
52. Tell us what you did from the first? At the commencement of 1860 or 1861 I weighed it for a considerable time; I was then ordered not to weigh it.
53. Who ordered you? I was ordered by Mr. Nealds.
54. About when? In March.
55. Of what year? I am not positive.
56. 1861 or 1860? 1860, I believe.
57. Will the papers fix the date? Yes, there are letters of mine.
58. Could you, by seeing the letters, fix the date? Yes; it was in March, 1861.
59. In March, 1861, you received orders from Mr. Nealds to discontinue weighing the meat? Yes.
60. What were the orders? I was to discontinue weighing the meat, and receive the weight from the meat company every day.
61. They were the consignors? Yes, and the consignees too.
62. Were there any limitations to that order—was it a general order, or only to be acted upon on special occasions? It was a general order.
63. Without any restriction or limitation? Yes.
64. Without any restriction or limitation—was that your opinion? Yes, and I did only my duty in acting upon it.
65. How did you act upon it? I dispensed with weighing the meat.
66. How did you get the weights to make the charges by—was it from the consignment notes? No, they supplied us with no notes.
67. How did you get it? From a clerk under me, who went each day to the company, and they supplied me then with the weight.
68. Then until the clerk had gone to the company and brought you back some information, you did not know what the weight was? No.
69. How long did this continue? I believe until the middle of October from March.
70. Was it discontinued then? Yes.
71. Under what circumstances? I was sent for by the Commissioner, and I was informed there were great irregularities on account of the weighing of the meat, and that the Government had been defrauded of the revenue for the meat, the company having given us wrong weights.

72. Well, what did you do then? The Commissioner took it up in a very severe manner, and said it was very irregular, and that I was to inform my superior officer, the station master, Mr. Read, that he ordered it to be weighed in future.
73. Has it been weighed in consequence? Yes, ever since.
74. Every day? Yes.
75. Have you had any difficulty in weighing it every day? I have not weighed it myself.
76. Have you seen it weighed? Yes; there seems to be no difficulty whatever in weighing it.
77. Do you know whether it was stopped, in the first instance, in consequence of your having given a suggestion of the difficulty of the curve? No, it was never stopped on that account.
78. Did such a reason for stopping it exist? The reason why it was stopped was on account of the obstruction I received in weighing it.
79. By whom? From the butchers—from the meat company's men.
80. How did they obstruct you? They obstructed me by unhooking the trucks, and passing them over the weigh-bridge into the meat shed; at other times the train overshot the weigh-bridge.
81. Did you report it to anybody? Yes, to Mr. Nealds.
82. When about was this? About a day before the meat was discontinued being weighed.
83. Was there any more difficulty in weighing the meat at the time you discontinued doing so, and the time of your recommencing it—would it not have been as easy to weigh the meat then as now? I think it would be quite as easy, if it were not for the obstruction from these men.
84. Was there no means of preventing that obstruction? I could not prevent it; it was not in my power to do so.
85. On the day following your report of this obstruction, you received a general order from Mr. Nealds to discontinue weighing, and to take the weights from the meat company? Yes.
86. Had Mr. Neale and Mr. Davidson anything to do with the meat company? Yes, they were partners.
87. *By Mr. Owen*: When you were appointed, were you not to see to the management of those goods that came down in the morning—the weighing the meat was usually under your charge? I was appointed to weigh the meat during the time I mentioned.
88. When did you first report this obstruction to Mr. Nealds? The day before the weighing the meat was discontinued.
89. Do you know whether Mr. Nealds took any steps on your report? Yes, he took steps.
90. What steps did he take? He went to see Mr. Davidson, and arranged with him that he should report to us what the weight of the meat was.
91. And that you might dispense with weighing it? Yes.
92. And you were to get the weight from Davidson? Yes.
93. *By Capt. Mayne*: Mr. Davidson is one of the partners? Yes, he is one of the partners, and so is Peisely.
94. *By Mr. Owen*: Who took this weight from Davidson—who had to see the way-bills, and matters of that kind, &c., relative to the weight of the meat? A young man under me of the name of Flynn.
95. Did you investigate every morning whether he did receive them? He received it every afternoon. He did not supply me with the weight, but the station master. My position was changed; it was not my business to see to the weight.
96. He received the way-bills every afternoon? A statement of the weights.
97. How did you hear of this enquiry in October, 1861? What enquiry?
98. Before the Commissioner? I was sent for by the Commissioner.
99. What did you state to the Commissioner? I stated about the weighing of the meat, and the reason why it was dispensed with.
100. Did you point out to the Commissioner that it was customary to take these consigning notes here as in England? Yes, I said it was customary to receive these notes in England.
101. *By Mr. Williams*: In the manner you were then taking them? Yes; I said it was customary for the sending stations to receive them. We were the receiving station, but in England it is the custom for the sending station to supply the weight—the consignors, and not the consignees.
102. Did the consignors supply the weight in this case? That is a question; some of the partners were at Liverpool and others at Sydney.
103. Then the custom in England is not for the same persons who send and receive to give the weight? The consignees and consignors are usually different people.
104. *By Mr. Owen*: Is it the invariable practice of the railways in England to weigh the goods sent to consignees, and that the goods should have been weighed by the receiving station? It is not; it is the invariable practice of the railways to weigh the goods, but in some cases they receive the weight from the senders, and they take these weights for granted.
105. Is it not the invariable practice for railways to weigh? No.
106. *By Mr. Moriarty*: On what occasions do they deviate from that practice? In the coal traffic.
107. And such other traffic as there would be a chance of any diminution in the weight? Yes.
108. Is the coal traffic the only one in which they make this difference? That is the only one I know of.
109. Is it not customary generally to take the size of the truck in calculating the weight? No; the coal merchants generally weigh the truck in the weigh-bridge, and the tare of the truck is printed on the truck. The tare is then deducted from the gross weight, and both tare and gross weight are entered on a label, and this label is then fixed in the truck, and the consignee checks the weight received from the consignor by means of this label.
110. How is this label arrived at? The trucks are of the same construction.
111. And capacity? They are not.
112. *By the Chairman*: Do you know the custom with respect to meat? That is superior goods traffic—mineral traffic is the only traffic the Railway Companies take the weight of the sender. In all other descriptions it is weighed by the Railway Companies.
113. Do you know anything of the custom with regard to meat traffic? I never had any connection with meat traffic before. I believe there are no railways in England where the meat is carried as it is here.
114. *By Mr. Owen*: When you speak so positively of mineral traffic being the only one in which it is customary to take the weight of the sender—do you speak from your own knowledge? I speak from my own experience.
115. What did the Commissioner say when you made this statement? He said it was highly irregular not weighing the meat, and it was no difference what the custom was in England; and the order he gave was, that the meat was to be weighed, and that the weigh-bridge had been placed there for that purpose.
116. And from that time it has been weighed? Yes.
117. *By the Chairman*: Has there been any obstruction by the butchers since October? No; but it is not the same meat company that was at that time. The company that was then carrying meat was dissolved, and a new company has sprung up.
118. *By Mr. Owen*: Before that, was not the butcher who used to come down with the meat changed? No butcher; he was travelling until the meat was discontinued weighing.
119. After the obstruction was raised he was changed? The obstruction took place in March; he was changed in October.
120. The man who made the obstruction was carried on during the whole time the weighing the meat was discontinued? Yes, until the company dissolved and a new company sprung up.

121. Do you know by whom the enquiry was originated to the Commissioner? No; complaints were given, but he gave me no men's names.
122. Had you any means of checking the weight? None.
123. *By the Chairman*: Had you any access to the sale books? What sale book? that is a peculiar question.
124. Suppose a question had arisen as to the weights, could you not have checked it by the sale books—had you access to the sale books of the old company? I had not; I am not aware of it.
125. *By Mr. Williams*: Where were the sale books kept? I do not know anything about the sale books.
126. *By Mr. Owen*: Did you ever see the sale books? I saw books about, whatever they were I don't know.
127. *By Mr. Williams*: Did you examine them? No.
128. Where were the books you saw? In the possession of the butchers—made up by them.
129. And whether they were sale books you don't know? No.
130. *By the Chairman*: During this time, from March to October, were there any complaints made of the butchers to the Commissioner, that they did not return the full weight of the meat? No, I never made any complaint; no complaint was made to me.
131. You did not know anything about it? No.
132. *By Mr. Williams*: The only information you had was the return they themselves gave? Yes.
133. *By Mr. Owen*: Was it not your duty as goods clerk, to see in cases of suspicion, to see that the weight of the goods was correct? It was not my duty unless ordered by my superior officer, who had always ordered me to dispense with weighing it. If I had any suspicion it was my duty to lay it before my superior officer.
134. *By the Chairman*: Who were the persons that obstructed you in weighing? A man who was engaged by the butchers to push these trucks into the meat shed, and who unloaded the meat.
135. The servant of the meat company? Yes.
136. *By Capt. Mayne*: Could they be interested in any way, or were they interested, if the meat company had given you incorrect returns? I cannot say.
137. Were they merely their men? Yes; I don't know their arrangements.
138. Could their obstruction to the weighing have arisen from mere idleness or want to save time? I cannot say.
139. *By the Chairman*: Were either Mr. Neale or Mr. Davidson present when the obstruction was offered? No.
140. *By Capt. Mayne*: You find no difficulty in getting round that curve now? No, not the slightest.
141. *By Mr. Owen*: Was there ever any difficulty in getting round that curve? No.
142. *By Capt. Mayne*: You have not employed any extra men? No.
143. *By Mr. Owen*: Did you not report to Mr. Nealds that it was not possible to get round that curve with the meat unless in a long train, especially when the old engines were used? No, never.
144. Did you ever make any report of the kind? I reported that I could not push the trucks myself, or something of the kind.
145. Have you got that report? I never made it in writing.
146. *By Mr. Moriarty*: When did you make the report? It was about October—the middle of October—when the meat was being weighed again; not before.
147. You did not state it when you suffered the obstruction? Never.
148. *By Mr. Owen*: For what purpose did you make that statement? It was pointed out to me by the clerk, that in the morning he was not able to push these trucks across the curve, and I suggested that a party should be got up to assist in pushing the trucks and weighing the meat.
149. *By Mr. Williams*: What time is the meat received in the morning? At half-past 5 o'clock.
150. Is not the truck pushed round the curve by the engine? Sometimes.
151. *By Capt. Mayne*: Was Mr. Nealds usually present when the meat came in? No.
152. Have you ever seen him there? No, never.
153. And you think that it is not by his own experience that he could have made a statement that they could not get round the curve, and the difficulty occasioned in doing so? I cannot say.

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Mr. Nealds examined:—

154. *By Mr. Owen*: Will you explain to the Commissioners the difficulty which you spoke of, on the report of Mr. Owen, of getting the trucks over the sharp curve? That statement was induced upon the notice of Mr. Owen to myself. He stated that the engine could not get the meat trucks into the shed in consequence of the sharpness of the curve, and unless we had a long train it could not be done except by hand. What I mean by a long train is this, that when the meat vans are detached from the engine, to be placed in the meat shed, then the engine is backed on the railway, and pushes, by means of a long train, the meat vans into the shed over the curve. It is of frequent occurrence that engines attempting to get round this curve get off the line.
155. That is what you referred to? Yes.
156. And it was necessary, in order that they should get up to the weighing machine, that this curve should be passed? Yes, it must be passed.

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James Davidson called in and examined:—

157. *By Mr. Williams*: What are you? Carcass butcher.
158. Formerly in partnership with Mr. Neale? Yes.
159. Had you anything to do with the Meat Company at the Liverpool Abattoirs? Yes, I have now.
160. In what year? It was commenced in 1860, in October.
161. Do you know Mr. Nealds, the traffic manager? Yes.
162. Did you ever lend him any money? Well, Thomas Neale did—between us.
163. He was your co-partner? Yes.
164. He was one of them? Yes.
165. How much did you lend? £50.
166. When? I think about January, 1861; I have no memorandum of it.
167. How came you to lend this £50 to Mr. Nealds—how was it brought about? Mr. Neale came and asked me if I was willing to lend it—if I would join him in lending it.
168. Your partner came and asked you whether you would join him in lending it? It was nothing to do with the firm; it was privately between ourselves.
169. What did you do? I lent it.
170. What security did you get for it? Security?
171. Did he give you any acknowledgment or promissory note? He was to name a certain time; I think he was to pay it back in a month or two.
172. He gave you no written acknowledgment of it? No.
173. Did Mr. Neale give you any reason why he should lend £50 to him—you and him together? No.
174. Are you a private friend of Mr. Nealds? Mr. Neale knew Mr. Nealds better than I did.
175. Did you know anything of Mr. Nealds except in his public capacity as traffic manager? No.
176. Was this £50 ever repaid? Yes.

177. When? I think about two or three months after it was lent.
178. In what way? Mr. Nealds gave me a cheque for it.
179. On the bank? It was some person's else cheque.
180. Not his own cheque; did you know whose cheque it was? It was some female's I think, but I am not positive it was a female signature.
181. You cannot fix the date of that payment? No, I can't; I never kept any memorandum of the circumstance at all; I never made any.
182. Is not that rather unusual? No—a single thing like that; I frequently lend money myself and make no memorandum. We lend money to one another in our own trade, and it may go on six or twelve months; we know we are certain of the money.
183. Did you charge any interest on this loan? No.
184. Can you tell me the name of the person who signed the cheque? No; I know it was presented at the bank and paid.
185. What bank? I don't know; I gave it to the clerk.
186. You received a cheque and don't know on what bank it was drawn? I think it was a lady's signature.
187. You think it was a woman's signature? Yes.
188. Can you fix the month at all? No, I have not the slightest thing to guide me by.
189. Might it be July or August? When it was paid?—It could not have been so far as that; it might have been earlier than that.
190. Was that the only transaction you had with Mr. Nealds? The only one.
191. Did you ever hear from Mr. Nealds of any obstruction being given to weighing the meat that came down from you—was any complaint made to you? Well, there was a quarrel one morning with a clerk and some of our men.
192. No formal complaint was made to you? Yes, Mr. Nealds spoke to me about it. He said several of your men have quarrelled with our people about weighing the meat, and it must not occur.
193. That was all that passed between you? Yes, that was all at that time.
194. *By Capt. Mayne*: Did you pay that cheque you got from Mr. Nealds, in payment of the £50, into your own account at the bank? No.
195. Did your clerk pay it in? No, he got the cash for it.
196. It was drawn upon a bank? Yes.
197. *By Mr. Williams*: Who was the clerk? Mr. Philip Milligen. He would not recollect it.
198. Was it by a cheque you lent the £50? No, Tom Neale drew the cheque.
199. On your own bank? Yes.
200. Did you or he give the cheque? I saw him write the cheque.
201. On what bank? The Joint Stock Bank, I think.
202. On his own account? Yes.
203. You say Mr. Milligen could not remember this repayment? No, he has got a very bad memory, and would not recollect this repayment. He knew nothing about the repayment; I merely gave him the cheque to get cashed for me.
204. *By Mr. Owen*: Was this cheque drawn on a private account or on the account of the firm? Private account; none of the rest knew nothing about it; none of the firm only me and Mr. Neale.
205. What did Mr. Neale say to you on that occasion? He merely came and said Mr. Nealds had asked him to lend him £50 for a short time, and whether I would join him in lending it, and I said I did not mind.
206. When did you enter into partnership with Mr. Neale? In October, 1860.
207. How soon was this after the partnership? About two or three months after, as nigh as possible.
208. Would it have been one month? I think it was about that; it might have been.
209. Some time in November or December? Yes, I think so.
210. Did Mr. Nealds state, either at the time of borrowing the money or the payment, anything about weighing the meat? Oh no.
211. When was it Mr. Nealds saw you about this obstruction—this quarrel? I think it was between the time of borrowing the money and before the payment.
212. Will you swear to that? No; I am almost positive it was.
213. Will you swear you did not receive the payment of this money in January, 1861? I would not swear it; I don't think it was.
214. Was any arrangement come to between you and Mr. Nealds about weighing the meat? Yes; Mr. Nealds said he would take the weight we gave in, and we were to allow them to weigh it whenever they chose, and they would take the book weight for the weight.
215. Were they to have any check by the sale books? No, there was a general average of what the meat was every day; there could not be much difference. I used to give them the weights morning and evening; it was frequently weighed when I did not know it, and it mostly tallied; it was weighed and I did not know it.
216. It was frequently checked? Yes.
217. *By Mr. Moriarty*: By whom was it checked? By whoever weighed the meat. Their men checked it so far; when I gave in the weight in the morning they said it was quite right.
218. It had been weighed by the railway people in the morning? Yes; Mr. Nealds came to me and said complaints had been made that we had frequently given in short weights, and I told Mr. Nealds to go over the books, and he could go up to Liverpool and take the weights of the Inspector of the cattle slaughtered at Mr. Atkinson's for the average of the weights, or if he chose he could look to the books there if he had any doubts about it.
219. *By Capt. Mayne*: When was it you told him this? When he came to speak to me about it.
220. About last November? About October or November.
221. *By Mr. Moriarty*: Mr. Nealds made a complaint to you that there had been a report about short weights being given in? Yes, and since then it has always been weighed.
222. *By Mr. Owen*: Do you remember any occasion when the meat trucks had been pushed beyond the weighing machine, and had to be taken back and put on the weighing machine? Yes, it has been done once or twice.
223. *By Mr. Moriarty*: During what period did that occur? That was in 1861.
224. *By Mr. Williams*: About what month? Before October, 1861.
225. *By Capt. Mayne*: Did you yourself accompany the meat down to the railway station? No; I was always at the shed waiting for it when it came in—always in the afternoon.
226. In the morning? No, now and again in the morning.
227. He agreed to take your weights in the morning? Yes.
228. *By Mr. Owen*: Have you a clerk there in the morning—any one to represent you? Yes.
229. Were not all these weighings you have spoken of weighings in the afternoon—when the trucks were pushed over the weigh-bridge and had to be taken back? No; once or twice it occurred in the morning; that was when the quarrel took place.
230. And what took place after the quarrel, was in the afternoon? Yes.
231. Did it ever occur in the morning, after this quarrel had been made up? No, it was through that quarrel that the meat was allowed to be taken as having been weighed.
232. You stated that before October the meat was taken back after it had gone over to the weighing machine, and to Mr. Williams you stated it only occurred in the afternoon after the quarrel? It had frequently occurred; the men have told me so.
233. Did you know it of your own knowledge? No. When Mr. Nealds said he would give the weight it was weighed frequently.
234. *By Capt. Mayne*: How do you know that? The clerk told me so.

235. *By Mr. Owen*: What was his name? Mr. Milligen.  
 236. *By Mr. Moriarty*: Was it generally the practice to weigh the meat in the afternoon? Yes, except very rarely, once in six months.  
 237. *By Mr. Owen*: Do you know when it has not been weighed? When it was very dark they have done us the favour to hurry it on and take the weight from the book.  
 238. *By Mr. Moriarty*: How many persons compose the meat company? Three now; six at that time.  
 239. *By Mr. Owen*: Did Mr. Nealds at any time ask you personally to advance him any money? No.  
 240. When you referred to your books and said they could take the weights from your books—what book do you refer to? A mere common day book. There is stated the weight of every quarter.  
 241. The weights are stated separately? Yes.  
 242. Did they take the weight from your books? No, I gave it in myself. I offered them to take it from the books. When I said they took the weight from the books, I mean I gave it to them from the books.  
 243. *By the Chairman*: What do you mean by “they”? Their young men—three or four different clerks have come; Mr. Owen part of the time came.  
 244. *By Mr. Williams*: Did you save any time by not having the meat weighed? Yes, of course I did. Sometimes no one was there to weigh it. That was what caused the quarrel—no one coming to weigh it, and after pushing it on it had to be pushed back again.  
 245. You have only been told so? I don't know this of my own knowledge.

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Edward Owen recalled and examined:—

246. *By Mr. Williams*: Was the meat brought down by the afternoon train ever weighed after Mr. Nealds gave the order? It was not generally weighed—very seldom.  
 247. Was it weighed as a matter of rule? No; sometimes it was weighed, very generally not.  
 248. Who was generally there to receive the meat when the train came in? Mr. Davidson.  
 249. He was the party that usually attended? Yes.  
 250. Is your recollection clear that as a rule it was not weighed? Yes. The orders were, that all meat coming down we were to take the butchers' weight of it; who weighed it is a thing I don't know.  
 251. As a rule you did not weigh it? As a rule it was not weighed.  
 252. *By Capt. Mayne*: Was it weighed at all between October and March, 1861, in the morning? Never.  
 253. *By Mr. Williams*: You are quite clear about that? Yes.  
 254. *By Mr. Owen*: Were you always present in the morning—every morning from March till October? There was nobody present; the weigh-bridge was locked, and the key was in the office.  
 255. And the meat vans passed over the bridge without any weight? Yes.  
 256. Was it locked every day from March till October,—are you prepared to swear there was not one single morning from March to October when the weigh-bridge was unlocked? I am not prepared to swear it.  
 257. Who had charge of the key? It was kept in the goods office, which was opened in the morning at 6 o'clock, and the meat came at  $\frac{1}{2}$  past 5 o'clock.  
 258. Will you swear it was not opened before 6 o'clock? No.  
 259. Will you affirm that? I can only state what I know when I was there—it was then opened at 6 o'clock.  
 260. You saw the goods office opened? Yes.  
 261. Were you there every morning, from the middle of March till October, at 6 o'clock? I cannot say 6 o'clock; I cannot say to half an hour.  
 262. Was the office of the goods where the key was kept—was it ever opened by any one but by you? It was opened by the head porter and me.  
 263. Had the storekeeper or any other person in the station any right to take the key out? He had no right to take it out. He applies for it and gets it during the day, but he never keeps it all night.  
 264. Has he done so without your permission? Not without the permission of some one.  
 265. But without your permission? I cannot say, because there is a clerk that acts in my absence.  
 266. Were you present when the meat train came in every afternoon, from the middle of March to October? I was not; I was at the station when the train came in.  
 267. Did you entrust the management of that train to your subordinate? I was the subordinate. My superior officer took the management of the meat; he was station master at the time.  
 268. *By Capt. Mayne*: In the morning when you were not there, would any one be there to see to the weighing of the meat? No one.

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Mr. Nealds examined:—

269. *By the Chairman*: Do you recollect accurately when you repaid the £50? To the best of my knowledge it was in January, but I cannot inform you the direct date.  
 270. *By Mr. Williams*: Did you repay it by your own cheque or by somebody else's? By a cheque not my own.  
 271. Whose cheque? Mrs. Louisa Cotton's.  
 272. What is Mrs. Louisa Cotton? She is the wife of a person, a watchman at South Creek. He was a late lieutenant in the navy.  
 273. What is he now? Watchman.  
 274. Where is he now? At South Creek.  
 275. In the railway employ? Yes.  
 276. What was the date of the cheque? I think it was January.  
 277. On what bank? I think it was the English and Scottish.  
 278. Was this the only cheque you got from Mrs. Cotton? Yes.  
 279. The only cheque you got from her of any amount? Yes, the only cheque.  
 280. Did you borrow any other money from her besides, or from Mr. Cotton? Never.  
 281. What was Mr. Cotton at the time you borrowed this—was he in the employment of the railway then? Yes.

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Wednesday, 5 November.

Present:—

Mr. Sheppard, | Capt. Mayne,  
 Mr. Moriarty.

Mr. Sheppard in the Chair.

*The Chairman*: With regard to free passes, the directions of Captain Martindale contained in this document, dated 13 October, are those which you alluded to?

*Mr. Nealds*: Yes.

*First charge continued.*

William Read called in and examined:—

282. *By the Chairman*: What office did you fill in March and October, 1861? Station Master at the Sydney Station. 283.

283. *By Mr. Williams*: Was it your duty at that time to weigh the meat coming down from the Abattoirs at Liverpool? I came to Sydney on the 7th June; and about a week or two afterwards a bother occurred at the station between the goods clerk and the guard, and this man was suspended. I had not got into seeing the meat weighed at any time. This man spoke to me, and asked me to see Mr. Nealds as to what was to be done. I saw Mr. Nealds and asked him about it, and he said he was going to send this man to Liverpool, and it would not occur again, and that we would get the weight of the meat from the butchers in the morning. Previous to this the goods clerk told me of it, and told me that Mr. Nealds told him the weight was to be taken from Mr. Davidson.
284. From the time you allude to in June up to October, was the meat ever weighed to your knowledge? In the afternoon; not that I know of in the morning; I was not there when the meat came.
285. Was it always weighed in the afternoon? Always, except when we got a special order; or sometimes when the train was late the butchers would go up and ask Mr. Nealds to run it in at once, and of course on such an order being given it has been acted upon.
286. On other occasions did you weigh the meat yourself? I have been present a few times when it was weighed.
287. You don't know whether it was weight or not—have you ever seen it weighed yourself? Yes, half a dozen or a dozen times.
288. In four months—not more? No, I did not consider it my duty to be by.
289. You stated it had been weighed in the afternoon, from June to October? Except I got a special order I never gave orders to the contrary; I always thought it was weighed.
290. Do you know it was weighed? I could not say for certain; I always understood it was weighed.
291. If you don't know it was weighed, why did you state it was weighed from June to October? The weight was always given in to me as having been weighed.
292. Given in by whom? By the clerks—first by Mr. Owen; afterwards, when another was appointed to weigh it, by Mr. Fligg.
293. Did Fligg tell you at the time he weighed the meat, that these were the weights over the weights specified? No; sometimes he has given me the gross weight and the tare of the trucks. After a time I got a book for it to be entered in.
294. Could he not have given you the weights without having weighed the meat at all? He could.
295. And you say between June and October you may have seen the meat weighed four times? I have been present half a dozen times.
296. You did not see it weighed yourself at other times? No.
297. You don't know that it was weighed? No.
298. And all the knowledge you have of the meat being weighed, with the exception of the half-dozen times you saw it, was received from Fligg, the person who brought the weights? Yes. When I first went there I got them from Owen, and afterwards from Fligg.
299. That was all the knowledge you had of the meat being weighed at all? Yes.
300. Was the meat ever weighed in the morning from the time you went to the station up to October? Not that I know of.
301. Did you at any time receive any instructions from anybody that you should not weigh the meat in the morning? The only instructions I had was that I was to take the weights from Mr. Davidson in the morning.
302. From whom did you understand that? The first goods clerk said that he had received instructions from Mr. Nealds not to weigh it in the morning. Afterwards, on speaking to Mr. Nealds about it, he said E. was sent to Liverpool, and the weights were to be given by Mr. Davidson.
303. From that time, so far as you know, the weight of the morning meat was given in by Davidson? Yes.
304. Of course you considered, when Mr. Nealds told you that the weight of the morning meat was to be given in by Mr. Davidson, that it was equivalent to an order that you were not to weigh it? Yes.
305. Were you at the Sydney station when the meat was weighed in October? Yes.
306. Did you find any difficulty in weighing the meat? No, I cannot say there was; the trucks were always weighed on the weigh-bridge.
307. And you have no knowledge that from that time any meat was brought down without being weighed? No, not that I know of.
308. You believe it was weighed on all occasions? Yes.
309. *By Capt. Mayne*: In the absence of weighing, was there any check applied to ascertain the quantities brought down? Yes, there was a check; I asked Mr. Owen one time, whether the weight given in in the morning agreed or tallied with the weight in the afternoon. I thought he might judge from the number of carcasses that came down.
310. Was that the only check that was applied—was there any other possible check that could be applied in the absence of weighing except that? None except averaging the number of bullocks.
311. *By the Chairman*: Did you ever examine the number of bullocks coming down in the morning train, as a check of the weight? Yes, once or twice.
312. How did you arrive at the weight of the beasts? I think it was three to the ton; I heard that when I was at Liverpool.
313. That was the average? Yes.
314. Did you ever hear what the weight of a bullock was from the butchers at the slaughter-houses? Yes, some years before I came down. I think that was the average.
315. When you heard of these weights, some other company or private person was sending meat down? Yes, Mr. Atkinson.
316. When the weights were given you at Liverpool by private persons, did you ask the butchers the number of carcasses there might be to a ton? Yes.
317. And the only information you have as to the weight of the beast is the weight you derived from the butchers to check their way-bills by? I did not ask to charge by; I merely asked the average weight of the beasts; perhaps no meat was going down at the time.
318. Then there are other things sent down besides beasts? Yes, mutton.
319. *By Capt. Mayne*: Sent by these people? Yes.
320. Anything beyond carcasses of beasts and sheep? Only carcasses.
321. *By the Chairman*: Did they give you the average number of sheep to the ton? No, I never took it.
322. Then your estimate is only an approximate one, seeing you did not take into account the sheep as well as the cattle? I never asked the weight of the sheep, but I think it is half a cwt.
323. Did you take into account the weight of the sheep as well that went down? No.
324. On how many occasions did you take that average? It might be three or four times.
325. *By Capt. Mayne*: Did you find it to correspond with the weight they gave? Yes; there might be some two or three cwt. out.
326. What was the rate charged? The charge was originally 3d., and then afterwards raised to 4½d.
327. After that system of weighing was recommenced in the middle of October, was there any increase in the receipts from this particular traffic? No, I did not perceive it; I never averaged it.
328. I suppose there are means of ascertaining that? Yes, from the books.
329. Whether there is an increase in the receipts of this particular traffic when the reweighing commenced? Yes; the number of fares are always put.
330. *By the Chairman*: You say you only know yourself of the weighing a few times in four months? That was only when I was on the weigh-bridge.
331. Was it your duty to look to the weighing of the cattle—the butcher's meat? Not personally to be by.

332. You say, after October, when the order was that the meat was to be weighed, it was always done—had you any other opportunity of knowing it was done than you had before? No.
333. When did the original company, Davidson and others, cease to send? I could not say.
334. *By Mr. Owen*: Whose duty was it to look after the weighing of those goods? The goods clerk under me.
335. It was not your duty, in fact? No, it never has been.
336. Were you aware of there being an order from the office not to weigh in the afternoon? No.
337. If there had been any order, would it have come under your notice? It must have.
338. Was it not the case that meat when sent down was sold on the platform? Yes, beside the station.
339. Were not the carcasses, when they came down in the trucks, cut up in portions, which were separately marked with their weight? I don't know whether they were marked. I have seen them weighing them.
340. That used to be the custom, was it not, when you were at Liverpool? Yes, in Mr. Atkinson's time.
341. The quarters used to have their respective weights marked upon them? Yes.
342. You could then tell as to the average weight of the animals? Yes, by taking the weights of the quarters.
343. *By Capt. Mayne*: Did you do so? There were no weights on those that came down from this company.
344. *By Mr. Whitton*: Did you ever know any difficulty in obtaining the way-bills for the meat sent from Mr. Atkinson? No.
345. Where were you stationed then? At Liverpool.
346. *By Mr. Moriarty*: You did not count the beasts, so as to get the average? No.
347. You don't know whether 50 or 100 came down in the train? No.

4 November.

*Second charge.*—Cheques exchanged for cash at the Sydney booking office.

“Mr Nealds has been in the habit of exchanging his cheques for money from the booking office at the Sydney station, and on presentation the cheques have been returned dishonored.”

Mr. Nealds examined:—

1. *By Mr. Williams*: Have you ever exchanged your cheque or cheques for money at the booking office of the Sydney station? Yes.
2. When? I cannot tell the dates.
3. How often? Frequently.
4. Were any of the cheques you so gave dishonored? Yes.
5. How many? I cannot tell you. They have been returned—not sufficient funds to meet them at the time, but they were always paid.
6. Always subsequently paid? Yes.
7. What money was that you received at the booking office? I really cannot tell. I merely presented my cheque at the booking office, and asked for change.
8. Do you not know whether it was Government money? I presume it was taken as Government money. I merely asked, as one of the public, “Will you give me change for this?”
9. You asked the station master at the window or door to change your cheque? Yes.
10. And you say you don't know what the money was you got in change? I presume it must be from the Government money.
11. Are you not certain? No. Mr. Owen gave me a pound once, and he told me to get it out of his own pocket, but I did not ask the question.
12. Did you see where they got the money from they gave you? I have seen them take it out of the money bowls and tills.
13. What money is in the bowls? Money received at the window.
14. Public money? Yes.
15. Are these men who changed your cheques under your control? To a certain degree they are.
16. Were these moneys received from the traffic for the railway? Yes, I suppose they were; I believe they come from the Government money.
17. Are you not the traffic manager? Yes.
18. Did you not look after the receipts of the money taken at the different stations? No. I am generally about there—on the platform; very rarely in the booking office.
19. Do you not know where the money was put that was received from the public? In the bowls, in drawers, or safe.
20. The money you were speaking of was the money from which your cheques were cashed? Yes, I suppose so.
21. Are you not sure it was so? I don't say it was necessarily so.
22. Have you any doubt that the money that went into the bowls was public money? I suppose it was, because I know station masters put their own money in as well into these drawers.
23. Into these bowls? I presume so.
24. Do you know whether the station masters put their own money in those bowls? Frequently, when they have not got sufficient change.
25. How long were these cheques of yours dishonored before they were paid? I believe there is not a single cheque sent down to me or returned to me that has not been paid on the day it was sent.
26. What was the name of the accountant that sent it down to you? Mr. Walker.
27. In this office? Yes.
28. Can you tell me how many unpaid cheques have gone from this office in that way? I cannot.
29. *By Mr. Owen*: Do you know whether it is the custom of the public, or any of the public, to hand in their cheques and get payment by the station master? Yes.
30. Have you ever seen it done? Yes, frequently.
31. Can you mention any parties' names who do this? It is of such frequent occurrence. I know that Mr. Neele, of Hunter-street, has done it; Mr. Cowper (the Premier) does it almost every week; when he takes a ticket he gives a cheque for it; it is of common occurrence.
32. *By Capt. Mayne*: That is for passage money? Yes, or if he wants change for anything money is given if the station master knows the party.
33. Have you any control over the money department? No.
34. Are you in any way responsible for the money? No. I am simply responsible for the money in this way—if the accountant does not receive his returns or money, he sends to me to know the reason why, and to report.
35. The person who has charge is liable for this money—is not yourself? It is the station master.
36. If the station master were to take a cheque and it were dishonored, who would be liable to the Railway for it? The station master himself.
37. The station master takes this security on his own responsibility? Entirely.
38. Have you ever been refused to receive cash for your cheque by the station master? Yes.
39. *By Mr. Williams*: When? Some little time since, when Mr. Aldridge was station master.



40. *By Mr. Owen* : As soon as these cheques were returned dishonored, was this fact notified to you? Generally speaking it would not be till the following day—the day of presentation. Directly I learnt it the money was paid.
41. What has been the return when these cheques have been dishonored—no funds or not funds enough? Not sufficient funds.
42. *By Mr. Williams* : Can you tell us the amount of the cheques? I cannot.
43. What do you mean by not sufficient funds? Perhaps I may have given a cheque for £7 19s. 6d., and there is only £7 18s.
44. Might you not have given a cheque for £7 18s., and there was nothing there? No, you know that could not be the case, because it would not be marked “Not sufficient funds,” if the account is overdrawn.
45. It would not be, “Not sufficient funds,” if the account is overdrawn? No; if the account is overdrawn it would be, there is “no funds.”
46. If you have got an overdrawn account, is the reply “Not sufficient funds”? No.
47. As a gentleman with some experience in dishonored cheques, can you tell us what the reply would be? The answer, if there was funds, but not sufficient, would be, “Not sufficient funds,” but in cases of no funds, the answer is, “No funds.” I have been a clerk in the Union Bank.
48. You have been clerk in the Union Bank? Yes, and am quite cognizant of it.
49. When was that? In the year 1853.
50. *By Capt. Mayne* : In whose favour were these cheques drawn? I cannot tell.
51. The cheques alluded to? Sometimes they were in favour of myself, sometimes in favour of Mrs. Nealds, for household expenses.
52. *By Mr. Williams* : Will you say that, at any time any of these cheques were given by you, you had some funds in the bank? Yes, I will.
53. You are clear of that? I am clear.
54. Some funds sufficient to warrant your expecting that they would be paid? Yes, some funds sufficient to warrant my expecting they would be paid.
55. *By Capt. Mayne* : How often are these returns transmitted—these returns from the station masters? Daily.
56. Subsequent to the first occasion of your giving a cheque and it being dishonored, did the station master make any objection to take your cheque? Decidedly not.
57. On any subsequent occasion? No, except when Mr. Aldridge refused my cheque one day.
58. *By Mr. Moriarty* : If you gave a cheque, and it was dishonored, you get intimation of it on the day or the day following? On the day following it would come to this office, and then be returned to me. It would first go to the bank, and then be returned to this office, and forwarded from this office to me.
59. Are you aware, of your own knowledge, that it is the practice to cash cheques? Yes, frequently.

Robert Cooper Walker examined :—

60. *By Mr. Williams* : What are you? Accountant in the Railway Department.
61. Is it part of your duty to receive the money collected at the Sydney station, and for traffic? Yes.
62. How often is it brought to you? Every morning.
63. Amongst the moneys so received you sometimes receive cheques? Yes, we have cheques nearly every morning.
64. Did you ever have any cheques of Mr. Nealds, the traffic manager? Yes.
65. How often? I could not say.
66. Frequently or not frequently? Frequently.
67. Can you tell us about what amount? Various amounts—sometimes £2, sometimes £5, and they ranged as high as £10.
68. Were any of these cheques ever dishonored? Yes.
69. Can you tell how many? As nearly as I can recollect, about four.
70. About when was this—have you any exact account of it, any record of it? No.
71. When was the first? Somewhere about the time of changing the station master.
72. Tell us the date? About three months ago; I don't think we have had any since then.
73. When was the first, not the last? That will be some twelve months ago.
74. Are you sure there have been no more than four dishonored? I don't think there have been more.
75. How long did they remain dishonored on your hands? They did not remain any time on my hands.
76. Can you tell us how long they remained dishonored? No, for this reason, they are sent into the bank and passed to the Colonial Treasurer's credit; we only receive a notice that such a party's cheque is dishonored; I then call on the station master to give me the money or take it up; sometimes the party goes to the bank and takes it up, and we hear no more of it unless the cheque is not taken up. We had a case where the cheques were not taken up, and we had to stop the goods in order to get payment. His cheques were refused in consequence afterwards.
77. You have no knowledge how long these cheques remained unpaid? No; I have reason to believe they were unpaid only a few hours.
78. They might be there one day and taken up the next day? Certainly.
79. Do you know the amounts of these dishonored cheques? We could ascertain the exact amounts. We don't make any entry, because we hold the station master responsible for these cheques; we make no entry, and we look to them to furnish the money.
80. Are you clear about the number of cheques dishonored? I could not say for certain, there might be more, but Mr. Eastwood would be able to tell better than I; when he carries the money to the bank he has the notes of dishonored cheques handed to him by the teller; he could tell the exact number.
81. *By Capt. Mayne* : Are the cheques generally handed to you for goods traffic or passenger fares? I presume they are. They have only been cashed by the station master.
82. I mean generally? Generally for goods.
83. The ordinary cheques that you receive are made in payment of goods and for passengers? They are payments for goods, sometimes for passengers, principally for goods.
84. *By Mr. Owen* : Are you aware that cash is given for cheques not merely paid for traffic? Yes, in some instances it was done. If a party's salary is sent down the line the station masters cash the cheques because they are Government cheques, and return the Government cheques as cash.
85. *By Mr. Williams* : That is a more easy and safer mode of remitting the money? Yes.
86. *By Mr. Owen* : Have you ever known cheques to be cashed—not only Government cheques? Yes, occasionally I have cashed cheques myself; the Commissioner may send down to me by the messenger or a person I know very well, a cheque, with a request that I would cash it.
87. You say these cheques of Mr. Nealds were always paid? Yes, always.
88. The money was always forthcoming? Yes, I never received any notice that they were not. If they had not been paid I should have been compelled to pay them myself, or to have brought it under the notice of the Commissioner.
89. You say other parties' cheques were dishonored? There was one case of a cheque cashed for goods which was dishonored, and the goods were stopped.
90. You are referring to a case of a cheque that was not paid after being dishonored—Do you know in some case where the cheque was dishonored, and when brought under the party's notice it was paid—do you remember any case of that kind? I have no recollection.

91. Where the cheque was returned by the bank dishonored, and paid by the party without any further steps being taken? I have no recollection. We have had for traffic small cheques dishonored, besides the cheque I spoke of where the goods were stopped; in these instances we had no necessity to stop the goods.
92. You always look to the station master for payment? Yes.
93. He takes the cheques on his own responsibility? Yes.
94. *By Mr. Williams*: Can you tell us under whose direction the station masters are? Under the traffic manager.
95. He is their superior officer? Yes.
96. Who is the head officer at the Sydney station? The traffic manager.
97. Who is that? Mr. Nealds.
98. And these men who cashed the cheques are subordinate to him? Yes.

Charles Woodman Eastwood called in and examined:—

99. *By Mr. Williams*: What are you? A clerk in the accountant's department of the railway.
100. Did you receive at any time the money from the Sydney station? Yes, at all times.
101. What time of the day? In the morning.
102. Whom did you get it from? I got the bags.
103. Who gave it to you? The station master.
104. What did you do with it? I brought it down here.
105. You go to the station for it? Yes, I call at the station.
106. You receive it from the station master? Yes, and check it.
107. What do you do with it then? I then take it or send it to the bank.
108. Amongst the money so received by you do you ever have cheques? There is never a day without cheques.
109. Did you ever have the cheques of Mr. Nealds? Not for some time past—yes.
110. Frequently, or not frequently? Not very frequently.
111. How frequently? Sometimes I have not had one for a month, other times two or three.
112. Do you know of any of these cheques being dishonored? Yes.
113. How many? I am not prepared to say.
114. Were they so numerous? No.
115. Give us the number, as near as you can, from one to twelve? Since my admission, now two and a half years, and since I have had anything to do with checking the cash, I should think I had six.
116. Can you tell us the amounts? They varied from £1 to £10.
117. The dishonored cheques? Yes.
118. Do you know how long they remained dishonored? I don't think I presented them a second time. When I had notice of a cheque being dishonored I sent it to the station master, from whom the cheques are taken, and he is answerable to me.
119. And you have heard nothing more of it? Sometimes I have received the cash for the cheques.
120. In reply you have received the cash for the cheques? Yes.
121. Was that on the same day? Yes.
122. Was it always on the same day of receiving the notice? No, it could not be, because the station master would not get the notice until late in the day.
123. When did you receive the money back? The following day.
124. Did you always receive it the following day? I think I have—I might not have.
125. You cannot say whether you did or not? Sometimes I received it from Mr. Nealds himself the same day the cheque came in. The same day the cheque came in Mr. Nealds has given me the money to meet it.
126. To whom did you send these notices? To Mr. Read and Mr. Aldridge. Since Mr. Owen has been station master I have not had any.

Edward Owen called in and examined:—

127. *By Mr. Williams*: You are station master at the Sydney station? I am.
128. How long? Since June last.
129. Have you ever cashed any cheques for Mr. Nealds? I have—a great many.
130. How many? I cannot speak as to the number.
131. What do you mean by a great many? Perhaps eight or nine.
132. For about what amounts? £3, £5, and in small amounts.
133. Do you know what became of these cheques? They were paid into the bank by the accountant.
134. Were any dishonored? Yes.
135. How many? Two.
136. Can you tell us the amounts? One for £3, and the other for £2.
137. Can you tell us how long they were unpaid? I cannot.
138. How long were they unpaid after they came back to you? Two or three days.
139. You received notice from the accountant? Yes.
140. Upon receipt of that notice what did you do? I informed Mr. Nealds of it.
141. How long was it after you were informed of it before the money was paid? I cannot say when this money was paid; I was not informed officially by any one.
142. Who is liable for these cheques which are not met? That is a question.
143. Were you not liable? I should not be liable for cheques belonging to my superior officers.
144. Who has control of the cash? I have; but I am bound to obey his (Mr. Nealds') orders.
145. Do I understand you that you are under the control of Mr. Nealds as to the payment of this money? Yes.
146. And consider yourself bound to dispose of it in any way he may direct? Yes.
147. Are you in the habit of cashing, as a matter of accommodation, cheques not in receipt of payment for traffic? Any other cheque? I am not in the habit—I have done so.
148. Would you cash Mr. Nealds' cheque if you considered yourself liable to refund it on non-payment? I would not. I was cautioned by a party who received the cheques at this office not to do so.
149. How came you to do it? Because I considered Mr. Nealds my superior officer, and the person here could not give me any orders—I am not under his orders at all.
150. And you are under Mr. Nealds? Yes.
151. Who was the person who cautioned you against receiving Mr. Nealds' cheques? Mr. Eastwood.
152. Did he give you any reason for it? Yes, he said he had no funds in the bank to meet them.
153. And he told you not to cash them? Yes.
154. And after that did you cash them? Yes.
155. And your reason was? Obeying Mr. Nealds' orders when he told me to cash them.
156. Whose money was the money in the bowls? It is the revenue—public money.
157. Money received for traffic? Yes.
158. Did you ever know any private money getting in there—money of yours—of the station master's? No, never.
159. So far as you know, is it the habit of the station masters to put their money there? No, far from it, and is very much against the regulations.

160. Now, from your knowledge of this matter, did you ever know that the station masters ever put their money in these bowls? (*Mr. Owen objected to the question.*)
161. From your knowledge of the practice of the station masters, do they put their money in these bowls? They do not. I have audited the accounts of every station on the line, and in every account that I have counted the money, they have never had a penny of their own more—generally less, if anything.
162. Have you been in the habit of going up the line to enquire into the accounts? I have.
163. Have you ever discovered that it was the practice of the station masters to put their own money in the bowls? Never.
164. These bowls and tills are especially for public money? Yes.
165. And, from your experience in these matters, are so used? Yes.
166. *By Mr. Owen*: If I were to hand you half a sovereign, and you were to give me a ticket counting 6d., how would you manage if you had no change in the bowls? If you gave me half a sovereign to pay for a sixpenny ticket, if I had no change I would give the half-sovereign to the guard, and request him to get change and give it to the party.
167. Will you assert positively that you never did yourself, or never knew a station master, to take the change out of his own pocket and give the change? I assert positively that I never gave change out of my own pocket to any one.
168. Did you ever know of it being done? No. There is a regulation on all railways in England, that parties are to provide change. There is never any necessity for it; every station has £5 to give change with, so that there is never any occasion of being short of giving change. The principal stations have £5, and the small ones £3.
169. How long have you been station master at Sydney? Since June last.
170. Have you any law or document defining your duties and liabilities? I have not; I have the regulation book, which places me under the orders of the traffic manager, and him only.
171. Do you not communicate directly to the accountant in all matters relating to money? I do.
172. Not to your superior officer on the line? No.
173. Has Mr. Nealds, or has he as traffic manager, any control over the money department? I don't understand your meaning. He has control over the station master.
174. Has he control over him in any matter relating to money? He has.
175. What control? With regard to his cheques, if he came and asked me for change I should obey his orders.
176. You would obey his orders? Yes, and if he instructed me to pay £5 I would do it.
177. Who would be liable if the cheque were dishonored? I don't know; there is an order latterly, within about a month, on account of certain persons' cheques being dishonored, that we are responsible—the station masters; before that I never heard it.
178. To whom was the application made, when the cheques were dishonored, for the payment of the cheques? The application made was that I was to see them paid as station master.
179. *By Capt. Mayne*: Did you receive any instructions as to your duty when you entered as station master last June? We had a book of regulations.
180. Have you got it? Yes.
181. Defining the duties of the particular officers? Yes.
182. Each particular officer? Yes.
183. How did the money come from the station masters—how did they receive the accounts? They are sent by the first train each morning, in locked boxes.
184. Who would be responsible for the money in these boxes—for the cheques dishonored? I cannot say; according to the resolution issued lately, the station masters.
185. The particular station master, and not the traffic manager? Yes, the station master; I mean in Sydney also.
186. So that the station master is responsible for the money? Yes.
187. And for dishonored cheques? There is an order previously; I cannot say, for the reason that the accountant accepts the cheques, and I cannot see why the station master is responsible.
188. How does he accept them? By receiving them he acknowledges on the face of our accounts that he has received so much money, and part of them are cheques.
189. *By the Chairman*: You trust the cheques as money—you return it as money in your returns? Yes, and I get a receipt; when these two cheques were dishonored I sent £20, and got a receipt for it, and when they were dishonored notice came to me; I cannot see how I am responsible for the cheques dishonored.
190. *By Mr. Moriarty*: You are responsible to Mr. Nealds for payment of this money—if he said put £20 of it in your pocket, would you do it? That is a different thing to his giving me a cheque.
191. Would you obey his orders then? There is no similarity in walking away with £20.
192. You say you are bound to obey his orders with regard to this money? Yes, everything in reason.
193. *By Mr. Williams*: If he asked you to hand over all the station money, would you have done so, and considered you were discharged from it? I should have.
194. *By the Chairman*: Mr. Nealds is not the medium of your communicating with the accountant—you sent up your money direct to the accountant, and not to Mr. Nealds? Yes, because Mr. Nealds was not there to receive it.
195. Had the traffic manager the power of suspending you? Yes, he had.
196. And taking possession of the money? Yes.
197. If he had demanded money of you without a cheque, would you have given it? Yes. He has done it on several occasions, and Mr. Nealds has got paid out of the till.
198. How did you get it back? I had to wait till I got it back.
199. Do you know, as a matter of fact, that Mr. Nealds has suspended a station master? He has suspended the goods clerk.
200. *By Capt. Mayne*: Did you read that regulation? I did; the regulation states that all officers are placed under the traffic manager.
201. For general duty, but for a definite and responsible duty he could not go by this regulation? He has done so.
202. *By Mr. Williams*: Has there been an order recently on the subject of taking cheques? Yes, very lately, some three weeks or a month ago; it says we are responsible for any cheques.
203. *By Mr. Owen*: Was that a notification or an order? It was a general order.
204. Defining as your duty a novel duty? No, defining our responsibility for taking cheques.

Tuesday, 11 November.

Second charge—continued.

Charles F. Aldrich examined:—

205. *By Mr. Whitton*: Have you ever refused to cash any cheques belonging to Mr. Nealds? No, I don't remember it.
206. Have you ever refused to cash his cheques? I have no right to refuse it; I would not do so. I refused to send money up to his house by telegram on one occasion, but I don't remember a cheque.
207. *By the Chairman*: Is there a telegraph up to Mr. Nealds' house? No; he sent one down to me to the Sydney station, and I have this refused to do, and on another occasion he asked me to give him 10s., which I refused to do; he was then intoxicated.

Further evidence was given by this witness, but as it did not bear upon the charge it was ordered by the Board to be struck out.

C. W. Eastwood called and examined:—

208. *By Mr. Owen*: Did you at any time tell Mr. Owen not to take the cheques of Mr. Nealds? No, I did not; I had no power or right to do it.
209. *By Mr. Whitton*: But at first did you not tell him something? I told Mr. Owen to be careful about Mr. Nealds' cheques when he first came to the station.
210. And you did caution him not to take Mr. Nealds' cheques? I cautioned him about not taking them; it was the time one cheque was dishonored on Mr. Read's leaving the station.
211. You cautioned Mr. Owen about taking Mr. Nealds' cheques, and said that Mr. Nealds' cheques had been dishonored? I cautioned him against taking Mr. Nealds' cheques; when Mr. Read left the station there had been a cheque of Mr. Nealds dishonored, and I think about that time a memorandum was sent to all the station masters that they were responsible for the cheques they took.
212. Did you not inform Mr. Owen that, in consequence of some cheque or cheques of Mr. Nealds being dishonored, that he was to be careful in taking Mr. Nealds' cheques? Yes.
213. Do you remember since you were last before the Board, whether any cheques given by Mr. Nealds during the time Mr. Owen was station clerk have been dishonored at the bank? I cannot even now call to mind any time that they have been, but I stated then that they had not. I speak to the best of my memory, and even now I cannot recall to my mind the circumstance. It may or may not have been, but I cannot recall to my mind whether it has been or not; I cannot speak positively whether they were or not.

4 November.

*Third charge.*—Money transactions with Mr. Dawson, an auctioneer holding sales on the railway premises at Sydney station.

“From minute paper marked charge No. 3, it will be seen that Mr. Nealds did constantly recommend that accommodation should be given to Mr. Dawson beyond that given to other persons using the railway, and that Mr. Dawson did use the platform at Sydney for auction sales for a considerable time, without any charge being made; the charge decided upon by Captain Martindale being abandoned on Mr. Nealds' recommendation.”

Mr. Nealds examined:—

1. *By Mr. Williams*: Did you ever borrow any money from Mr. Dawson? Yes.
2. When? I cannot tell the date.
3. In what year? 1860.
4. How much? £30.
5. Did you repay it? No, I have not.
6. It is still due—it is not repaid? He has given me a certain length of time.
7. What length of time? I cannot tell you; there is a large portion set on one side for paying it; it is not in my hands.
8. You have made an arrangement to meet it? Yes.
9. Has Mr. Dawson ever used the Sydney platform for sales? Yes.
10. When did he commence doing so? I cannot tell without referring to the paper.
11. Can you tell us the date? The negotiations began on the 4th October, 1859, but he had not the power to sell then.
12. When did he begin to sell? It was approved by Mr. Eagar on the 26th December, under an arrangement.
13. What was the arrangement? The right of sale of produce on the Sydney station.
14. What was he to pay for it—was he to pay anything for it, and did he pay anything? He did pay at the commencement.
15. Was it part of the arrangement he should pay? Yes.
16. Can you tell us what? I think it was one per cent. on the amount of sales, and 10s. a day for the use of the sheds.
17. How long did that arrangement last? (*Minute paper relating to Mr. Dawson's application read by the Chairman.*)
18. What was done by Mr. Dawson under it? Mr. Dawson was allowed to sell.
19. What time was that? The date is on the paper; the communication was opened in 1859, and I think it was in December, 1859.
20. Till when? I think it might be till two months ago; it might be a little longer.
21. Were these charges agreed to be paid—the charges mentioned therein? I believe he agreed with the Commissioners, not with me.
22. It was known to you? No; if you read the minutes, you will see I said in the minute I never read the minute agreeing to these terms.
23. Do you say you never knew that Mr. Dawson had to pay for the shed? I never knew it till afterwards.
24. When did you know it? I cannot tell.
25. Notice was given in December, 1859, and the result a contract. I want to know what the contract was, when it first came to your knowledge, and what was done under it? On the 17th of December is Captain Martindale's minute, and on the 29th December I wrote to Captain Martindale that it was advantageous, and the result was a per-centage was charged.
26. How do you know that? Captain Martindale told me. (*Reads letter 29 December, 1859.*)
27. I want to know when you first knew that? The only thing I can go by is the minute paper.
28. When did the arrangement with Mr. Dawson first become known to you? On the 29th December, 1859.
29. What was the arrangement? That there should be a per-centage charged.
30. What per-centage? One per cent., and 10s. a day.
31. How long did the arrangement continue? Not at all, for I recollect the Commissioner said the per-centage should be withdrawn, in order to induce the transport of produce to the line.
32. Was that done on your recommendation? It was done. (*Refers to minute paper.*) Mr. Eagar says as an experiment.
33. Was there any subsequent arrangement made as to charge? Not that I am aware of.
34. Then in fact the arrangement was never carried out—no charge was made under it? So it appears.
35. Did other people sell at the railway station? Yes; Messrs. Argent, Pritchard, and Williams, applied on the same terms, and a person named Smith, but he never sold.
36. Did they pay anything? I don't know; the money does not pass through my hands.
37. Was that a final arrangement, with regard to Mr. Dawson, to sell without charge, or was it only an experiment? They say so here; I do not recollect it so.
38. You recommended it as an experiment? No, Mr. Eagar did; and Captain Martindale approved it, and Mr. Eagar confirmed it.
39. *By Capt. Mayne*: Were there many parties selling under the same conditions? Argent, Atkinson, Pritchard, and Williams.
40. Did you bring this before the Commissioner? I brought it before Captain Martindale, I think.
41. Is there any proof of it? I think you will find it in the paper that Captain Martindale went through everything. (*Minute paper, 26 December, referred to.*)

42. *By Mr. Williams*: How long did you let that experiment last—was it ever brought under anybody's notice? Yes, Captain Martindale, and I believe Mr. Whitton was aware of it.
43. Did you ever tell him? I knew he was aware of it.
44. You knew Mr. Whitton was aware that Mr. Dawson was selling without paying? I think so; I cannot say positively. The object was to get traffic to the line.
45. You never brought that case under the notice of the manager? No.
46. Or the Commissioner of Railways? Yes, he frequently asked me how it was going on.
47. The present Commissioner? No, only to Captain Martindale.
48. By writing did you bring it under Captain Martindale's notice, or verbally? I cannot tell without referring to the papers.
49. *By the Chairman*: Have other persons used the platform without paying anything? No. Atkinson when he first held his meat sale paid £1 a day until the charge was done away with.
50. From December, 1859, have other persons sold without charge? No charge was made.
51. How many persons are there besides Mr. Dawson selling? I don't recollect any person selling besides Mr. Dawson. Pritchard and Williams, and I know Argent and Atkinson did sell there.
52. Are there any selling now? No; Mr. Dawson monopolized all the produce.
53. How long has he been the only person selling? A couple of years.
54. How long has he been selling without any charge? I think two years.
55. *By Capt. Mayne*: Are the sales well attended? Crowded.
56. Has it answered the expectations entertained? Fully.
57. *By Mr. Owen*: As soon as this arrangement was brought under your notice by the Commissioner, did you immediately suggest that the charge should be taken off? Yes, on the 29th of December.
58. And had you any interview with the Commissioner on the subject? Yes.
59. On what ground? Simply if all restrictions were taken off it would induce persons to send produce to the line.
60. Not referring to any person in particular? Yes.
61. You say it has been successful? Yes.
62. Mr. Dawson is a man having a large connection? Yes.
63. Did his sales absorb all the others? Yes.
64. Did you suggest any other improvements to be made with that view? Yes.
65. To the Commissioner, with the view of increasing the traffic? Yes, and of increasing the receipts.
66. To whom is Mr. Dawson bound, or would be bound, to pay any money—into whose hands? To the station master.
67. What other suggestions did you make to increase the traffic? During the time Mr. Eagar was Minister for Works I made another suggestion, not of a similar kind, but one which he approved generally of—that when any person sent a large quantity of goods, that we should give them a considerable discount on the total amount. Mr. Eagar, looking at it in a commercial view, approved of it.
68. At the time you made these recommendations to the Commissioner, were other persons selling besides Mr. Dawson? They were all anxious to begin; there was no one beginning at this time.
69. All in treaty? Yes.
70. And your recommendation was to apply to one as well as to the other? Yes.
71. *By Mr. Williams*: Are you quite clear you made the recommendation that no charge was to be made, within a few weeks of the month that the charge was to be made? Here it is, December 29th.
72. But that is 1861? 1859.
73. *By the Chairman*: Did any person apply to sell on the platform? Yes, Smith; but he went to Wollongong.
74. Who were the others? Argent, I believe, applied to have a sale there.
75. *By Mr. Williams*: Did Mr. Atkinson ever pay anything? Yes.
76. Was that discontinued on your recommendation? Not that I am aware of. I have not got the papers here. I am not aware I recommended it.
77. Did Mr. Atkinson ever lend you money? Yes, simply as a friend; not since he has been doing business.
78. *By Mr. Owen*: When you made these recommendations to Captain Martindale, or the Commissioner, did you state to him that charges were not made on certain other lines? Yes.
79. What was it you stated? I stated to Captain Martindale that I was aware that they held these sales on the steam-boat wharves without any charge, and I would suggest it being done here, and with a view of increasing the traffic I recommended it.

4 November.

*Fourth charge.*—Borrowing money from a man of the name of Cotton, now employed on the railway as watchman at Penrith.

“Cotton has had a pass monthly from Ashfield to South Creek and back, which has not been given to any other watchman or porter, and that previous to his employment by the Commissioner he was allowed a pass free along the railway for a considerable period.

“Mrs. Cotton has also been allowed to travel free by a pass on blank paper, signed “by Mr. Nealds.”

Mr. Nealds examined:—

1. *By Mr. Williams*: Is there a man under the name of Cotton employed by you? Yes, there is.
2. What was he? Watchman.
3. Where? South Creek.
4. When was he appointed? At the opening of South Creek station.
5. About when? Four months ago; it may be more than that.
6. What was he paid to do? He had been a porter and greaser at the Sydney station No. 1 before he went to South Creek. He had been originally on the line, not immediately—
7. What was he immediately before that? He was up at the coal mines at the north.
8. Do you know that yourself? Yes.
9. How came he to leave that employment? I don't know. I received a letter from his superior officer up there strongly recommending him; I believe it was because he was away from his family, who were living at Ashfield.
10. Did you ever borrow any money from him? Yes.
11. Was it before he went on to South Creek? Yes.
12. How long before? I believe it was in January, 1861.
13. What was he then? He was then porter.
14. Porter and greaser? Yes.
15. And you borrowed—how much? £50.
16. What security did you give him? I did not give any security except a cheque—an acknowledgment for it.
17. Have you ever repaid it? Yes.

18. How long ago was that? The repayment extended over a considerable time; as the wife wanted the money I let her have it.
19. In small sums? Yes, £5, £10, £4, as she wanted it.
20. When was the last of these payments made? I cannot tell without referring to my books.
21. Since his appointment to South Creek station? No, before that; I think it was about six months ago or eight months.
22. What was his original appointment at South Creek? Watchman.
23. At what rate of wages? 8s. per day. He went down at 5s. a day. The Commissioner said it was too small a rate, and he would raise all the watchmen to 8s.
24. He was subsequently raised to 8s.? Yes.
25. Was that recommendation in writing of the Commissioner? No, it was done at this table, going through the pay-list.
26. A verbal communication from the Commissioner to alter the man's salary? No, not this man's— all the watchmen's salaries.
27. And did you alter all the salaries likewise? Yes.
28. Is there any portion of that money you borrowed still due? No.
29. Is any due to Mr. Cotton? No.
30. Do they assert there is? No.
31. When you repaid this amount did you take receipts from these people? No, I have for some; sometimes I gave it to the boy—the son.
32. Did you ever give Cotton a pass from Ashfield to South Creek? Yes, ever since he has been there.
33. Did you ever give it to any other watchman? Yes, every watchman on the line.
34. Is there any other watchman on the line? Yes, Harper.
35. Where at? Menangle.
36. Where does he go up from? From Campbelltown to Menangle.
37. You gave him a free pass? Yes.
38. Whom does he get it from? Me.
39. Did this man Cotton ever have a pass before he was in the Government employ? Yes; when he came to see the Commissioner (Mr. Rae) on being employed on the railway; I mean that Cotton had a pass during the time he was seeking re-appointment in the service.
40. Any other time? No.
41. Is it usual to give free passes to persons seeking employment in the service? Yes, frequently, when they are disabled in the service. This man had a rheumatic fever in the back, and lumbago, when he left.
42. Has Mrs. Cotton been allowed to travel free of cost? Yes.
43. For how long? Various times. I cannot tell.
44. When her husband was not employed? No; for she has come down when her husband was not employed, and I have paid her fare.
45. Did you ever give her a free pass before her husband was in the employ of the railway? I have freed her down—I have paid her fare.
46. *By the Chairman*: When Mrs. Cotton was travelling without her husband did you pass her down? Yes, I have.
47. *By Mr. Williams*: What was the pass like—what shape was it in—was it a written pass? Yes.
48. Written by yourself? Yes.
49. What did you say? Pass Mrs. Cotton—third class.
50. Free of cost that carried her? Yes.
51. Was it a pass to last one day? Yes; very likely an order from Ashfield to Sydney and back.
52. How often have you done this? I cannot tell. I have given Mrs. Cotton, as well as the wives of the employés, passes on the line, to come down once a week for provisions; all have that privilege.
53. Who authorized you to do that? I believe I have a discretionary power of using these passes.
54. And you do so? Yes, to our own employés or their wives.
55. What leads you to believe you have the discretionary power? I have an order which states that, "Mr. Nealds to be cautious in the use of free passes."
56. Where is the order? I have not got it here.
57. And giving it to a woman not the wife of an employé is being cautious? Perhaps it might have been incautious.
58. Did you give a free pass to any other member of that family? It was made out to Mrs. Cotton or son.
59. Then the son got a free pass too? When they wanted to come in for fresh provisions.
60. Were these passes returned to the office? I believe they were collected by the guard.
61. Did you make a statement about any of them? I have as to some, but not as to others.
62. Why not as to others—these that are not made to be returned or collected by the guards? I write passes when I come down the line and have not got my printed ones with me.
63. What becomes of these passes—how are they treated? They are torn up generally.
64. When used there is no note taken of them? Yes.
65. You have given passes to the son as well as to the wife? Yes, they were generally made to the wife as well as to the son.
66. How often? I cannot tell.
67. Once a week? I cannot say.
68. How often have you given these passes? I cannot say. It is the custom to give passes to the employés.
69. Who are the employés? Porters and station masters. I presume I am an employé, or was before I was suspended; all the officers in the department are employés. I believe some person in Mr. Whitton's department gave passes.
70. For his wife? Yes; I believe Mr. Trengrouse. The employés in the traffic department get passes from me in my department.
71. Do you know how it was Mr. Trengrouse gave these passes? No.
72. For all you know it may be part of a special arrangement? Yes.
73. *By Capt. Mayne*: You have spoken of an order to be cautious in giving these passes—what drew forth that order? Simply my general instructions in the first instance—my private instructions from Captain Martindale.
74. They were what as regards this? Mr. Nealds should be cautious in the use of free passes.
75. Had anything occurred previous to that? No. It was before I took up my present appointment.
76. *By Mr. Williams*: Was that order of Captain Martindale's ever altered? Not that I am aware of. I understood by that order that there were only three persons able to issue free passes—myself, the engineer for the time being, and the Commissioner.
77. Under what circumstances were you to give free passes? It does not state.
78. Is it not restricted? I say it is my discretionary power.
79. Did you ever make any return of these free passes? I believe they were sent in to the head office weekly.
80. Did you every week make returns? No.
81. Was there any check? The collection.
82. Some of them were torn up? Yes.
83. Of the written ones there was no check? No.
84. *By Capt. Mayne*: Who would have the right of tearing up these passes? I should. They would be returned to me, and put in my letter box.

Wednesday, 5 November.

Fourth charge—continued.

Louisa Cotton called in and examined :—

85. *By Mr. Williams* : You are the wife of? Frederick Lane Cotton.  
 86. Now employed where? At South Creek.  
 87. What as? Watchman.  
 88. When did Mr. Cotton first enter the service of the Railway? I really could not say—some time ago.  
 89. About what time? I have no idea; about two years, or more than that—I think it is more; I could not say within a few months.  
 90. What was Mr. Cotton then? Porter.  
 91. How long did he continue as porter, and when did he leave the railway? I really don't know; I think it was about eighteen months ago, rather more; I merely judge under circumstances; I have no idea of the date.  
 92. Did you ever lend Mr. Nealds any money? Yes.  
 93. How much? £50.  
 94. When? In 1860—in the latter end of 1860.  
 95. What was your husband then? He was a porter on the line.  
 96. How came you to lend Mr. Nealds £50? I believe my husband offered it to him.  
 97. Were you present—do you know it? I was not present.  
 98. Who gave him the money? I wrote the cheque myself.  
 99. Where had you the money? I had it in the Australian Bank.  
 100. In the Australian Joint Stock Bank? Yes.  
 101. What passed between yourself and Mr. Nealds when you gave him the cheque for £50? I did not give it to him—I sent it by my husband.  
 102. In fact he gave it? Yes.  
 103. Was the money in your name at the bank? Yes.  
 104. And the conversation as to lending the money was between Mr. Cotton and Mr. Nealds, and not between yourself and Mr. Nealds? Yes.  
 105. Were you present? Yes.  
 106. Has the £50 been repaid? Not quite all.  
 107. How much has been repaid? I think £42.  
 108. Then there is a balance of £7? I think £8 is due—that is my account.  
 109. How was the money repaid to you? At various times.  
 110. By cheques or money? Mostly money.  
 111. Received by yourself? Mostly; sometimes by myself, sometimes by my son, and on one or two occasions by Mr. Cotton.  
 112. When was the last payment made to you? It was a small amount in April.  
 113. In April last? Yes.  
 114. Did Mr. Nealds give you any acknowledgment for the money you lent him? Yes.  
 115. In what shape? In an I O U.  
 116. Where is it? I have it at home.  
 117. You have it still? Yes.  
 118. Was he to pay you interest on this sum? Yes, Mr. Cotton said he was to give 15 per cent. interest.  
 119. Have you ever had any passes from Mr. Nealds? On one occasion I did.  
 120. Only on one occasion? I believe only one. I was ill.  
 121. Have you not had free passes from Mr. Nealds? He gave me a pass on one occasion when I was ill; I asked him if he would kindly pass me, and I asked him when I should return it, and he said when he called for it.  
 122. What sort of pass was it? It was written on a piece of paper.  
 123. How long did you have it? I had it some time, because I was ill. It was about the time of my confinement of my last child. I used the pass three or four times.  
 124. You used the pass repeatedly? It was another pass, I believe it was.  
 125. How long did you use it? I seldom come up; I don't suppose I used it more than three or four times.  
 126. Was it one or two or three months that you were in possession of it? Mr. Shore, the station master, took it.  
 127. How long ago? I could not say.  
 128. How long had you it in your possession—say within a week or a month? Well, I could not say; three or four weeks.  
 129. Might it not be more? I really would not be certain.  
 130. Do you think it was more? I don't think it was.  
 131. Was that the only pass you got from Mr. Nealds? I think it was.  
 132. Are you quite sure? I remember on one or two occasions asking him if he would pass me, and he has passed me.  
 133. By giving you a pass? By simply passing me on.  
 134. Without a ticket? Yes.  
 135. That was to come to Ashfield? Yes, from Sydney.  
 136. What was your husband then—was he in the railway employ? I don't think he was; he was at Newcastle when I had the written pass.  
 137. He was not in the railway employ? No, not when I had a free pass.  
 138. What was he doing at Newcastle? He was employed there.  
 139. By whom? By Mr. Winship.  
 140. How long was he away from you? I don't know.  
 141. Can you not give us an approximation of the time—was it a year or a month? I rather think he went away in May and returned on the 1st August; it might have been April, I rather think it was May.  
 142. You think it was April? Yes.  
 143. *By the Chairman* : He returned in the August following? Yes.  
 144. And it was during that time you had the pass? Yes.  
 145. Do you know of your son having a pass free? Yes.  
 146. When was that? During the same period—the time I was ill.  
 147. Was that a free pass? Yes.  
 148. Was your son ever in the railway employment? Never. He is only a little boy.  
 149. How old is he? Ten or twelve years.  
 150. How came you to give the pass up? I think Mr. Shore asked me for it.  
 151. When was that about? I think it must have been the latter end of August; I go by a little circumstance that occurred.  
 152. Was it after your husband returned? Yes.  
 153. And at that time you were living at Ashfield? Yes.  
 154. The pass was used between Sydney and Ashfield? I did not always use it; I paid on several occasions. If I was too late I sometimes used it.  
 155. You used it sometimes, and did not use it on other occasions—you could, if you liked, have used it?

- it? Yes, but I did not use it because I thought I should be infringing on Mr. Nealds' intention in giving me the pass.
156. *By Capt. Mayne*: What were the circumstances under which this free pass was given to you? I was very late one evening, and was very ill at the time. I was taken ill at Sydney, and I was without any change, and I asked Mr. Nealds if he would pass me down.
157. Where was this? At the Sydney station.
158. Did he give you a written pass? Yes, there was no time for anything else—the train was about to start.
159. There was time to write the pass? I was in a great hurry, and I hurt my shin getting in. I should not remember this only for the peculiar circumstances that happened to myself.
160. *By Mr. Moriarty*: Did Mr. Nealds mention at the time that it was a general pass, or a pass for a day only? I think I smiled at the time, and said I should not give it up, and I asked Mr. Nealds how long it was for, and he said he would call on me for it. Something like these words he used, meaning that he would recall it.
161. Did he recall it? Yes, Mr. Shore did; I suppose he did.
162. Did Mr. Nealds ever recall it before Mr. Shore called on you for it? No, I did not see Mr. Nealds often.
163. You supposed Mr. Shore's calling for it was because he had been told by Mr. Nealds to recall it? I presumed Mr. Nealds had given the order, but my intention was to have returned it to Mr. Nealds myself.
164. Where was the pass written? I think it was in his own office, while I was getting in.
165. *By Capt. Mayne*: Has anything been said about this pass since you gave it up to Mr. Shore? No, I believe not.
166. No question has been asked you about it till to-day, by any one? No, I have seen no one, in fact.
167. Was the pass to your boy a separate pass? Yes.
168. What became of it? I believe he returned it to Mr. Shore.
169. At the same time that yours was? No, at different times.
170. *By Mr. Williams*: Was it a general pass that was given to your son? No.
171. It was not a special pass? No.
172. *By Mr. Owen*: It was a printed pass? Yes.
173. *By Mr. Williams*: And to yourself, written on a piece of plain paper? Yes.
174. *By Mr. Moriarty*: You say you had not time to get a ticket the time the pass was given to you? No; I was very ill at the time.
175. And you were late for the train? I was late, and I had no change in my pocket, and I saw Mr. Nealds in the office, and I asked him if he would give me a pass, as I was without the means of getting a ticket, it was so very late.
176. *By Mr. Owen*: Are you aware of the wife of any porter or servant employed on the railway having passes given to them? Never. I don't know any one. I live and keep myself so to myself that I don't know any one on the line.
177. *By Mr. Moriarty*: The pass was written in Mr. Nealds' own office? Yes.
178. *By Mr. Owen*: Do you know anything of the transaction about this money matter between your husband and Mr. Nealds? Yes.
179. Did your husband ever tell you what it was? Yes.
180. Did he inform you what it was? He merely informed me that he made the offer of it, if I remember right, to lend it, and Mr. Nealds, in the first instance, refused it.
181. Then he repeated the offer? Yes, afterwards, and he said he was very welcome to it.
182. Is it not true that this was done by Mr. Cotton when you received some money from England? Yes, it was out of that money it was lent.
183. And you were seeking for an investment for that money? Yes.
184. Are you quite sure that all that money was not repaid? Yes, I am quite certain, from my notes which I made out a long time ago, with the hope of meeting Mr. Nealds to compare notes with him. The paper I have here (*producing a memorandum of an account*) has been made out this six months.
185. You have not received any payment since? No.
186. *By Mr. Williams*: You made it out with the hopes of seeing Mr. Nealds? Yes; but when I have come up to Mr. Nealds' house he has not been in the way.
187. *By Mr. Owen*: When your husband was employed at South Creek where did he live—where did you live? At Ashfield.
188. What was his employment at South Creek? Watchman.
189. It was necessary for him, therefore, to go to his duty, to travel upon the line between Ashfield and South Creek every day? Yes.
190. How long was your husband out of employment by the railway? I rather think it was nearly eighteen months, but I am not quite certain. He was invalided from the line.
191. He was invalided on the line? Yes; the doctor told him that it was the constant stooping that had injured him.
192. *By Mr. Williams*: You understood from your husband that he had pressed the loan upon Mr. Nealds? Oh yes, on two occasions.
193. He told Mr. Nealds he would charge him 15 per cent.? No, it was Mr. Nealds' offer to give 15 per cent.
194. Have you ever asked Mr. Nealds for the payment of the balance that was due to you? Yes.
195. How long ago? Well, I don't know; I think on two or three occasions.
196. When were these occasions? Since April.
197. What did he say? I believe, on one occasion I saw him, it was late, and I had not much conversation. He said he had made out the account and given me beyond the sum.
198. That is not as you say? No.
199. And you told him so? Yes, and told him if it were so I should not have been there to ask for it.
200. *By the Chairman*: When the money was lent was your husband employed on the line? —

Frederick Lane Cotton called in and examined:—

201. *By Mr. Williams*: What are you, Mr. Cotton? Watchman, at South Creek station.
202. You were formerly a porter in the employ of the Railway? Yes.
203. When were you appointed? I think it was in July.
204. Of what year? It must have been in July, 1859.
205. How long did you continue in the employ then? I continued from July till December twelve months; I left paralysed.
206. Last December? No, December twelve months, 1860; I think that was the date of it.
207. When were you next employed by the Railway? I think it was in May I was appointed watchman at South Creek.
208. In the interval between December and your re-appointment you were not in the Railway? No.
209. We have heard you lent £50 to Mr. Nealds? Yes.
210. When? Two years last November twelve months, 30th November.
211. In the year 1860? Yes.
212. How did you come to lend him £50—what did you say to him? I had a portion of a legacy come out from England, in the Union Bank, and Mr. Nealds asked me to lend him £50.



213. Was that known to Mr. Nealds? Yes.
214. Did you ever tell him of it? Yes; I had some documents from England which I did not understand, and I asked Mr. Nealds' advice upon them; then they were sent Home again, and money came out.
215. Did you mention that circumstance to Mr. Nealds? Yes.
216. That the money came out through the Union Bank? Yes.
217. And he improved the occasion by borrowing £50? Yes, I lent him the money.
218. Did he make the application to you? Yes; he offered to give me a cheque for it the next day, but I did not require it.
219. Were you to get interest for it? Yes, I forget whether he was to give me 12 per cent. or not; I did not take any notice at the time.
220. Were you not to have had interest? Yes; I went home to Petersham to get the cheque, and when I came back I found Mr. Nealds was gone, so I took the cheque and gave it to Mrs. Nealds.
221. Has that money ever been repaid? A portion of it.
222. What part? I received £10 and £3, and the wife used to get it when she wanted it.
223. And there is still a balance due? So the wife makes out.
224. She keeps the accounts? Yes.
225. She is your accountant? Yes.
226. Did he give you any security for this money? Yes, he gave me an I O U directed to Mrs. Cotton, which I gave her.
227. Do you know where the I O U is? No, my wife has got it somewhere.
228. Mr. Nealds has not got it? No.
229. Do you know when the last payment was made—was it to you or your wife? I think the wife got the last; I know she did. I never received anything beyond the £10 and £3; she always gets the money; if it should come in a letter I should give it to her; I always give her all my pay as well as all the money I get I give to her.
230. Did you ever have a free pass on the line? Yes.
231. When? I have had a free pass since last September twelve months, when I was sick; I had rheumatism, and had to come up to the doctor.
232. What sort of a pass was it? Sometimes it was a printed pass and at other times on plain paper.
233. You had a series of passes? Yes.
234. With Mr. Nealds' name on them? Yes.
235. What became of those passes? I gave them back as the time expired and got others.
236. What time? They were issued to go sometimes for a week and sometimes for a month.
237. And at the expiration of that time you used to give them up and get a fresh one? Yes.
238. During all this time were you in the Government employ? No, I was sick.
239. How long had you passes when you were not in the Government employ? I did not require them after I was well enough to get into Sydney; about four or five months I had them; I had rheumatic fever; I caught cold on the station.
240. Had your son passes—free passes? Our little boy used to come up and down. Mr. Nealds used to pass him, and used to send him with a note for the wife for the money that was owing.
241. On account of £50? Yes, he used to pass him up and down; I was away part of the time.
242. Where? I was at Newcastle four months.
243. In what year? June or July of 1861.
244. During that time you were employed by Mr. Winship? Yes.
245. At what rate of wages were you first employed at South Creek station? 5s. a day.
246. When were your wages raised? They raised my wages about the time of the Volunteer Ball at Penrith, 27th June or the middle of July.
247. What are they now? 8s. a day.
248. *By Mr. Moriarty*: How long was it after you were laid up that you got these passes? I got the pass in September, when I came from Newcastle.
249. Did you catch the illness while working in the Government service? Yes, I was invalided in December when at work; I had members affected, and my fingers and toes prolated.
250. You went to live at Homebush? That was when I was greaser.
251. You were laid up for some time? Yes.
252. *By the Chairman*: Your employment on the railway had ceased for a time? Yes, I had a relapse of the fever, and Mr. Nealds gave me the pass.
253. *By Mr. Owen*: And you say you were first laid up in the employment of the Government? Yes, when I was at work on the Sydney platform.
254. Did you get a recurrence of the same illness before you were re-employed? Yes.
255. And Mr. Nealds gave you the pass to come up to the Commissioner, to be re-employed? The pass was given me when I was not sufficiently well to ask for employment till the latter end of the year.
256. When you came to Sydney, before you got a relapse of this illness, was it not your intention to seek re-employment by the Commissioner? I could not; I was too bad with the rheumatism. After I got well, then I made use of the pass to spin out the time.
257. Until you got employment? Yes. I was three or four months bad with rheumatism in my jaw, knees, and hip.
258. *By Mr. Moriarty*: Were they printed passes or written? Some were printed and some were written. Sometimes I would be pretty well, and then the pain would come on again. I used the passes to come and see the doctor, and latterly to see the Commissioner.
259. You got these passes from Mr. Nealds? Yes, it was at that time.
260. *By the Chairman*: What did you ask Mr. Nealds for the passes for? He offered to give me the passes to go up and down.
261. Were you ill at the time? I was walking lame with rheumatism, and he offered to give them to me.
262. *By Mr. Owen*: Are you aware of other porters having had passes given to them where they lived at a distance from the station where they were employed? I cannot say I do.
263. Do you know the watchman at Rooty Hill? Yes, P—.
264. Were you aware he had a pass to go to and fro? Yes; he was on night service, and used to go backwards and upwards the same as myself.
265. You are aware of P— at Parramatta—do you know if this person in the employment of the railway had a pass? Mr. P. used to be a watchman at Parramatta; I saw him with one.
266. Do you know Hooper at Menangle? He has only lately gone up.
267. Do you know that he has a free pass? No.
268. At the time you got this legacy from Home, did you not make application to Mr. Nealds about investing it? Not that I am aware of, because the Manager of the Union Bank wanted to do that for me. I took it out of his hands to buy some property. It was our intention to buy some property directly we got the money, which we did at Ashfield.
269. Did Mr. Nealds say he had paid the whole of the money he had of you and shew you his account? We never saw the account.
270. When you say "we," do you mean your wife—does your wife say she has not seen it? She says some money is still due to her.
271. Did not Mr. Nealds come with the account and shew it to you? He shewed me an account at the office, but it was such a distance off I could not make it out, and I told the wife of it when I went home, that

that Mr. Nealds said there was his account, and she said it was impossible; she had made out the account and there was a deficiency. The first time he shewed it to me I think he made it £4 or £5 less.

272. The first account was £46, and in the second account the remaining £1 was paid up? I never saw the second account, I had not a minute to spare; it was never put in my hands to examine; we have never compared his account yet; I told my wife of it at the time; she said she had got her book and made it short; I know I received £13, and that is all I know about it.

273. Do you know that your rate of wages was raised with the other watchmen at Blacktown and Rooty Hill? The watchman at Blacktown and Rooty Hill and myself were all raised; the watchman at Rooty Hill is not there—he has left; it was raised when the night goods train commenced travelling; we got an advance two or three nights after that.

—

John Rae called in and examined:—

274. *By Mr. Williams*: What are you, Mr. Rae? Under Secretary for Works and Commissioner for Railways.

275. Did you ever instruct Mr. Nealds to increase the rate of wages for the night watchman on the line? I have no recollection of doing so.

276. Do you know the rate formerly paid? I think it was 5s. a night.

277. By your authority has that ever been increased? Not to my knowledge; I am not aware of having authorized any increase.

278. Do you believe you ever did? If I have done so it will be in writing.

279. You never verbally did so? I never did so verbally; I am not much in the habit of increasing the pay at all; my belief is that I have not done so.

280. And if you had, you say it would be in writing? Yes.

281. Did you make enquiries if there was any paper about this matter? I made enquiries of Mr. Moody, and he said no. My impression was that they were paid 5s., but there are so many men employed I can't say positively.

282. *By Capt. Mayne*: It might occur without you observing it if the instructions were given? For a considerable time the pay sheets were under the charge of Mr. Whitton, and he checked them before they came to me, and were marked with Mr. Whitton's initials. Since then a change took place and they are now checked by the chief clerk.

283. *By Mr. Whitton*: Will Mr. Rae state to you why I arrived at the determination to have nothing more to do with the pay sheets? I instructed the traffic manager to prepare a statement shewing the names of all parties employed at the different stations, and gave these instructions that they should be compared with the pay sheet before me to see that it corresponded with the wages fixed. But I cannot at this moment say whether these alterations took place after or before the time it was given up by Mr. Whitton, but it was after I think Mr. Whitton had given up checking them.

284. After Captain Martindale left the Colony—are you aware of the number of porters I reduced at the time? I remember we went into the matter pretty closely, and reduced a considerable number. I cannot charge my memory as to the number, but it was a very considerable number. We took every station, and saw how many we could reduce without decreasing the efficiency of the department.

285. Was seventeen the number? I may say from fifteen to seventeen.

286. During the time these pay sheets went through my hands—are you aware whether there was any increase in the numbers we allowed to Mr. Nealds, beyond the number agreed on when Captain Martindale left the Colony? I think not, never without authority.

287. I believe you remember the reasons—one of the reasons for my giving up checking the pay sheets was an attempted increase of the number I had fixed—and did I not declare, on giving up checking the pay sheets, that it was because Mr. Nealds had put down extra men? Yes, it was because the number was not down in the sheet reduced by you.

288. And stated by me as unnecessary for the working of the traffic? Yes.

289. *By Capt. Mayne*: And your impression is, that the increase of wages has taken place since Mr. Whitton gave up checking the pay sheets? Yes.

290. What was the check substituted when Mr. Whitton ceased to do so? The check substituted was that it was to be done by the chief clerk, but there was an interregnum for a short time after Mr. Whitton gave it up, before the new regulations were issued. The chief clerk will be able to tell you when the alterations took place (*pointing to two names inserted at the bottom of pay sheet*); I take it for granted that when these sheets are submitted to me they are all right.

291. And that they had gone through all the proper departmental checks? Yes, and the instructions I gave of not passing any wages except those included in this list that was prepared, I thought that it was the best check I could have of the correctness of the list.

292. *By Mr. Owen*: If an increase of this kind were made it could easily be ascertained—it must have been on the face of the sheets? Yes, the increase must have taken place and gone on for weeks without my noticing it.

293. If it did occur at all it would have come under the notice of the person appointed to check it? Yes, except during the short time from Mr. Whitton giving it up. I cannot tell what brought it to my notice—it must have been some increase that appeared to myself that made me ask the question. I found then that it was not checked by Mr. Whitton, and I immediately gave instructions that it should be checked in the other department.

294. Who has the regulation of the number of porters to be appointed? We expected in the first place that the traffic manager would give his aid; of course it is determined ultimately by the Commissioner, and beyond him by the Minister.

295. The number of porters during and before the time you came in office, and during Captain Martindale's time, was fixed by Captain Martindale? Yes.

296. And as soon as you came into office, it was recommended that the number should be reduced—you investigated the matter, and consulted with Mr. Whitton, and reduced the number of porters? Yes, we reduced them say fifteen or seventeen.

297. Has there been any increase of traffic since that time? Yes, I presume so.

298. The increase of traffic would oblige the increase of the number of hands occasionally? Yes.

299. When there is a sudden increase of traffic, the traffic manager has the power of appointing extra men for the time? He has that power to a certain extent, on the understanding that he reports it immediately; but when we made this alteration in the number, the traffic manager, so far as I remember, was given to understand that we would not employ any temporary men at all, if possible. In fact, it was partly with the intention of getting rid of these supernumerary hands that we took the matter up, and we endeavoured to fix the number required at every station.

300. Leaving the discretion with Mr. Nealds in case of some emergency? There might be a discretion, but we objected to the system of employing supernumerary men, because there was no check upon them.

301. Who has the power of raising the wages? No person. The Commissioner, by the Act. I invariably act, under all these cases, under the sanction of the Minister.

302. Then you investigate all the matters that are sent to you by Mr. Nealds, the traffic manager? I always investigate them.

303. Is it not quite possible that you may have had a minute sent to you, such as raising the wages on one occasion for extra trains being run, and considering it a very proper thing, that you should not have given a written answer to the matter? I am quite certain from my usual practice that I could not have done so, or that Mr. Nealds could have acted upon it. In fact a verbal instruction is not sufficient to alter the rate of wages; we invariably give them in writing. I speak to the best of my belief. I may state at the same time, that Mr. Nealds has had frequent verbal consultations with me on various subjects, but on a matter of wages I don't think I could have acted in this way without doing it in writing.
304. Mr. Nealds refers to some pay sheets shewing the number of men? There was a list made out. After this arrangement was made as to the reduction of the men, between Mr. Whitton and myself, we got a list made out and stuck to that list. Since this alteration I have called for another list.
305. *By Mr. Whitton*: When Captain Martindale left the Colony, was any recommendation made by Mr. Nealds for a reduction in the number of porters, or was it made by myself? By yourself.
306. Did Mr. Nealds always report when he employed extra men, or has it been his general practice? Do you mean a general report?—I don't think he has been in the habit of reporting when he employed extra men, beyond their names being included in the fortnightly pay sheet with the others. Mr. Nealds has stated to me occasionally that he has found it necessary to employ additional men. (*Mr. Rae is referred to the minutes of 9 July, 1862.*)
307. *By Capt. Mayne*: Do these lists contain the rate of wages? Yes, and the names of the porters at the different stations, and the amount of wages due to each; and it was my instructions that they should be checked with that list.
308. What was the rate of wages? 8s. at Sydney, and at South Creek 5s., for watchman. (*List of 28 July referred to. List authorizing 8s., 19 July.*)
309. *By Mr. Williams*: Can you tell us whether your attention was called to this particular rate of payment? I cannot say.
310. Was your attention ever drawn to the fact that the wages were increased by Mr. Nealds from 5s. to 8s. a day? No. My intention was that until the list submitted was in accordance with the rates previously passed that payment should not be made, and Mr. Nealds was sent for with regard to the list. You will observe that this list first submitted by Mr. Nealds is of the same date, and does not contain the names of the parties at the station. I wanted it to contain the names, and I marked it "Give the names." Presuming when this document was submitted, shewing the names, it was correct. The names are here. I find Cotton, watchman at South Creek, was in the other list at 5s., is here at 8s., but how it came I cannot say.
311. *By the Chairman*: Your minute referred to the names not being in the list? Yes, the first thing I said was, "I cannot pass the cheques until the list is complete."
312. *By Mr. Owen*: What completeness do you refer to? The accountant says the list does not agree with the pay sheet or the accounts to be paid. I said until it agreed with the pay sheet it could not be paid.
313. These accounts were, however, tendered to you and passed? I think Mr. Nealds was sent for on this occasion, and that the accountant, Mr. Nealds, and Mr. Moody, went over the matter, and satisfied me that they had found it all correct. I am satisfied there could not have been a rise from 5s. to 8s. without my remembering it.
314. Well, do you remember it? I have no recollection, but it appears that this paper was submitted before I wrote this.
315. *By Capt. Mayne*: You allowed the payment to take place at a rate you never intended? I have no recollection of authorizing the increase.
316. Your impression is that Mr. Moody, Mr. Nealds, and the accountant, had gone into the matter and satisfied you that it ought to be paid? Yes, that is my impression—that they checked the accounts.
317. *By Mr. Moriarty*: Was that the only check on the accounts? I could not say.
318. *By Mr. Williams*: Who furnished the accounts? It was furnished to justify the pay list. With reference to the 8s. scratched out, and query 5s., I find a minute that he has gone over the accounts and explained the deficiency. (*Letter of 31 July referred to.*)
319. *By Mr. Owen*: At any rate this paper with the marks has been submitted to you? It is not my figures.
320. Has this rate of wages continued ever since the watchman received 8s.? I presume so.
321. A number of discrepancies are alluded to, but nothing with regard to the wages of the watchman? When this list came before me Mr. Nealds was sent for, and after the thing was satisfactorily explained the account was passed.
322. *By Capt. Mayne*: Was this discrepancy between 8s. and 5s. brought to your notice? It was not, and I have no recollection of it being made.
323. *By Mr. Moriarty*: The first list that you alluded to was on the 9th of July, 1862? The following fortnight the question arose in the second list.
324. *By Capt. Mayne*: And the matter was gone into between yourself, Mr. Nealds, the accountant, and Mr. Moody? Yes; an explanation took place, and I was satisfied it was correct.
325. *By Mr. Moriarty*: Had Mr. Cotton been receiving more than 5s. previous to this? I was not aware.
326. He had been receiving 5s. before that? I believe so.
327. And in July it was down at 8s.? That list would authorize it, and I believe it has been paid ever since.
328. *By the Chairman*: Have you any memorandum, bearing date 17th to 19th July? No; I signed the sheets in the same manner, and I gave some instructions with regard to them. I remember on one occasion we paid the men before we got a return. I think in July I have gone over the list with Mr. Nealds.
329. *By Capt. Mayne*: And any discrepancy between that list and the pay sheet would be apparent? Yes.
330. *By Mr. Williams*: But the fact of an increase from 5s. to 8s. was not brought under your knowledge? No.
331. And not being brought? I could not find any allusion to it. (*Minute of 30th August referred to.*)
332. *By Mr. Owen*: What were those discrepancies—would it not be a discrepancy if A was removed from the station at Blacktown to Campbelltown? They are very trifling. (*Read from the minute—35s.*) Several of these were explained very simply, but there is nothing here about raising the wages. If it was a discrepancy of one man being removed from one station to another it would be noticed.
333. *By Mr. Whitton*: Might not the discrepancy be accounted for in this way—that Mr. Nealds charged a certain number of men on his pay sheet, and on his being remonstrated with by you, two men were struck out of the pay sheet? Of course a discrepancy may be very large or very small—a discrepancy of that sort would be a large one.
334. Might not the discrepancy arise in this way—that Mr. Nealds charged in his pay sheet a certain number of men, and on being remonstrated with by you, that he struck out two men on one fortnight's list, because you thought it was unnecessary to be there? Of course such a thing might occur, but I don't recollect the circumstance you allude to. I may say it was not once or twice, but repeatedly I have remonstrated with Mr. Nealds to keep down the expenditure and get rid of unnecessary porters.
335. *By Mr. Owen*: Were your recommendations acted upon by Mr. Nealds every time? He was slow in acting on it as I should have liked. Of course when ordered it has been done.
336. *By the Chairman*: One return bears date 17th of July, 1862, when you ask for the names of the officers to be given; then this one appears two days later, and there are two or three discrepancies in the

the amounts on the different rate of wages between the two lists—Would there be any memorandum of yours authorizing the passing of this list? No, I don't believe there is any beyond what you have before you. The only reason I am talking of this is, I find it the same date. You can get the information from the accountant.

337. It would not have been passed unless it got your initials? The minute would have been sufficient; this minute which it refers to is my passing. If you refer to this you will find they have been acting on it, and that is their authority for doing so. But I cannot say how the 8s. got in; all I asked for was merely to have the names, in the first instance. There is another matter which has some reference to it. I find that, on the opening of the railway to Menangle, Mr. Nealds submitted a statement of what he proposed to be done. (*Statement read.*) This was submitted to the Minister, who marked it—"Approved, except B. the gate-keeper." This shows our usual course—that even the alteration of a few shillings was submitted to the Minister, and we got his authority before doing it. I am quite satisfied I would not authorize the increase 5s. to 8s. without submitting it to the Minister.

338. *By Capt. Mayne*: That is, you would not intentionally? Yes.

339. *By Mr. Owen*: That last alteration you refer to is a very different one to the present—it was a new station being opened, and all the staff were to be appointed and the salaries fixed? Not necessarily—we generally put a few from one station to another. But as far as the officer at Menangle is concerned, I merely mentioned it to shew what trifling things are necessary to go before the Minister. I am satisfied that I could not have authorized the raising the wages from 5s. to 8s. I would not have done it without first consulting Mr. Whitton, and I don't think I would have done it without consulting the Minister.

340. I would call your attention to the fact that, in the list of officers appointed to the Menangle station, the wages of the watchman are put down at 8s., and that is sanctioned by yourself and the Minister? Yes, on the 25th August, and authorized on the 27th August. He is called watchman and night shunter.

341. *By Mr. Whitton*: Would this minute, which has been sanctioned by the Minister, have been sanctioned if he had been of opinion that the rates of wages were not according to the previous pay sheets? No.

342. And if this was submitted to him, he would have taken it that these were the wages given? Yes, that 8s. were paid previously for the same duties.

R. C. Walker, accountant, called in and examined:—

343. *By the Chairman*: From what are the pay sheets made out, and how do you check the amounts put down? These sheets are sent in certified by the traffic manager. We then have a list authorized by the Commissioner with which we check these rates.

344. Upon pay sheet bearing date July 26, here is a statement direct from the manager, stating this to be passed. If you look at South Creek you will find 5s. paid, but put down 8s., and the words "query 5s."—is that in your writing, that 5s.? No, I think it is Mr. Eastwood's.

345. Do you remember these two accounts? Yes; they have been compared at the time, and I believe the difference it was spoken about and agreed to be passed.

346. With respect to this difference in the amount—do you recollect anything about the difference between 8s. and 5s.? This is calling attention that the amount is more than is put down in the pay sheet, and it was paid at that rate, 5s. And I believe that 8s. was allowed because it was to be increased hereafter. I think I spoke to Mr. Nealds about it at the time. Mr. Nealds said it was an after arrangement, but that he was to get the 8s. in the next sheet.

347. Did Mr. Nealds say by whose authority there was to be this rise in the salaries? I suppose from the Minister and Commissioner. He merely communicated it to me verbally, not officially.

348. Did you speak to Mr. Rae about it? No, I don't think I did; Mr. Eastwood may have done so. Sometimes he brought up the cheques, and sometimes I did.

349. And looking at the next pay sheet, of August 9, you see 8s.—3s. back pay? Yes, I suppose that has been paid on the understanding that this was to take effect from that time. We pass the sheet as it was, because it was a less amount. We should not increase it; if it was under the amount we should draw the cheque, and if any money was due to the man we should have paid it in the next pay sheet. We always draw the lowest amount.

350. On what authority was the increase made up in the next pay sheet? I suppose the pay sheet.

351. Have you any authority for the raising of the salary? There is authority. I imagine it was put in with the consent of the Commissioner. That is the authority which we would go upon, 9/7/62.

352. Do you recollect seeing that sheet, the return of Mr. Nealds, dated 17th of July? I can't say I have; I don't recollect seeing it. This is the first list I received, 19th July; I don't think any other; I recollect these names were put in afterwards. The two last names were added by Mr. Nealds in the office after the list had been sent in.

353. *By Mr. Moriarty*: Two items? Three items.

354. *By Capt. Mayne*: That is the list which differed? Yes.

355. But what Mr. Rae asked was for the list completed? The insertion of these names completes the list. Mr. Rae passed this list, dated 17 July, and says "Let the names of the officers be given." That never came to me—it only went to Mr. Moody, and it was on that list that these three names were not in when the list first came in, and Mr. Nealds put them in afterwards.

356. *By Mr. Whitton*: They were not in when the Commissioner sanctioned the payment of the cheques? They were not in when I got the vouchers.

357. Did you receive instructions from the Commissioner to increase the pay from 5s. to 8s. a day? No, I received no instructions; I supposed the Commissioner had authorized it to be put in.

358. Do you know that the Commissioner saw these names? They were not inserted in my presence. When I got the list from the Commissioner they were inserted.

359. After you got it from the Commissioner? It came from this room after Mr. Nealds had put it in.

360. And you say these names had been written down by Mr. Nealds in your office? Not in my office. In this list there were not these names, but afterwards they were in the list that came back to me. I think these names were put in, by the sanction of the Commissioner, by Mr. Nealds.

361. Were you present when the Commissioner sanctioned it? No, I suppose he did, as the paper came back to me officially, and with this addition to it.

362. As a matter of fact, you did not see these names inserted, and you don't know that the Commissioner sanctioned them? No, I presumed they had been authorized by Mr. Rae.

363. *By the Chairman*: On the presumption of Mr. Rae having authorized them you issued the cheques? Yes.

364. And that list is what you have been paying on? Yes, until recently.

365. *By Mr. Owen*: How did that "query" come to be placed beside the figure 8? I suppose Mr. Eastwood, in going over the sheet with the pay sheet, saw a difference, and queried it, but passed the voucher for the lesser amount.

366. What steps are taken when a query is made—is the matter laid before the Commissioner? If it were a lesser amount we should leave them to find it out, and let them call for their pay; if more we should not take any trouble to ask about it.

367. It appears in the next pay sheet there were the same figures of 8s. and 3s., to make up the deficiency in the former sheet? There was some authority; the minute paper authorizes that increase.

368. Did you say that Mr. Nealds told you that the pay would be increased next time? Yes, pretty nearly as I can recollect.

369. *By Mr. Whitton* : When that sheet was sanctioned by the Commissioner, do you know of your own knowledge that these names were inserted in the sheet? No, the first time it came to me with the authority they were not in.
370. Do you know whether these names were in the sheet at the time the Commissioner authorized the payment of the money? I think they were not.
371. They were not in at the time of making payment? They were in when I had the cheques drawn, but they were delayed a good bit, and we did not draw the cheques as soon as we ought, in consequence of the discrepancies.
372. If these names were not in the list at the time, how could they be referred to as discrepancies in the pay sheet? These names were put in between the time of my first and second minutes.
373. You say these were discrepancies in the list—if these names were not in the list there would not be a discrepancy? Yes, there would, because they were in the pay sheet but not in the list.

Richard Moody examined:—

374. *By the Chairman* : You recollect these returns coming before you? I do; it was subsequent to this return having been sent in I brought it under the notice of the Commissioner. It wanted the names by which it could be checked, the Commissioner having given orders that all persons employed at the various stations should be returned there; and as this simply stated the number at the stations it was impossible to check the people or the rates of wages, and I brought it before the Commissioner's notice, and he queried it, and on that I sent it to Mr. Nealds. He then sent in this list with it, but the list with names 19th July, marked by the accountant, had several names of porters removed from one station to another. The accountant returned it to me as not being a correct list; I then forwarded it back to Mr. Nealds for the purpose of altering it, and he came back to me with it in his hands, and he explained that the names were the names of those he was authorized to employ, but that he had a discretionary power to remove them from station to station. At the same time I recollect he pulled out a letter from the Commissioner—what it was I cannot say. He then said, "By the by, I am to alter Cotton's wages," and these names (pointing to names at the end of sheet) were put in in my office, and in my presence, these names being the three names in the different coloured ink.
375. *By Mr. Moriarty* : Did Mr. Nealds bring that paper back to you in the first instance? Yes; I sent it by a special messenger, knowing that unless I did, the workmen would be kept out of their wages, and Mr. Nealds was here in about an hour.
376. This list had not the names? In the first instance, when he brought it back, he put the names on in my room, and in consequence of something occurring to him in consequence of a letter or memorandum referring to Cotton's wages, which I imagined he received from the Commissioner (he had some memorandum or letter in his hands) he put it down at 8s.; and I remember from a little circumstance that occurred in the office at the time, the storekeeper made some remark to me and I queried it 5s. This was when I was going to take the paper down to the accountant. Mr. Nealds saw it on my table, and took it down to the accountant. I don't know what was done between Mr. Nealds and the Commissioner, but Mr. Nealds put these names in in my office, and went into the Commissioner's room, and after that I queried the 5s. Mr. Nealds came into my room shortly afterwards, and took the paper away to the accountant. He was rather excited at my making the mark against the 5s.
377. *By Capt. Mayne* : He took the list after entering the names, and went back to the Commissioner? Yes, to the Commissioner's room, and brought the list to me.
378. Can you say whether the Commissioner was in his room? I cannot say, but I should imagine he was.
379. *By the Chairman* : The memorandum and pay sheet were brought out by Mr. Nealds? Yes, altogether he brought out the papers.
380. Was that minute paper taken back with the sheet to the Commissioner? He took this paper, and he afterwards came and got this paper 62/843. He obtained this minute paper, 61/303, and he took it into the Commissioner's room, having previously taken 62/843.
381. When he came out of the room did he give you this paper? Yes, he left this paper and got the other; he then came back and said "It is all right," and from the remark made by the storekeeper I queried it.
382. Your query was not on the paper before the Commissioner? No, it was in consequence of the storekeeper's remark; I don't know whether I drew the attention of the accountant to it or not; I saw it was passed by the Commissioner.
383. There was no query on it when it was before the Commissioner? No.
384. The accountant had no evidence of this query being before the Commissioner? No, I did not intend it to remain there, and I was coming to speak to the Commissioner on the subject, but in consequence of Mr. Nealds taking it to the accountant I could not do so, and it must have escaped me, as there were so many things pressing to be done.
385. So you think the accountant assumed that the query had been submitted to the Commissioner, and that the Commissioner's memorandum applied to it? I could not tell that.
386. *By Mr. Owen* : What were the alterations which Mr. Nealds made on that paper in the office? The three names more are added in Mr. Nealds' own handwriting; he brought down data of some kind for this purpose.
387. And the figures also? Yes, they were placed there at the same time.
388. When this was done, Mr. Nealds took the paper and brought it into the Commissioner's room, and then brought it back to you and said it was all right? Yes, it was all done in about two minutes; it was a mere running in and out again.
389. And subsequent to that, in consequence of some good-natured remark made by some one, you put the query to it in order that it might be investigated? I felt it my duty to do so.

*Capt. Mayne* : It is the duty of any officer to take that course.

C. J. Nealds examined:—

390. *By Mr. Owen* : Will you state to the Board the circumstances of your borrowing this money of Cotton—how did you first ascertain that Cotton had got this legacy? I heard it from the Union Bank.
391. Will you state whom you ascertained it from? Yes, one of the clerks of the Union Bank. At that time I wanted some money for something that was very pressing, and I was informed that Mr. Cotton was expecting money; I knew this because he had consulted me upon the receipt of his former letters, and upon sending a power of attorney Home. Upon the arrival of the money the accountant, merely as a matter of conversation, said Cotton had got his money; and the following day Cotton, at the goods shed, said, "I have got my money, and you can have £300 if you like to take it; I want an investment." I then declined to have it, and it was only on his becoming very pressing that I borrowed £50 from him, to be returned as he wished it.
392. Have you any restrictions placed upon you as to granting passes? I don't think I have any particular restrictions; I think my appointment gives me the power to issue passes in discretion, provided I can shew cause why they should be issued—the same as any other person who has the power to issue passes.

393. These passes are sent in every fortnight? I return a memorandum every week, and if there is any suspicion as to the propriety of granting these passes the return is marked. If there was any pass issued where they thought it was necessary to ask about, they would query about it to me, and I know of a case in point.
394. Do you consider your discretion confined to persons in the employment of the Railway? Not exactly; I did not make a practice of giving passes to persons not employed on the railway.
395. But you did not consider you were bound to confine the passes to persons in the employment of the Railway? No.
396. Were ever passes given to the porters along the line and to watchmen occasionally? When they are going on their work. The watchmen appointed to the out stations living in Sydney would go backwards and forwards to their work night and morning, or the porters going up for extra duty, or to relieve the extra men.
397. You sometimes give passes to the wives of the porters? Yes.
398. By whom was this paper, 62,843, sent? It was made out by Mr. Bryant, clerk of the goods shed, by my orders, in consequence of a request from the Commissioner to return a list of the men employed.
399. You heard Mr. Moody state that you wrote these names and figures in his office, and then went into the Commissioner's, and when you came out you said it was all right—Will you state what took place? It is my firm belief that these names were written in this office, in the presence of the Commissioner, and I should like to ask the Commissioner a question on this point. In the presence of the Commissioner I found this discrepancy was pointed out, that three names were in the pay list which were not in this list; and I think I then referred to pieces of paper which I had in my pocket, and which I had received from Mr. Bryant, and found that three names were omitted.
400. The paper you took out of your pocket was a memorandum from Mr. Bryant that you had omitted these three names? Yes.
401. What took place then? I expressed my surprise at being sent for in a hurry; I had been about the pay list, and I thought these men had been paid. There was not a new name in the list, and they had been paid over and over again; and I said there was a thing I wanted to draw his attention to, and which I had mentioned to him before, namely, that I considered 5s. a night was too little for the watchmen, more especially as the night goods train was just about to run, and their duties would be increased.
402. What did the Commissioner say to that? He agreed to it, and thought that 5s. a night was too little, and asked me what I would give them. I referred to the list, and pointed out Ridley's name, a watchman, at 8s., and he considered that all should have alike, and it was done at the time; I then went and fetched the minute papers connected with this list from Mr. Moody's room. The reason why I took the list of names to the accountant from Mr. Moody's room, was simply because I said to the Commissioner "I want you to pass the list, because the men are waiting for their money now"; and I think I took it down to the accountant, to draw the cheque, to prevent delay.
403. And you consider that minute by the Commissioner was sufficient to authorize these payments? Most decidedly. I think you will observe by the date of this pay list that the pay list was made out at 5s., and not at 8s.—the 3s. were given after the sanction of the Commissioner.
404. By Mr. Williams: You just stated that a weekly return of passes is made to this office? I believe it is.
405. Has that ever been done by you? I think during the first fortnight in Captain Martindale's time it was.
406. Did you not receive instructions from Captain Martindale to make out a weekly return? Yes; I believe for the first fortnight it was done, and then, by the mutual consent of Captain Martindale and myself, it was dropped.
407. You stated, just now, that a list of passes was forwarded weekly to the office. Now, if you only forwarded them once or twice it clearly proves that, for nearly two years, you have sent none to the office? I did not state I sent a list.
408. Have you sent in a return of passes for the last two years? I have sent in no returns; Mr. Owen sent them.
409. Had you any instructions to do so? Yes, I had; but by mutual consent between Captain Martindale and myself, it was abandoned.
410. Did you not say a fortnightly return was made of passes? I am not aware; if I did I was mistaken. What I meant was, that there was, to the best of my belief, a weekly return of passes sent to the office.
411. Is your pass-book in Mr. Owen's possession? Not in his possession—Oh! they are now.
412. Are your pass-books in Mr. Owen's possession? They are lying in my room—they are in my private office.
413. Have you ever instructed Mr. Owen to forward fortnightly returns? No.
414. Was a form like that ever forwarded to you at the time passes were issued? Yes.
415. What does this state—(*Reads form, to the effect that returns are to be made weekly*)—Did you ever return any of these forms? Yes, the first fortnight.
416. You returned two in the space of two years and a half? Yes.
417. Don't you know that it is a part of Mr. Owen's duty to send in a return of these passes? I do not.
418. Is Mr. Owen a subordinate officer to yourself? Yes.
419. Did you ever instruct Mr. Owen to return them? No.
420. Were you carrying out your original instructions by not doing so? It was a mutual arrangement. I would remark, as to this omission—If there had not been such a thing between Captain Martindale and myself as an arrangement, would he not have written to me and given me strict orders to carry that out?
421. Were your pass-books, during the last two years, or at the time you were suspended, in Mr. Owen's possession? Not in his possession; they lay in the office, for the use of the traffic manager and Mr. Owen, and he could have had them the same as the other books.
422. If it is as you state, Mr. Nealds, that the lists of free passes were abandoned entirely by mutual arrangement between yourself and Captain Martindale, how did you expect Mr. Owen would make out the fortnightly returns of the passes issued by you? Simply because Mr. Owen himself told me a short time since, and, I believe, made the observation that there was a weekly return of the passes collected sent in to the office.

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John Rae examined:—

423. By Mr. Nealds: Do you recollect stating that the goods train was about to run during the night, and that the men's duties would consequently be increased—that 5s. a night was too little—that the wages of all the watchmen should be equalized? I don't recollect the conversation alluded to with reference to this particular; I recollect you mentioned, on several occasions, that the men's wages should be raised, but I cannot—after hearing the evidence given now—I cannot remember this matter has been brought before me of raising the men's wages from 5s. to 8s.
424. It is not this one man's? I mean the circumstance of this particular time; and I cannot bring it to my memory, and I don't remember, or that I would have authorized the wages to be raised nearly double without consulting Mr. Whitton in the first place and the Minister in the other.
425. Then you believe you did not do it? I do; I remember similar conversations with Mr. Nealds.

426. Was Mr. Whitton at that time in Sydney—was he not up at the north? I am not prepared to state; I know the system I adopt in carrying on my business in matters of this kind, and I would not have altered the wages without consulting Mr. Whitton in the first instance and the Minister.
427. *By Capt. Mayne*: Do you recollect the circumstance as to the writing of these names in your room? I have not the slightest recollection of these names being added.
428. You heard Mr. Moody's and Mr. Nealds' evidence—have you any recollection or means of enabling you to say which *ipsissima verba* are correct? I have no such means if it took place in the other room; it is impossible for Mr. Moody to forget it; it appears to be fixed in his memory by some remark made by the storekeeper. I have no means of knowing, and I cannot imagine if Mr. Moody said he saw it done that he would forget it; the accountant was the first person who said it was not entered.

C. J. Nealds examined:—

429. *By the Chairman*: For the year, did you send in a return of the free passes? I did not.

6 November.

C. J. Nealds examined:—

430. *By Mr. Whitton*: When was the arrangement between Capt. Martindale and yourself come to, that you should not make any return of the free passes? I think I made the return for two weeks—the passes received for a fortnight.
431. What was the month of the year? I cannot tell you; it was in 1856 or 1857.
432. Was that a fortnight after your appointment? I don't think the passes were returned at that time; it was some time after that; I cannot tell exactly; it was about a fortnight after I received the orders to return them.
433. That mutual arrangement that you were not to make any returns was not countermanded by Capt. Martindale? Not that I recollect.

*Mr. Whitton put in a minute, dated 3rd March, 1860, relative to free passes, which was read, No. 60/251.*

Thursday, 13 November.

Present:—

J. Sheppard, | Capt. Mayne,  
Mr. Moriarty.

Mr. Sheppard in the Chair.

*Fifth charge.*—Detention of train at Sydney station, and charge by Mr. Nealds of obstruction on the part of Scott, with reference to horse-boxes.

“The matter is fully stated on minute paper marked Charge No. 5. Reports on this matter have been made by Mr. Nealds; and as all the minute papers on the subject have been seen by him, I do not consider it necessary to give any further particulars.”

Charles J. Nealds examined:—

- By Mr. Whitton*: With reference to the interruption of the traffic on the morning of the 28th July, you state that, in consequence of the removal of the turn-tables, great delay took place in starting the train? Yes.
- Will you point out the disadvantages that you laboured under by the removal of the turn-table? I had better explain that the whole of this report is simply in consequence of the station master's report to me. I was not at the station myself till 10 o'clock or a minute or two after, and on crossing the line I met head porter Higgs going after the horse-boxes near the turn-table.
- By Mr. Moriarty*: Is your present statement part of your report? Not all.
- By Mr. Whitton*: In the report you sent in, you made no reference to any statement from Mr. Owen or having received a report from him, and your report written on the form it is plain would be assumed to be the fact? It is, so far as the facts are; that statement there I believe is true so far as I can say, because it is made on a statement of Mr. Owen's to me.
- Was Mr. Owen's a written report? No—he is here. Mr. Whitton stated I was there the whole time. I went into my office, and Mr. Owen told me Mr. Whitton was there and I went down to where he was standing.
- I think you have scarcely pointed out the difficulties you experienced in reference to the turn-table? It was only a difficulty of Mr. Owen's, the station master, whose duty it was to attend to these things.
- You did not experience any difficulty? I said I came down at 10 o'clock, and Mr. Higgs was going to fetch the old horse-boxes over by the turn-table. I further state that I went to my office, and Mr. Owen informed me that Mr. Whitton was on the platform, and I then, as a matter of courtesy, walked down to where he was, and found him standing on the line by the side of a man who was putting down the turn-table. I learnt that Mr. Whitton had given orders to Lewton to a loop, in fact to remove a crane that was standing on the land for the purpose of lifting the ironwork of the turn-table. Mr. Owen further informed me that Lewton had told him he was going to rip up the loop this morning, and it could not be used; and that he had sent over the first thing in the morning for these carriages by Higgs, the porter, and they had been refused.
- By the Chairman*: Sent to where? To the carriage-shed for the horse-boxes, and subsequently he had gone himself to get permission to use them. Upon this I made my report. I may say, although it is not my duty, I assisted to get Mr. Whitton's and Mr. Barton's horses in the boxes myself. Mr. Barton had come last, and I did everything in my power to get the train away. After this—in fact, when I noticed this charge—I mentioned to Mr. Owen, and said—“Do you remember the circumstance of the obstruction of the line the morning we could get no horse-boxes?” Mr. Owen said—“Perfectly well, Mr. Nealds;” I said—“I am blamed for it;” and Mr. Owen's reply was—“That could not be, because Mr. Whitton knows you were not there; they cannot blame you in that matter, at any rate, ‘Mr. Nealds.’ This is a statement I am ready to make on oath.”
- By Mr. Whitton*: You state that on coming down to the station you saw Higgs getting out the old horse-boxes? I saw him crossing the line to get them—when I passed the opposite he was walking across.
- What was the first you heard of the horse-boxes being required? The first thing I heard of it—I had been late—was that Mr. Owen had sent out the previous day an order for all horse-boxes to be sent in by the first train, as he knew a number of horses would be going down by the train.
- Did Higgs inform you that he had been sent by Mr. Owen to ask for the horse-boxes? I understood him so; I know Mr. Owen told me he had sent him.
- Are you aware who ordered Mr. Owen to send for those horse-boxes—did Higgs inform you? Not that I am aware of; when I came on the platform I asked Mr. Owen if he had sent or been over here, and he said he had sent, and, after a long time, had been over.

13. Were you not on the platform when I arrived at the station? No, I did not know you were there till Mr. Owen told me you were there.
14. You state in your report that the horse-boxes were bespoken throughout the line? Yes.
15. By whom? I did not get the names of the persons bespeaking them.
16. On what day did you get in an account of this? I sent up to all stations to know why Mr. Owen's order had not been complied with.
17. You state here the horse-boxes were bespoken—now you knowing that the horse-boxes had been bespoken throughout the line, would it have been necessary, with that knowledge, for you to send to the station clerks to ask why they were not sent to Sydney, when you were previously told they were bespoken? I sent to know why the orders were not complied with, and the reply was, they were all bespoken, not by the station masters but by the public, who required to send down horses.
18. Then they were not bespoken previous to the 28th July? They must have been bespoken the day before.
19. If they were bespoken the day before, why write to the station masters and ask why they were not sent down? I did not know it; the horse-boxes are not bespoken of me. The public write to the station masters.
20. You give as a reason why there were no horse-boxes was because they were bespoken on the line? Yes. I may observe, as I stated before, that this report is entirely founded on the report of Mr. Owen, and Mr. Owen also informed me that every horse-box on the line was engaged, but most certainly I sent out this order, asking why it had not been complied with, in order to get it in writing, and I had it in writing.
21. What telegram did you receive from the station clerks on the 28th July, informing you that all the horse-boxes were bespoken? I did not say telegrams; I am speaking on the report of Mr. Owen, except the time when I walked up to see you on the platform.
22. On reading the report, did you give yourself any trouble to see whether they were engaged or not? I did.
23. *By Capt. Mayne:* You say you did take steps to see why the orders were not complied with? That was subsequent to the report. The impression you left on my mind was that it was before the report you had yourself sent messages to the station masters. I could not do that.
24. What number of horse-boxes were up the line at that time? I cannot tell.
25. Have you any knowledge of the number of horse-boxes there are? I think there are twenty-one.
26. Are you aware of the number of horse-boxes that were bespoken at the different stations on that day? I do not.
27. You naturally supposed that being bespoken, they were used? I naturally believed so, from the report of the officers subordinate to me.
28. *By Mr. Whitton:* After my arrival at the station before 10 o'clock, I believe horse-boxes were found, and that all the horses were loaded at the proper loading wharf? I believe not; I believe the old horse-boxes were brought on to the line.
29. Did you see any of the horse-boxes loaded in the morning? Yes, I stood there while two of them were loaded.
30. Did you see any of them loaded at the ordinary wharf? I loaded Mr. Barton's horse myself there.
31. You just now stated the horse-boxes were loaded from the platform? I understood from Mr. Owen that all the horse-boxes were loaded at the platform.
32. When I came down to the station, were not all the loaded horse-boxes loaded at the proper place? I am not aware of the fact, or that you sent for the horse-boxes.
33. Did you see any of the horse-boxes loaded from the ordinary place? I did; I helped to load up one myself.

—

Donald Vernon called and examined:—

34. *By Mr. Whitton:* What office do you hold in the Railway Department? Traffic auditor.
35. Can you inform the Board the number of horse-boxes that were used on the line on the 28th July, or the number of horses booked at the different stations on the 28th July? From all stations to Sydney, on the 28th July, four were booked—three on one ticket from Liverpool, and one from Campbelltown.
36. How many horse-boxes would these four horses require? Two horse-boxes only.
37. And they were all that were booked at the intermediate stations on that day? Yes.
38. How many horses booked from Sydney? Eleven.
39. You are quite positive, from the returns you had before you, that only four horses were booked at any of the other stations? Yes, I am quite satisfied from the returns.
40. *By Mr. Owen:* What are these returns which you have there? These are horse tickets given to the consignees.
41. Are these the tickets of the boxes generally used for the conveyance of horses along the line? I cannot say.
42. At this date these boxes were actually used, but can you say whether there might be some boxes required that were not used? I cannot say.
43. You have no means of ascertaining if horse-boxes are required and not used? Yes, we have.
44. Have you that means? Yes.
45. When you say only four horses were booked on the line, do you mean to say there were no other requirements? No.
46. You mean that only four horses went on that day? I mean only four horses were booked from all the stations to Sydney—three from Liverpool and one from Campbelltown.
47. From the intermediate stations there might be more? No other besides.
48. From one station to another? There was one from Blacktown to Parramatta.
49. That is all, so far as you can gather? Yes. I have no doubt I have got all the tickets before me that were used for outward horses that day.
50. When a person sends down to the station to say he wanted to send down four or five horses, is that requirement sent down to you—I being at Parramatta wish to send four horses, is that requisition made to you? No.
51. Then if I make that requisition and don't send my horses, you don't know whether I do or not? No.
52. But the station master is obliged to provide horse-boxes? Yes.
53. Did the station master make memoranda of this kind in that case? Not that I am aware of; he makes only way-bills and tickets of horses actually travelling on the line.
54. Mr. Nealds says that the date of this transaction was Monday, and that consequently the horses were booked on Saturday. No return tickets are considered to be returned on Monday, and the carriages are obliged to be kept for them? (No reply.)
55. How many boxes were booked on 26th for returns? Four I have had, and one missing, one for 15s.—that was on the 28th, from Sydney to Parramatta.
56. *By Capt. Mayne:* And were these return tickets? Yes, four, and one missing.
57. *By the Chairman:* Are these the whole of the returns on the whole of the line, or only one station? Yes, the whole; I know of no others being used.
58. *By Mr. Moriarty:* The tickets shew how many horses? The tickets may not always be collected, we have the statements of the outward station masters and the inward station masters.



59. To check them? They agree with the tickets.  
 60. How many horses were on the line on the 28th, exclusive of those going out from Sydney, but including the return of Sunday? We have no means of telling what returns came back on Monday.  
 61. You know how many were issued on Saturday? Yes, four.  
 62. To how many different places? One to Parramatta, two to Blacktown, one to South Creek.

Edward Owen called in and examined:—

63. *By Mr. Whitton*: You are station clerk at Sydney? Yes.  
 64. On the morning of the 29th July? Yes.  
 65. You remember on that morning there were a great number of horses to be sent off from the Sydney station? I do.  
 66. Do you remember my arrival at the station? I do.  
 67. At about what time was that? A little before 10 o'clock.  
 68. Was Mr. Nealds on the platform at that time, or at the station? He was.  
 69. Had you any conversation with Mr. Nealds on my arrival? Yes. I informed Mr. Nealds that you were there, and that there were no horse-boxes, and that there were a number of horses to be loaded up.  
 70. Did Mr. Nealds give you any instructions as to what you should do? No.  
 71. He gave you no instructions? None whatever.  
 72. At that time you had loaded, I think, one or two horse-boxes on the platform? We were loading horse-boxes on the platform.  
 73. What instructions did I give you with reference to these horse-boxes? To get the old horse-boxes from the back of the locomotive yard.  
 74. And in consequence of that, what did you do? I went and saw Bingham, the working inspector, and told him; and he said there was no objection to them coming out, and so we went and got them out.  
 75. And where were they loaded? In the usual place where we load horses.  
 76. No difficulty in loading them there, was there? No.  
 77. At any time previous to the Monday, had you any instructions from Mr. Nealds as to the horse-boxes that were down the line? Not any.  
 78. Did he give you any orders about the horse-boxes? Neither then or ever.  
 79. Did he send any message to you, in reference to the horse-boxes? He did not.  
 80. Were you aware that these horse-boxes were required on the line? I was not.  
 81. Are you aware that any information was received from the station masters up the line that a certain number of horse-boxes were required? Mr. Nealds informed me that was the case.  
 82. What information did he give you? He said a great number of horse-boxes were up the line—most of them.  
 83. Did you see any requisitions from the station clerks for horse-boxes? No, I never had any that day.  
 84. Did you inform Mr. Nealds that these horse-boxes were required up the line? No.  
 85. Have you any reason to suppose they were wanted up the line on that day? I cannot say.  
 86. Was any application made to Scott for these horse-boxes some time before—about 8 o'clock in the morning? No, I made no application to him.  
 87. You made no application to him? No.  
 88. How long was it before these horse-boxes were loaded up, after my arrival at the station? About half an hour, I think.  
 89. Do you know anything in the condition of the line to prevent the same course being followed before I came down? I had orders from Mr. Nealds that all horses should be loaded at the platform during the time the turn-table was out.  
 90. Should you not have done exactly the same as I ordered when I came down? There was no difficulty in doing what you ordered us.  
 91. And it was done? Yes.  
 92. Is the platform a convenient place to load horses? No, not so convenient as the usual place.  
 93. Is it not a very dangerous place? Yes.  
 94. One or two of the horses fell down that day? Yes.  
 95. *By Mr. Owen*: When did you first hear these horse-boxes were required? Before 10 o'clock, when I saw the horses on the bank.  
 96. Immediately before 10 o'clock? Yes.  
 97. From whom did you receive the instructions? I only saw the horses; we were short of horse-boxes, I knew that in the morning.  
 98. Did you take no steps then? I did; I went to the working inspector, and asked him to let the old horse-boxes be sent out of the locomotive yard, and he said they were not allowed to be loaded.  
 99. *By the Chairman*: Whom did you go to? The working inspector; his name is Nichol.  
 100. *By Mr. Owen*: What steps did you then take? I informed Mr. Nealds when I saw him.  
 101. When was that? He was at the station at a quarter to 10 o'clock.  
 102. You told him you had made application for the old horse-boxes, and they were not to be got? Yes.  
 103. What was then done? Mr. Whitton advised that they should be got, and I went to Bingham, the superior officer, and he said we could have them—there was no difficulty in the way of having them.  
 104. At whose suggestion did you go to him? At Mr. Whitton's. He did not suggest that I should go to Bingham; I said "Shall I act in the matter?" Mr. Nealds did not appear to take any notice, he told me to act in the matter, and I went to Bingham, and he said we could have them—there was no difficulty in the way.  
 105. How long was Mr. Nealds at the station before that? Five or ten minutes.  
 106. Whose duty is it to see to all these matters? The manager's.  
 107. Have there been any new regulations since 1861? Not to my knowledge.  
 108. And under these regulations you say it is the duty of the traffic manager to look after the horse-boxes and starting the trains? It is my duty to start the train.  
 109. Do I understand you to say, it is the duty of the manager to get the horse-boxes ready and to get them loaded? No.  
 110. Whose duty is it? My duty. I understood you to ask whose duty it was to provide these horse-boxes in Sydney, and my answer was the manager's.  
 111. That is to get them attached down the line? Yes.  
 112. To whom are the requisitions for horse-boxes generally made? They are sent by telegram, addressed to Sydney.  
 113. Does it not state to whom? We generally get them; I get them.  
 114. When any delay takes place in the train starting is it not your duty to report it to the traffic manager? Yes.  
 115. Did you report it to the traffic manager? I did.  
 116. *By Mr. Moriarty*: After you found you could not get the carriages in the first place, did you inform Mr. Nealds of that fact? Yes.  
 117. What time was it? At a quarter to 10 o'clock, perhaps a little more.  
 118. *By Mr. Owen*: At what time did the train start? At a quarter past 10 o'clock.  
 119. *By the Chairman*: Was that on the 28th July? Yes.  
 120. *By Mr. Moriarty*: You informed Mr. Nealds that you could not get the horse-boxes in consequence of the sub-inspector refusing to give them to you? Yes.

121. *By Mr. Owen*: Although you knew you could not get the horse-boxes, you made application to Mr. Bingham? It was about a quarter to 10 o'clock I made application to the inspector.
122. Whom did you report to as soon as you heard you could not get them? The only person I had to report was to Mr. Nealds, and I did so as soon as I saw him.
123. Whom did you report this fact to first? To Mr. Nealds.
124. Before you did to Mr. Whitton? Yes.
125. And what answer did Mr. Nealds make to your report? He took no notice of it.
126. And you then went up to Mr. Whitton? Yes.
127. *By Mr. Moriarty*: That was when you asked him whether you should act? Yes.
128. What did you mean by that? I meant to take the horse-boxes whether they liked it or not.
129. Why did you not do that at half-past 8? Because I could not, these men would not allow me to take them away. Mr. Whitton is his superior officer, and when he said I might have them I got them.
130. *By the Chairman*: Did you say these men are under the charge of Mr. Whitton, and not of Mr. Nealds? Yes.
131. So that when the inspector of carriages refused to let you have them, Mr. Nealds could not help you? Not to my knowledge.
132. How was it you did not send to Mr. Whitton for the order to use these carriages? I did as soon as I saw him.
133. That was just before the train was leaving? It was about ten minutes before.
134. When you found at half-past 8 o'clock you had not enough horse-boxes, and the inspector of carriages would not allow you to get them, why did you not then send to Mr. Whitton? I am not allowed to communicate with Mr. Whitton or the Commissioner.
135. *By Mr. Whitton*: When Mr. Nealds is not there, is it not usual to make all applications to the locomotive foreman for all stock required on the line? Yes, I think so.
136. Is any application made to me for locomotive stock? No.
137. Has Mr. Nealds not authority for applying for any rolling stock required? Yes.
138. *By Mr. Owen*: Why did you not make application to Scott? Because I did not think it right to do so.
139. *By Mr. Moriarty*: But you thought it right to do so afterwards? Yes.
140. *By Mr. Owen*: When Mr. Nealds is away on duty on the line, how do you act? I act in his place.
141. *By Mr. Whitton*: You have the power, in Mr. Nealds' absence, of ordering any description of rolling stock for the traffic on the line? Yes.
142. *By the Chairman*: Why then did you not order this man to bring over the horse-boxes? I did order him.
143. At what time? At half-past 8.
144. You took action in the matter at half-past 8, as far as you could, by ordering the horse-boxes, and reporting to Mr. Nealds on his arrival that he took no action in the matter? Yes.
145. Immediately on Mr. Nealds' arrival? I cannot say.
146. How long after? I cannot say when he arrived.
147. But when did you report it to him? It was about a quarter past 10.
148. *By Mr. Moriarty*: When you reported to Mr. Nealds that you had applied for the horse-boxes and could not get them, you thought Mr. Nealds would reply and act, but when he did not you applied to Mr. Whitton to set them right? Yes. These old horse-boxes, four of them, when the new rolling stock came out, were put away. I think we have seventeen or nineteen horse-boxes—quite sufficient to work twice the traffic we had.
149. *By Mr. Owen*: When you found that these horse-boxes were refused at a little after 8 o'clock, and knowing that there were seventeen or eighteen about the line, why did you not make application to the out stations? —
150. Why did you not make applications to the out stations on Saturday? I had no means till Monday morning. I might have sent up by the train, but it is not my place to do it.
151. And does the station sending send for horse-boxes? Yes.
152. What length of time elapsed between reporting the matter to Mr. Nealds and Mr. Whitton? I stated before—I went from Mr. Nealds to Mr. Whitton.
153. Straight across? Yes.
154. *By Mr. Moriarty*: You found Mr. Nealds refused to give any authority or take any steps? He made me no answer—he took no notice of what I said.
155. *By the Chairman*: Do you recollect having some conversation with Mr. Nealds after this, when Mr. Nealds said Mr. Whitton blamed him for the detention of the train? Mr. Nealds never made such a statement to me.
156. Did he make any statement of the kind to you? No.
157. *By Mr. Owen*: Did he say to you he had been reprimanded? Never.
158. Did he say that the matter had been reported to the authorities? He said a minute had been written, Mr. Whitton's report, and the Commissioner had laid it before the Minister, and he would not take any notice of it, and it was going to be put by.
159. What did you say to that? I said nothing; it is not my business.
160. Did you say that Mr. Nealds could not be blamed for it because Mr. Whitton knows that you were not there? I deny it; I said nothing of the kind.
161. Where was this conversation held? I think it was on the platform.
162. Was there any one present? Not to my knowledge.
163. At the time of this delay, was there not a crane on the loop? There was a crane just off the crossing, and Mr. Lewton said he was going to pull up the line; he told me he was going to make use of the line, and we could not put any horse-boxes down it.
164. Was it not the case that they were taking up the turn-table and putting down a new one? There was a travelling crane.
165. The crane you are speaking of could be easily removed? Yes.
166. No difficulty in removing it? I think it could be removed in two or three minutes.
167. *By Mr. Moriarty*: Could these horse-boxes be easily removed? Much the same; they are about the same weight.
168. *By the Chairman*: This report is not correct—no application was made for the horse-boxes? Application was made to Bingham about 10 o'clock.
169. Whom was it you applied to first? To Nicholls.
170. *By Mr. Moriarty*: Was Scott there then? No, I did not see him, I was on the station platform; I saw the other man.
171. Had you then any idea that so many horse-boxes would be required? No, not the slightest idea we should have so many horses.
172. You were not very particular about it? No.
173. When you found there were so many, and Mr. Nealds being on the platform, you reported it to him? Yes.
174. Where was Mr. Nealds when you made the application about the carriages? In his office.
175. When you brought it to Mr. Nealds' notice, what did you gather from him? My impression was that he did not care what we did about them.
176. *By Mr. Owen*: Did you tell Mr. Owen, when you first made the report, that Mr. Whitton was at the station? I did.
177. *By Mr. Whitton*: Was Mr. Nealds there before I arrived? I think he was.

6 November.

*Sixth charge.*—As to the duties and general employment of the extra men charged in Mr. Nealds' time-sheets.

"Extra men have been constantly employed at Sydney and Newtown in loading billet wood and other timber, principally at Sydney, for Mr. Jolly, and no charge has been made for this service in accordance with the regulations; and generally, that the services of the extra men charged in Mr. Nealds' time-sheets have not been required for the purposes of the traffic. Some of these extra men, as well as ordinary porters, have also been employed cutting billet wood at Mr. Nealds' house. Occasionally time has been charged in the sheets for which the men did not work."

Charles J. Nealds examined:—

1. *By Mr. Williams*: Have you had considerable traffic on the Southern Railway line, in the carriage of billet wood and timber? A very great deal.
2. Brought from all parts of the line to the Sydney station? Yes.
3. To Newtown and Sydney? Yes.
4. How did this timber come down—in the trucks of the railway? Yes.
5. Who loaded and unloaded it? Generally speaking the parties themselves—the consignors or consignees; if not they paid for it.
6. Have you ever had any men employed at the Sydney and Newtown stations unloading these trucks? Frequently.
7. At whose cost would this unloading be made? When extra men have been employed it is at the Government expense, unless it is that the unloading has been delayed by the consignees beyond the time allowed for the use of the trucks, then the consignees are charged with the amount.
8. What are the Government regulations as to loading and unloading at these stations? When it is done for the convenience of the consignee the consignee pays; but in cases where there is a very large amount of traffic, and a constant demand for trucks—such a demand that trucks cannot be supplied fast enough—it is necessary for the benefit of the traffic to unload these trucks immediately, in order that they may be got away by the next goods train.
9. How many men have you employed unloading? Various numbers—one, two, three, four, five, and six—according as they were required.
10. Do I understand you to say that the only case where the unloading has been done for the consignees and has not been charged, is where you have done it for the convenience of the line? Yes.
11. Did you do it on any other occasion? Yes.
12. How often has this happened? I cannot say.
13. Was it of constant occurrence? Yes, constant.
14. Daily? No.
15. Did you ever make any charge for unloading? Frequently; when the trucks have been delayed by the consignees unnecessarily, I have instructed the goods clerk to charge the unloading.
16. Do you know the 23rd regulation? Yes.
17. I will point out. (*Regulation 23rd read.*) Was that the regulation under which you unloaded? No.
18. Is timber goods of the first class? Yes.
19. Although timber came under this regulation, you loaded and unloaded it constantly without making any charge? Yes, in the cases I mentioned.
20. And the reason you give us—what is your reason? For the benefit of the traffic, in order that we might have trucks to carry on the traffic.
21. Would you not have had trucks to carry on the traffic without doing that? No.
22. On all these occasions? On all these occasions.
23. And you have never loaded or unloaded at the cost of the Government, except to get possession of the trucks? Just so.
24. Whom was the timber principally consigned to—who is the largest consignee in Sydney—is it not Jolly & Co.? No, I think the largest consignee is Taylor; for billet wood and small stuff, Jolly & Co. I don't think Jolly is the largest. A man of the name of ——— I cannot tell what is his name, but the goods clerk can—is the largest billet wood dealer. Jolly's is a general trade.
25. Where is Jolly's yard? It is down by the line.
26. On part of the railway premises? Yes, he hires part of the railway premises.
27. Were not most of these loadings and unloadings of his timber and into his yard? No; he (Jolly) has very rarely had any unloading; it is only when the benefit of the traffic required it that he has had any unloading. When the usual traffic required it, and we wanted the trucks in a hurry, we may have sent to unload the trucks, not otherwise.
28. What men were employed in this loading and unloading? Extra men; sometimes extra men of the permanent way when they could be spared.
29. And when they could not? Extra men.
30. Can you tell what time elapsed without the employment of extra men? I cannot. Where extra men were employed, the goods clerk or head porter came and asked me whether they might employ them.
31. Was that of frequent occurrence? Yes.
32. How often? I cannot say.
33. How often during the week? I cannot say.
34. Did any week elapse without your doing so? Hardly; you can find out by reference to the pay sheet.
35. Did you ever send extra men on this work without application at all? Yes, frequently I directed men. I have come from my office with a requisition for trucks to be sent on to out stations; the guards inform me there are no trucks to take back to those stations requiring them, and I have directed the head porter to employ men to get the trucks unloaded at once.
36. Were the men so employed always employed on the railway works, and no other? Yes, to the best of my knowledge and belief; I am not always able to state.
37. You never employed these men to cut wood for you? Not when they were employed by the Government. I have sometimes asked a man, when standing on the platform, to go up to my house and cut up some wood.
38. How often has that happened? Frequently.
39. Were these extra men or ordinary porters? Sometimes they were ordinary porters that I sent up at meal-times or at night.
40. You sent up to your house sometimes these extra men and sometimes ordinary porters? The ordinary porters never, except at meal-time or in the evening.
41. You are clear upon that? Yes, to the best of my knowledge and belief.
42. Was your order limited as to any time—was it not "Go up"—Did you ever say "Go up in your spare time"? No, I never took away a man from his duty to do that.
43. Did you ever pay any men so employed for the time they were not employed in doing their duty? No, not to my knowledge.
44. Have you ever inserted the names of men in your pay-sheet, and it was found difficult to find the men, and the money has been sent to the station? Never. Perhaps I may observe, I don't make out the pay-sheet, it is only brought to me for signature.

45. Who gave directions? They are sent to the different stations to make out.
46. Have you nothing to do with the pay-sheets? They come to me, and I certify them.
47. Who furnishes the information from which the pay-sheets are made out? The station master makes them out himself.
48. They have no statement to make them out from? They have, or their clerks. I don't know.
49. Did you exercise any supervision over the pay-sheet at the Sydney station? I examine the time-book frequently.
50. You never gave in men's names that could not be found? Never gave in men's names—how could I?
51. I should have thought, having the general supervision, that it was probable you could? I have simply to employ.
52. Are extra men ever employed without your order? Frequently, when I am not there.
53. Whom by? I presume by the station master.
54. But should not the fact of their being employed become known to you? It would become known to me when I see the book every fortnight.
55. Then you do exercise the supervision? I am obliged to do so when I certify the sheet.
56. And did you certify the sheet without knowing whether the men were employed or not? I certified them and I looked at the time-book. I then certified on the strength of the station master's report to me.
57. Then your certifying is a mere form as far as your knowledge goes? I believe it is the same way as other sheets are certified in the office.
58. Who is responsible for the correctness of their returns—you or the station master? I am directly to the Commissioner; the station master is responsible to me.
59. In what return does the amount of time of the extra men employed up and down the line appear? In the extra list made out at the Sydney station.
60. How does the Sydney station master know that? From the return of the head porter.
61. From every station? From the Sydney station.
62. How does he know it? Because he sends the men away when there is an order.
63. Who gives the order—whose duty is it? The station master, if I am not there.
64. But if you are there? The station master frequently.
65. Whose primary duty is it if you are there? The requisition does not come to me—perhaps I don't know anything of it.
66. It is your duty to send these extra men up the line? Yes.
67. Whose duty is it to know how the men have been employed on the line and to make a return? The station masters on the stations to which they go.
68. They certify to that? No, I certify to all the lists.
69. In what way do you make yourself acquainted with the way the men are employed before you certify? Should the station master—take Campbelltown for instance—require three men, he writes for them, but should only two be sent for the work, notice is sent back at once that only two men were sent, either to me or to the station master to whom ever the application is made.
70. Does the station master at each station certify how long these men have been employed? No.
71. How do you arrive at the amount they are to be paid—what check is there on their return? Simply the station master—if they were not there he would report it to me.
72. Then he does make a return? Yes.
73. If they are not employed—suppose the men were employed for two days but claimed for three, how would it be detected? I don't see how it could occur.
74. Tell us how it would be detected? Simply by the head porter's book.
75. Is not the head porter's knowledge confined to the coming and going back? Yes.
76. If a man is sent away, from the head porter's book he would appear to be employed till he came back? Yes.
77. But he might not be employed on railway work? No.
78. How do you check that? Because the station master would send back word that he had only been employed half a day, if they had finished their work.
79. Do the station masters make perfect returns or casual returns? They make a return every fortnight, in order that the pay list may be seen to agree. Formerly the pay sheets were all made up by a clerk in the Sydney station, from returns furnished to the Sydney station; but during the last three months the station masters have to make out their own lists, initial them, and forward them to me for certificate.
80. *By Mr. Whitton*: Do the station clerks make regular returns of the time at which the extra men are employed at their stations? Yes, by their application in the first instance for men to be employed at their stations, and they subsequently report if these men are not forwarded for the work to be done.
81. Assuming the men are sent to do a certain description of work, do the station clerks send to you a return of the time the men are at work at the station? No, not more than I have already stated.
82. That is they do not send it? Just so.
83. *By Mr. Owen*: How long is the consignee or consignor allowed for the unloading of the goods? Twenty-four hours.
84. You say there is an enormous traffic of billet wood along the line? Very large.
85. Have you frequently been obliged to send up extra trucks? Almost daily.
86. If the goods have arrived within twenty-four hours—if you received a request for more trucks from any out station, and the goods are lying in the station within the twenty-four hours, what is the proper course to follow? If there are no other trucks to send, to have the trucks unloaded at once, in order to have them forwarded by the first goods train.
87. Have you the power of going to the consignees and telling them that the trucks are wanted and they must unload them? Yes.
88. That is in cases in which twenty-four hours have not elapsed? No, I cannot demand them to unload before that time; I may request it, but they have a right to the trucks for twenty-four hours.
89. Under these circumstances the unloading must be done by the Government? Yes.
90. Are there many consignees of timber and billet wood in Sydney? I believe it is in the hands of six or eight men.
91. Mr. Jolly is not the only one? No; in Sydney I am speaking of.
92. You have a discretion given you as to the employment of extra men? Yes, certainly; I could not send down to the office to know whether I am to employ extra men.
93. The matter is entirely in your discretion? Yes.
94. You say you have occasionally employed men who have been employed by the Government, to cut up timber—wood—for you? To split up firewood.
95. Did you pay these men for that work yourself? Yes, always.
96. When you have employed any of the Government official porters—when have they worked at your house? Generally at meal-times, or after-hours at night.
97. Has the fact ever been brought under your notice of time being charged in the sheets for men who did not work? Never.
98. From any person above or below you? Never. I say never, but there was a case at Campbelltown where three men went down to unload some rails at Campbelltown. The rails were the property of the Government, but without my knowledge they were removed further up the line; the men, therefore, could

\* Objection taken by Mr. Owen to this question.

could not be employed in that unloading, and the matter was reported to me by the station master at Campbelltown, in words to this effect:—"It was fortunate for me the men came yesterday, as we were so overpowered with business that I was obliged to put them all to work in the goods shed."

99. That is the only instance? Yes.

100. What becomes of these extra men when they are knocked off work? The men that are employed at Newtown, directly they finish their work they walk back to the Sydney station, and they see if there is anything to be done there; if there is not they are marked off their time, provided they have been half a day, or a quarter of a day; whatever it is, they get their time, as the case may be; when they are waiting, doing nothing there, they are not charged.

101. Not paid? Not charged in the sheet.

102. It is not your duty, Mr. Nealds, to investigate into all these matters, as to what the men do, and how long they are employed? I trust to the statement of the officer placed under me, as being the head of the department for the time being.

103. You say these returns pass through the station master to the head porter? The head porter returns these to the station master.

104. That is at the Sydney station? It refers to the same thing at the out stations.

105. Your duties are very numerous, are they not? Yes, very.

106. And you are expressly given, in some of the papers, a charge to place confidence in the officers under you, to give you time to carry out your other duties? Yes.

107. *By Capt. Mayne*: Was there a deficiency of trucks on the line for the traffic? Yes, day by day.

108. Did you ever draw attention to the fact? Yes, and a great number came out afterwards from England.

109. Was there on many of the stations this deficiency till the trucks came from England? No.

110. You say, extra men that were sent to the stations out of Sydney, as soon as they had finished their work they came back, either by train or by walking back to Sydney—Is there any memorandum furnished to you to shew when they ceased working? Yes, to the head porter; it is in the time-book of the head porter.

111. Who marks the time if in Sydney? The head porter.

112. How does he get the information when they ceased working at the out stations? They report themselves.

113. You have no check on the truth of the report? Except the knowledge that a man would not take a day unloading two or three trucks. We know they could not charge more than a certain time, or they would be reported.

114. You have no check as to when a man ceases work at the out stations? Yes, we have.

115. And they get credit till they report themselves at the Sydney station? Yes.

116. *By Mr. Whitton*: Assuming these men were occupied as you say, in unloading two trucks, and they left the out station for Sydney, they might spend two days on the road without your knowing whether they were employed at the station or not? Yes, I should know, inasmuch as when the station master requires extra men from the head office he writes for them, and if required for more than a day he sends on his requisition by the last train; if he requires them for a third day he sends on his requisition again; he does not send on a requisition to get men for three days, but day by day.

117. *By Capt. Mayne*: In the case of a single day the men are sent out to the station, you say the only check you have is their report to the head porter at the head station; but suppose they say they have occupied a whole day when they have only worked half a day, have you any check then? Yes, the station master would immediately report they were only employed half a day. They would only render their applications for half a day, that is if they only required half a day's work. We should never send out men from Sydney for half a day. If they are half a day unemployed, the station master invariably informs me that these men have been employed in the shed assisting the goods porters.

118. And they don't ask for men for half a day? No, never at the out stations, only Newtown or Ashfield.

119. Then you have that check upon it? Yes.

120. *By Mr. Owen*: These men are employed working under the supervision of the station master? Yes, always.

121. And if these men worked only half a day it would be known? Yes, and if either of them were slow he would be reported as unfit.

122. They work under the supervision of the station master? Yes.

123. When anything goes wrong, or the men not working, he would make a report to you? Yes.

124. How long has this system been in force? Ever since I had the management of the line.

125. How long has that been? I think it must be six years.

126. It is very well known that this is the system? Yes, perfectly well known.

127. *By Mr. Williams*: I presume you mean that the system is known to yourself? Yes, to every one of the department.

128. Perhaps you will name some on in the employment as parties? No.

129. If extra men went to the out stations, have you any check for the time employed? That is a different thing.

130. *By Capt. Mayne*: Is the time mentioned in the pay-list checked with the requisition and the head porter's list of the time? When the pay-lists come to me they are supposed to be checked by the station master.

131. How checked? They have made reference to the time-book, and also to the requisition. Besides, they of their own knowledge know when a man has been out at work and when he comes back.

132. Do they know whether it is half a day or three-quarters of a day that he is at the out station? There is no such thing as three-quarters of a day for the out stations, because a man is kept on in the goods shed after the work is done.

133. Does it ever happen that there is not this work to do? But a man sent out could not get off in this way.

134. You told us they did? Only Newtown; when there is no work to be done in the goods shed, then they immediately return to Sydney when their work is done.

135. What is the check on these men being employed at Newtown? In that case I should depend on the station master.

136. Do you get this information from the station masters? Frequently; not always.

137. You say the check is by the head porter when these men report themselves—Is there any check upon the truthfulness of their report to the head porter? There is no check, but, as I stated before, that the circumstance of a man charging a quarter of a day more than is necessary for the work would be looked upon as suspicious and his statement queried.

138. How would it be known necessarily that a man required to work at Newtown, had charged for half a day instead of a quarter of a day? Simply because the station master sends on his requisition for three or four trucks to be unloaded in the morning, and we know how long this would take to do.

139. Is the charge entered in the pay-sheet checked by the requisition which states that fact? I cannot say positively it is checked by that paper; but when the requisition comes in, the head porter is told to send a man to unload two trucks, or three, or four trucks. If five trucks are required to be unloaded for the pick up goods train, one man is not sufficient to do it. If the work only required half a day then when the man returned to Sydney it would be either half a day or just about half a day. The men employed in this way report themselves, because they sign when their work is done directly they come in. Permanent men only sign when they arrive and depart.

140. You say these pay-sheets are made up and checked by the station master? They are made up by the time-book kept by the porter, the station master puts his initials to them and hands them to me for certificate.
141. Then it is checked by the porter's time-list and requisition? I believe no pay-sheet comes to me without the station master's initials—without being checked.
142. That is the regular system? I don't know; I never saw one without the station master's initials; if I had, it would be sent back for the initials.
143. These are the instructions to the station master, that he must make up the pay-sheet from the porter's time-book, and he certifies by his initials that it is so made up? Yes; at the time the pay-sheets were made at the Sydney station, the time-books of the various stations were forwarded to me for comparison. This was before the station masters had orders to make out the sheets.
144. And the requisition for these men comes into the possession of the station master? Sometimes into mine.
145. If it does come into your possession, it is then passed into the station master's, in order to make up the pay-sheets? Yes.
146. You say the requisitions sometimes come to you, and sometimes to the station master—are these requisitions passed over to the station master to enable him to make out the pay-list? Whenever a requisition comes in I hand it to the station master or head porter.
147. Then when these requisitions are received by you, they are handed over to the station master? Yes, or the head porter.
148. Is it his duty to hand them over to the station master? I think it is.
149. Is it his duty? I presume it is. I am only speaking from what I believe.
150. *By Mr. Owen*: When these requisitions are sent down, they are not merely to send men for half a day, but men to do a particular thing? Yes, in cases of a large influx of goods or they are overpowered with work, they say "Please send us men to-morrow."
151. In the requisition it is stated what the men are to do? Yes, always.
152. And according to the time required for that thing to be done, you calculate the number of hands to send up—if it has to be done in a hurry you send up two or three men? Yes, I only allude to Newtown in that statement, that the station master sends for two or three men when there are more trucks to be unloaded before the pick-up train comes.
153. Did you ever insert any name in the pay-sheet? Never. I inserted Mr. Bommy. He was appointed not by me, and the reason that the money was not put in was because Mr. Rae, the Commissioner, told me that the Minister intended to give him 10s. a day, and I stated that a man just going into the office ought not to have 10s. I did not put the amount in till I consulted Mr. Rae. The only alteration I have made has been in the summary; these I have made up in the office, and if any sheets come in without my signature, it is because the sheets were made up in the office in Sydney station and forwarded in my absence, and when I have come in by the train I have gone through the additions and marked them. I know they have passed through the station master.
154. You have never made any additions to them? Never, except after asking Mr. Rae. Chedley and
155. Chedley and were the only two cases? Yes; I have made alterations for the accountant below when mistakes were found, and have copied the pay-sheets. There have been mistakes in the addition pointed out to me, and I have taken a fresh sheet and made it out.
156. Then this sheet could not have had the receipts of the men? This was before the men received their money.

James Higgs called and examined:—

157. *By Mr. Williams*: What are you? Head porter.
158. Where? Sydney station.
159. What are your duties generally at the Sydney station? To see the work done in a proper way and to look after the men.
160. Do you take the time of all the men employed at the Sydney station? Yes.
161. All the porters? Yes.
162. Do you take the time of the extra men? Yes.
163. How do you receive that time? If they are at work at the Sydney station they come and put down their names at 6 o'clock in the morning, when they go away to breakfast, when they come from breakfast and go to dinner, and if taken off work they put down the time; they put down their names at 6 o'clock in the morning, also at night.
164. Do they ever stay all night from Sydney? They have done so.
165. On many occasions? No, not on many occasions.
166. And the time they are at work is entered by themselves when they return to Sydney? Yes.
167. Have you any knowledge as to the time these men do work? I have no means of knowing that they have been at work, nothing more than what they say.
168. Who gives you instructions to send these men up the line? Mr. Nealds or the station master.
169. And you have no check of the length of time these men are at work? No, I have not.
170. Who returns the time that these men are employed by Mr. Nealds? I make out the time and give it to the station master.
171. Do you give it to Mr. Owen? Either to Mr. Owen or one of the clerks. Mr. Bryant generally receives it now.
172. And you return it as a correct return of the time the men have been at work? Yes.
173. On the statement of the men themselves? Yes.
174. Are you at all aware how these men are applied for—who applies for them generally? Sometimes the station masters on the line.
175. You don't know? No.
176. You have no means of checking any time given in by these men? No, I am seldom on the line myself.
177. Have you ever had any instructions from Mr. Nealds to send any of the porters at your station to cut billet wood at his house? Yes.
178. On many occasions? Several occasions; I cannot say how many times.
179. Extending over what period—how far back? I cannot say the date.
180. Is it four years? I could not say.
181. How many years—is it two, three, or five years? I cannot say for certain. It may be three years; it may be two years.
182. Have you sent porters in the day-time, on Mr. Nealds' instructions, to cut billet wood? To go off to his house, and the men told me afterwards it was to cut billet wood.
183. Was the time returned by you—was the time entered in these sheets for the Sydney station? Sometimes Mr. Nealds sent a man for half a day, and then I would tell the man not to enter the time, but if it was only for an hour or two it was entered.
184. What do you call an hour or two? From one hour to three hours.
185. Have these men never been to Mr. Nealds' house, cutting billet wood, when they should have been at the Sydney station, and the time charged to the Government? Yes, sometimes they were.
186. How many men have you sent more than once? Not more than one, if I can recollect; one at a time.

187. With reference to the employment of these extra men—do you know that these extra men have been employed at Mr. Nealds' house when they were employed elsewhere? No.
188. Have you any check on the time of these extra men? I see them there, unless I am away myself.
189. Did you ever know of the porters being employed for any other purpose except as porters when you have returned their time on the Sydney station? No.
190. Did you ever know of a man being employed to put up a house? Yes, I forgot that.
191. Did you return his time as a porter? Yes.
192. By whose orders was this man employed for this purpose? Mr. Nealds.
193. And the man was employed putting up a house? He was.
194. Cannot you recollect the number of times or how many times that you have sent porters for two or three hours to Mr. Nealds' house? I cannot say the number of times—several times.
195. Can you shew us by any of your books of the Sydney station when these men's time have been deducted when employed at Mr. Nealds' house? No, because men are often employed a quarter of a day, and then it is deducted.
196. But these men employed a quarter of a day are extra men? Yes.
197. I ask you as to the ordinary porters—can you shew on your books where the time has been deducted? I have not sent the regular men and stopped their time, it is the extra men.
198. The regular men have been sent to Mr. Nealds' house? Yes.
199. *By Capt. Mayne*: Have you sent the regular porters to Mr. Nealds' house for some purpose without deducting the time they might be employed there? Yes.
200. How many times? Not many occasions the regular men.
201. What length of time have the regular men been employed? Two or three hours.
202. Are you quite certain they have not been employed more than three hours? I think not.
203. On how many occasions have you sent them? Perhaps five or six times—twelve times.
204. *By Mr. Williams*: It may be two dozen times? No, I don't think it can be; I don't recollect the number of times.
205. How many at a time? Not more than one according to my recollection.
206. Could any men be sent from the goods shed to recall men at Mr. Nealds' house without your knowledge? They tell me they go down sometimes.
207. I ask you if any of the porters employed in the goods warehouse could be sent up to Mr. Nealds' house without your knowledge? They may have been sent there when I was told they were gone down.
208. Do you remember the names of the men you sent to Mr. Nealds' house? I believe Cook is one; Mede is one—he has left.
209. Did you ever send Ellis? It is a long time ago since Ellis was there.
210. Did you ever send Ellis? I cannot recollect; I will not say I did not.
211. You don't know how many men you sent? I could not say.
212. It has been a constant thing to send men when ordered to do so? Yes, when I was ordered to do it, I have always sent them.
213. *By Capt. Mayne*: How did you receive instructions to send these extra men out of Sydney? Over night, as Mr. Nealds may receive the notice from the station that a certain number of men were required to load billet wood or sleepers; and he tells me the number of men to send.
214. Did he give it you in writing? No, verbally —
215. Do you take a note in writing of the number? No, I send them next morning.
216. Do you trust it to your memory? Yes; sometimes Mr. Nealds gave me the requisition.
217. What do you do with the requisition? As soon as I have done with it I tear it up.
218. Do you never hand it over to the station-master? No —
219. Never? I will not say never.
220. Is it your duty to hand over to the station master these instructions? Not if there is nothing else written on the note but that men are required at the station. If there is anything written on the note besides, I give it back again, but it is very seldom I have it.
221. *By Mr. Owen*: Am I right in drawing this conclusion from your evidence, that you are the only person responsible for ascertaining the time these men work? Yes.
222. And upon your statement to the station master the accounts are made up? According to the book I send in.
223. These permanent porters you speak of as employed by Mr. Nealds—do you know what they were employed for? When sent up to Mr. Nealds' house, I cannot say. They have told me they have been cutting billet wood.
224. Were they not sent up generally, if not always, during the hours for meals, and after the day work was over? No, not in such hours.
225. Do you know whether other persons besides Mr. Nealds are in the habit of employing these porters in jobs occasionally? No; the only case I recollect was when Mr. Aldridge was removing. He had one man to assist him in loading up his furniture.
226. Is that the only instance you know of? That is the only instance I recollect.
227. Do you ever remember the employment of a man named Bell in that way? In what way?
228. In extra work of that kind besides Government work? No, I don't.
229. You say, when the extra men are sent up to Mr. Nealds, if they remain any length of time their time is struck off? If Mr. Nealds tells me to send up a man for half a day, I tell the man not to put the time down.
230. Is half the day all the time? Yes.
231. You have no quarter days? No.
232. *By Mr. Whitton*: Do you know these extra men do not put down the time? Yes, when I have desired them not to put it down.
233. Do you always see them write down the time? No, I can't always see, because the men don't go to dinner at the same time.
234. How do you know it then? Because I see the book. The time the men work a day I enter the next morning in a book, which I send in every fortnight.
235. You take their own return of the time? No; I take the time the men are at the station. If I told a man not to put down half a day I would not enter it if he did.
236. *By Capt. Mayne*: Can any of the regular men leave the station, and be absent without your knowledge? They are sometimes sent down town.
237. Without your being apprised of the fact? Yes; until I ask where they are.
238. Until you ask, you have no knowledge of their being sent away? At that time.
239. If you are not told? I find it out when I miss them.
240. Might they not be absent some time before you find it out? They might. I may be looking at work being done at one of the yard for three or four hours.
241. Who are they at the station who send these men away? Mr. Nealds, the station master, and the goods clerk.
242. And these men are under your charge—it is your duty to look after them, and see they do their work, and yet they are sent away without any intimation being made to you? Yes, at times.
243. Have you ever remonstrated about it? I cannot say I have.
244. You are looked to, to make a correct return of the men's time, and yet men are sent away without your knowledge—it may be for hours? Yes, they are sent away without my knowledge.
245. *By Mr. Moriarty*: I suppose you consider, if your superior officer sends away a man, he has the power to do it? Yes.

246. And you leave the responsibility with him? Yes.
247. *By Capt. Mayne*: Do I understand you to say that the station master's pay-sheet is made up entirely from your time-book? I suppose so; I send in my time-book. I don't know that he checks it in any other way.
248. Can he have any other check? He has the time-book.
249. Any other check but the time-book? I don't see that he has any.
250. Who enters the time in this time-book? Every man when they go to meals.
251. Is every man able to write? No.
252. Then who does it? I do.
253. Do you see these men all put their names when going to meals? No.
254. Or returning from meals? No.
255. Is there any person whose duty it is to do it? It is my duty; I go and examine the book.
256. How soon after? Very shortly.
257. *By the Chairman*: There is no roll call? No.
258. *By Mr. Moriarty*: They don't give in their time to any clerk to enter it? No, they never have since I have been there.
259. *By Mr. Owen*: By whom was this wooden house inhabited? The house the man was building? No one at all.
260. At the time the hut was being erected, was there not some complaint about the house you inhabited being delapidated? Yes, I have spoken about it several times.
261. And was this house intended to supply you with a better dwelling? Yes.
262. Who was employed to build the house? A porter of the name of Spencer.
263. Was he then doing the full work of the Government? He was employed as porter.
264. Was he not laid up at that time on half pay? I think he had been ill.
265. He was on half pay? No.
266. He was not doing the full complement of Government work? He had his regular day's pay the same as other men.
267. While he was doing the house? Yes.
268. Before he came to build the house? Yes; if a man is on the station I enter his salary as full; whether he had half pay I cannot say.
269. You know that before he came to do the house Spencer was on the sick list? I know he was not well.
270. Was that hut ever finished? No.
271. *By Mr. Whitton*: Do you know why the building of the house was discontinued? I believe orders were given to stop it.
272. Do you know who ordered it? No.

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Charles J. Nealds examined:—

273. *By Mr. Owen*: Did you make any application to the Commissioner about building the hut? About the repairs of the house I did.
274. And what instructions did you receive? The Commissioner said he would give no orders, but I was to apply to Mr. Thomas, who was the engineer, to give me part of the woodwork of the old house to repair the place; and I, thinking that a slight framework put over the house would be better, had it commenced.
275. By whom? By the man Spencer, who had been for a considerable time suffering from an affection of the kidneys. He could not lift heavy weights. This was stopped, and the matter gone into after Captain Martindale went away; and by Mr. Whitton's orders the building was stopped, and it remains up to the present time on the ground; the pieces of wood have never been removed.
276. *By the Chairman*: Is that building in the yard? Yes, on the top of the hill.
277. *By Mr. Whitton*: What are the remarks I made to you when I found you were charging the man as a porter when he was building the house? I considered when you made the remark it was to Mr. Rae, and not to me, and in such a tone that I could not hear it.
278. The remark I made to you was at the station? No.

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Edward Owen called in and examined:—

279. *By Mr. Whitton*: You are station clerk at Sydney? Yes.
280. You are aware there is a considerable traffic in billet wood and timber generally? Yes.
281. Principally at Sydney and Newtown? Yes.
282. Are you aware that extra men have been employed constantly to unload timber at Sydney and at Newtown? Yes.
283. What are the regulations with respect to the loading and unloading of timber? That the consignees are charged at 1s. per ton for loading, and 1s. per ton for unloading.
284. Are you aware whether that charge was made to the consignees? In very rare instances; indeed, I cannot exactly say whether it has been made once.
285. Are you very short of trucks for working the traffic of the line? We are not; we have got sufficient trucks to work three times the traffic.
286. Then you say the unloading of the timber has been at the cost of the Government? It has mostly.
287. And the consignees have not been called upon to pay that expense? No.
288. Who orders these extra porters to go to the different stations to load and unload? Mr. Nealds, through the head porter, Higgs.
289. All these men are sent up the line when requests are sent from the station masters on the line that they require the services of these men? Sometimes.
290. As a general rule is it so? I cannot say, because they are always addressed to the manager.
291. And you don't see them? I have seen one or two, perhaps more.
292. Are you aware whether goods have been unloaded in this way at any stations up the line besides Newtown and Sydney? I am aware of Sydney, but I cannot say about Newtown. I am aware that timber is unloaded at Newtown, but cannot say whether it is charged for.
293. At Sydney you know it is not? Yes.
294. Did you ever complain to the manager that you were deficient in trucks for working the line? No, not since I have been station master; not since the new rolling stock arrived; we were short of trucks before the new rolling stock arrived.
295. *By the Chairman*: When did the new rolling stock come out? They have been in use twelve or eighteen months.
296. It is since that time there have been plenty of trucks? Yes.
297. *By Mr. Whitton*: Are you aware that previous to that time the trucks on which billet wood was carried were so scarce as to necessitate the Government to unload it? I cannot say; I was holding a different position at the time at Sydney.
298. At Sydney—are you aware that it was unloaded there as they required trucks? I am unable to say.
299. Are you aware whether any demurrage has been charged? No.



300. Do you know, as station master, whether it was done as an act of kindness to the consignees, to unload these trucks for them? No.
301. Then in fact it is no act of kindness to unload it for them? I cannot say whether it is an act of kindness; they were unloaded.
302. Were they loaded as a matter of necessity? Not recently; not since the new rolling stock has arrived.
303. Did you ever previously give notice to the consignees to unload their goods? No; I was goods clerk. I was informed by Mr. Nealds that demurrage, storage, and all these things would be remitted to the consignees.
304. *By Capt. Mayne:* You say it never was charged? Yes; Mr. Nealds said if charged it would be remitted to the consignees.
305. *By Mr. Whitton:* But as it was never charged it was not remitted? Yes.
306. *By Capt. Mayne:* Were you ordered not to charge it? Yes.
307. By whom? By Mr. Nealds. There is a peculiar kind of truck used by billet wood people, and I have no doubt these trucks are very scarce. They are what are called high-sided trucks; and the billet wood people prefer these trucks, and refuse to get any other if they can get these; and the only way I can account for it is, in loading these trucks they carried seven or eight tons, and are only charged for six. My attention was called to it during the last few days by a letter from a locomotive foreman.
308. *By Mr. Whitton:* Do you know how the time of the extra men is checked when employed on the line? The employment of extra men has been in the hands of Mr. Nealds and the head porter. I have nothing at all to do with it.
309. And the requisition made for these men passes through your hands to enable you to check the time-sheets made out? No.
310. Do you ever check these time-sheets? No, but from something I saw going wrong I had occasion to check them three weeks ago, and I found that one man was paid for five days' work for which he had never been employed.
311. *By Mr. Owen:* I presume you have documents to prove this, in making that statement? Yes.
312. *By Mr. Whitton:* You found he had been paid five days for which he had not been employed? Yes.
313. Have you ever had the same man returned in your sheets for two different stations? Yes.
314. The same time for the same days? Yes.
315. And the money was sent down to this office? Yes, and repaid.
316. Do you know whether any of the porters of the Sydney station have been sent to Mr. Nealds' house? I have been informed so by the head porter.
317. *By Capt. Mayne:* You make up the pay-sheets? No.
318. Who does? Mr. Nealds orders the clerk at Sydney station to make it up.
319. And from what data does he make it up? The head porter copies the time-book in which the men keep their time. In the time-book the man enters his name at his arrival and departure, and at the time of his meals; and the head porter keeps another book which he makes up from this every fortnight.
320. Is there any person to see that they are correct returns? The head porter.
321. Is there any person in charge of the book to see that these entries are correct? Yes, the head porter is generally there to see the men come in the morning, when they go to meals, and when they are leaving.
322. In the interval during working hours are the men ever sent away from the station? Yes.
323. By whom? By the head porter, or by Mr. Nealds' orders.
324. When Mr. Nealds gives orders for such men to go away, are they communicated to the head porter? They are invariably.
325. Then you know that when men are sent away, it is communicated to the head porter? Mr. Nealds communicates it himself to the head porter.
326. Others have also sent men away? Not to my knowledge.
327. The head porter said so—he said that he is often away from the book, and many of the men cannot write? Many of the men cannot write.
328. Who is to enter it then? The head porter.
329. But he is away frequently? I am not aware of it. His business is to be there during the arrival and departure of the men.
330. That book—the time-book—is the only data on which the pay-sheets are made up? Yes.
331. *By the Chairman:* Do you occasionally send any messages in connection with the department? Yes, very seldom.
332. And you have never sent any of the porters on messages connected with the business of the department? Yes; I have sent them to the head office, by orders of Mr. Nealds frequently.
333. You being station master, have you sent them yourself? I have sent them, but I generally inform the head porter to send a man.
334. *By Capt. Mayne:* Whenever you send a man away, you do it through the head porter? Yes.
335. *By the Chairman:* You have sent them? Yes; very seldom I have got a clerk, and I generally send him.
336. When you send them you inform the head porter? I inform the head porter to send them.
337. *By Mr. Whitton:* Are all the porters employed at the Sydney station—fully employed? Do you mean the number of men at work?
338. Has there been sufficient employment at Sydney for the number of men you have had? Employment is found for them.
339. Are they all necessary for working the traffic? No.
- Mr. Owen objected to this evidence.*
340. *By Capt. Mayne:* You say a clerk in the office prepares these pay-sheets—are they brought before you? No; they are certified by the manager.
341. How are they—are they certified by Mr. Nealds that they are correct? Not certified by any one.
342. Are there no initials to shew who prepared the list? None.
343. *By Mr. Owen:* Was there not a general order that all station masters should make out a list and initial them? In the intermediate stations—I wrote the order myself; and the reason was that the other station master undertook the responsibility of making out these pay-sheets himself; and with reference to the Sydney pay-sheets, I would not certify them on any account.
344. When were you appointed station master? In June last.
345. Then up to June last it was the custom of the former station master to certify, but since then you refused to do it? Yes.
346. *By Capt. Mayne:* How do you mean certify them? He made them out—he did not initial them.
347. He acted as clerk in making them out? Yes.
348. Were they at that time in any way certified to the traffic manager? No.
349. *By Mr. Whitton:* Did the station masters at the out-stations generally return the time the men were employed at their stations? No, never.
350. And there is no check as to the time these men are employed? No.
351. Why did you refuse to certify these pay-sheets? Because men were employed for other purposes than their work, and because there were a number of men employed that I did not consider requisite.
352. Who ordered these extra men to be employed? Mr. Nealds.
353. *By Mr. Owen:* To whom did you make the remonstrance about certifying these pay-sheets? I wrote out an order for the other station masters to certify their sheets.

354. To whom did you refuse to certify? I did not refuse, but I never did certify. I was never called upon to certify them, or to have anything to do with them.
355. What kind of trucks are used generally for the billet wood—are they called B trucks? Yes.
356. Did any B trucks come out in the rolling stock from England—are the B trucks deficient on the line? Yes; and they are unsafe to load this billet wood.
357. Are they sufficient? They are not sufficient if they only are loaded with billet wood; but there are plenty of trucks able to be loaded with billet wood. In fact there are too many of them.
358. Now you are speaking of after the new rolling stock arrived? Yes.
359. Is not a copy of the bye-laws put up at the stations? I don't know.
360. Do you tell me that you have been engaged for this number of months at the Sydney station, and don't know whether there are bye-laws posted up? I have ordered some myself.
361. Were there any there before? There were only very old ones; I will not speak positively.
362. Would not these bye-laws, if put up, describe the liabilities of the consignors and consignees to pay for the loading? Yes. I have a copy of the bye-laws in my possession.
363. I am talking of a notice to the consignors or consignees? I should think so.
364. You are not certain they would announce the fact? They would if people read it.
365. I ask you whether it would be announced to the public in the bye-laws—is it published in the bye-laws? It is published in the bye-laws.
366. *By Mr. Whitton*: If the consignees had to pay for so much per ton, according to the bye-laws, would they object to the Government unloading at their own expense? They would object.
367. To what? To paying 1s. per ton.
368. They would object to the Government doing the work for them? Of course not. I did not understand the question. I understood you to ask a question with regard to the price.
369. If the consignee was to unload himself he would not object to that work being done by the Government? No, he would not.
370. And that in reality you say has been done? Yes.
371. That the timber that should be unloaded at the expense of the consignee has been done at the expense of the Government? Yes.
372. *By the Chairman*: Look at that paper—2,243 voucher—by whom is that prepared? By a young man named Bryant.
373. Your name is at the bottom? Yes, paying the men.
374. What are your duties connected with it? I pay the men according to their names and amounts mentioned in the pay-sheet.
375. And are any of these paid by you while station master? Yes, the one you handed over to me.
376. And as station master were you not responsible that the men employed on the station were required for the service? Yes, the permanent men.
377. And not for the occasional men? No, not for the occasional men.
378. Had you nothing to do with the goods department? I had the supervision of it.
379. And were not some of these occasional men employed at the goods department? Not at my request—never.
380. *By Mr. Owen*: Were they employed there or not? They were when they had done unloading billet wood. To make up time they were sent to the goods shed.
381. *By Capt. Mayne*: Were they necessarily and profitably employed there? No, they were not required.
382. *By the Chairman*: How was it that, when you found a number of persons were not necessarily employed, you did not bring it under the notice of the authorities? It was not my business. It is the traffic manager who is responsible for the working of the line. If he thought it was necessary, I dare not mention it; it would be very impertinent on my part if I did.
383. What was it you said about not passing the accounts if occasional men were employed? I would not certify —
384. Were you called upon to certify? I was not called upon to certify; if I had been called upon I would have refused.
385. It was not your duty? No.
386. And they have not been certified? No. It was I that wrote to the station masters to certify, because my predecessor made out the pay-sheets, and now the station masters of the intermediate stations make out their own pay-sheets.
387. You were station master, and it was not your duty to make out the pay-sheets? Yes.
388. *By Mr. Owen*: By whose directions did you write to the different station masters? On no one's directions. I wrote them of my own free will, and Mr. Nealds knows it well.
389. You received no directions, or suggestions, or recommendations from Mr. Nealds? I made the suggestion myself.
390. But who directed you to send the orders? No one.
391. Have you one of the general orders? No.
392. *By Mr. Whitton*: You sent them? I wrote it and Mr. Nealds sent it.
393. *By Mr. Owen*: How does it commence? I cannot remember.
394. Do you tell the Board you cannot state how the return commences? I don't know how the return commenced.
395. *By Capt. Mayne*: Do you mean the exact words? The instructions were to each station master to make out his own pay-sheets when extra men were employed, and these occasional men were to be entered in the sheet for the station they were employed at.
396. *By Mr. Owen*: From whom did you receive these instructions? From no one. It is quite right. I speak the truth. On every line I have been engaged on, the station master at the intermediate stations make out their pay-sheets.
397. *By the Chairman*: You say the instructions were given? I gave the instructions myself.
398. Who suggested it? I suggested it in the first instance. I suggested them to Mr. Nealds, and I wrote them because I suggested them.
399. Who signed these instructions? Mr. Nealds.
400. You took them then to Mr. Nealds to sign? Yes.
401. Then it was Mr. Nealds that signed the instructions? Yes.
402. *By Mr. Moriarty*: These are made out in duplicate I suppose—these sheets? No.

Joseph Middleton called and examined:—

403. *By Mr. Whitton*: You were a few months ago station master at Newtown? Yes.
404. Have you not a large quantity of billet wood coming to Newtown? Yes.
405. By whom was the unloading performed? Sometimes by Government servants and sometimes by the consignees.
406. How often by the Government servants? Generally.
407. Did you ever make any charge to the consignee for that service? No, never.
408. How many times has that been done—once a week or more? Four or five times a week.
409. Extending over what period? From when I first went—two years. It was on and off, sometimes more, very seldom less.
410. What were your regulations with respect to loading and unloading? That it must be unloaded by the consignee within twenty-four hours.
411. Did you ever give notice to the consignees to unload? No, I never sent to give notice. They sent to see; I had no one to send.

412. Did you make application for these extra men to be forwarded to your station? No, never.
413. Do you know by whom these men were sent? No doubt they were sent from the Sydney station.
414. Without any requisition from you to them? No requisition.
415. Did you ever make a return to the Sydney station of the time extra men were employed at your station? No.
416. *By Capt. Mayne*: Were you ordered not to make a charge for unloading? If unloaded under twenty-four hours I would not make a charge.
417. Was the unloading performed at the Government expense when done within the twenty-four hours? Yes, always.
418. Why was it so done? I cannot say; I suppose they wanted trucks.
419. By whose orders was it unloaded? I cannot say.
420. If the thing was in your charge? It was not in my charge because the men were sent from Sydney to unload.
421. How do you know it? Because the men came to me and told me they were sent to unload the trucks.
422. And you had your knowledge from the statements of these men? I know they were employed.
423. How do you know it except the men came and told you they were to unload it—did you allow them to do so? Yes.
424. Do you know, of your own knowledge, there was a deficiency of trucks at that time? I know there was a great cry-out they could not be got.
425. There was a great pressure and real deficiency? Yes.
426. And you presumed from that, that was the reason it was done at the Government expense—the unloading? Yes.
427. *By the Chairman*: Any complaint of their not being a sufficient number of trucks—would that come to you? No, but they would come to me to see if I had any trucks.
428. It would not be your duty to send for extra men? No. The senders of the billet wood at the sending station, who require fresh trucks, would apply, and the order for extra men to unload the trucks at the terminus would be sent from the sending station.
429. Is there no requisition sent? No. If there was an increase of business the persons sending would apply for trucks.
430. *By Mr. Owen*: It is no part of your duty to give notice to the consignees to come and unload? No; I never understood it. They had to unload at a certain time, and if they don't do it they pay for storage.
431. *By Mr. Whitton*: Have you always been short of trucks in working this traffic? Yes.
432. What description of trucks? B trucks.
433. Are there no other trucks? Yes; there have been laid on D trucks, not being able to get B trucks.
434. But do not D trucks answer the same purpose? Yes, but they don't carry so much, and they don't like them so well.
435. How is the weight ascertained, by the B trucks and the D trucks? By measurement.
436. Why should they prefer B trucks? I suppose because they have been used to sell them by the truck.
437. Do you make a difference in the charge between B and D trucks? Yes.
438. Then the only reason that the other trucks are not used is, the people prefer them? Yes, but the D trucks have been used very much lately.
439. Are other trucks besides B trucks and D trucks used for the purpose of traffic? Yes, the A trucks, but they would not load them.
440. You have sufficient trucks to work the traffic without the A trucks? Yes, by unloading them and getting them away quick by the next goods train.
441. Has it always been the case that you have been deficient since the new stock arrived? We have always to send them out as quickly as we get them.
442. By whose orders? General orders. The men come up to unload and we send them out.
443. From your own knowledge do you know they were required? I have no certain knowledge they were; I believe so.
444. How many trucks are there generally at the Newtown station? About seven would be the average.
445. Do you know how many trucks there are on the whole line? No.
446. Then you only know these trucks are required because men are sent up to unload them? Yes.
447. *By Capt. Mayne*: Was any demand made to you to return the trucks? No; the orders were sent to Sydney for empty trucks, and then from Sydney the extra men were sent up.
448. *By Mr. Whitton*: Have you not the telegraph to communicate with the other stations if extra trucks are required? Yes.
449. Have you ever been telegraphed to send these trucks up? Yes.
450. On many occasions? No, not often.
451. *By Mr. Owen*: Were not the old D trucks too short for billet wood? Not that I am aware of.
452. Is there not a break in the middle of them? No.
453. At the station at Newtown, is it not a fact that if the trucks were not removed that the other trucks arriving could not be got on to the siding? I have no room for more than eight.
454. Unless they were sent away there would not be room for the other trucks? No, there would not.
455. *By Mr. Whitton*: If the trucks were not removed from any other station on the line, there would soon be no room on the siding for those trucks? There is no traffic of that kind at the Newtown station.

M'Vye Faulkener called in and examined:—

456. *By Mr. Whitton*: You are station clerk now at Newtown? Yes.
457. How long have you been there? I think from 2nd September last.
458. During the time you have been there you have had large quantities of billet wood sent down to the Newtown station? Yes.
459. That billet wood is consigned to persons who make a profit out of it by reselling it? Not all. Some of it is sent to the brickmakers.
460. Has it been the practice since you were at the station that the trucks should be unloaded by men sent from the Sydney station? Till lately.
461. Till what time? About a fortnight; since Mr. Nealds has been suspended.
462. Before Mr. Nealds' suspension all billet wood was unloaded at the cost of the Government? Nearly all. Some trucks were commenced to be unloaded immediately the train arrived. There would be carts waiting, and it would be commenced, and men would come from Sydney the next morning and unload the remainder; not every day, but very often.
463. Have you ever sent down to Sydney a requisition for men to come down? I have sent down to let the station master know how many trucks there were there, and men would come down and unload the trucks. It appeared to me it was the general practice for men to come and unload the trucks. There were men unloading the trucks when I took possession of the station.
464. These men being sent down to unload the trucks, you had no opportunity of calling on the consignees to unload them themselves? Very often they were unloaded before the consignees could come down.
465. Have you received any instructions during the last fortnight that the consignees were to unload the trucks at their own cost? Yes, every one.

466. Do you find any difficulty in working your station now that the consignees have to unload? I get all away. I allow them their twenty-four hours; trucks that come in over night by the goods train; that may be 3 or 4 o'clock, do not go out to-morrow empty. But by the twenty-four hours allowed by the bye-laws they would be required to be emptied by the afternoon, but there is no train going out at that time, not till next day.
467. Assuming the trucks did not go out by that train, whose loss would it be? If they were not unloaded I would charge 5s. Since the late order I have always had them empty.
468. Since you got instructions that the consignees were to unload, the Government save the expense of unloading? I cautioned the people if they don't unload, I would enforce the bye-law of 5s. for every twenty-four hours the truck remained unloaded.
469. Since that time have you had any difficulty in unloading? No, I have got them all unloaded.
470. So now no extra men are sent down from Sydney to do the work of your station? No, not one.
471. Have you any idea of the number of men you have had employed during the week or day? No, I never kept any note. Sometimes one man, sometimes two.
472. Would they during the week be employed three or four days? No. If they had three or four trucks to unload, it did not take them long to unload.
473. Did you take the time? No; when they came up to Newtown to unload trucks they enquired what was to be done, and I shewed them the trucks to be unloaded belonging to two or three parties, and when they were done they reported it to me and I sent them back to Sydney, but I never kept a note of the time. Sometimes it was in the forenoon, sometimes in the afternoon—mostly in the forenoon.
474. *By Capt. Mayne*: When these trucks were unloaded at the Government cost, by whose orders were they done? I don't know, the men were sent from Sydney to unload them.
475. You never heard who sent the men? ———
476. Did you know what the object was? Yes, I understood it was to have the trucks empty to get away as soon as possible.
477. Was there a deficiency? I heard Douglass say, that so many trucks were used when he was sending away more of my trucks.
478. Did the station master send you any directions, or instructions to return the trucks repeatedly? No.
479. Was there more wood sent down that time than recently? I don't know that there was. Occasionally, there was a rush for trucks when the brickmakers are going to fire their kilns. Then sometimes there will be a lull, not so much wood used.
480. When the trucks were unloaded at the Government cost, was that before the late arrival of plant from Home of new trucks? I don't think there has been any material from Home since then—it is only two months.
481. What you are speaking of—does it not go back further than two months? No, only two or three days more. I went there on the 2nd September. Sometimes more timber comes in than at other times on account of the brickmakers firing their kilns. When they are making preparations it is slack.
482. Do you make application to have these men sent up? No, I have sent down to the station master to tell him how many loaded trucks I had there.
483. You have sent him notice? Yes, when the sideling was full.
484. Your intimation was with a view of getting the men sent up? Yes, because other trucks were standing where the consignees could not receive them. Very often the sideling was full, and the trucks were standing outside.
485. Did you send this notice in writing? Sometimes I have, and sometimes by the guards, to tell Mr. Owen that I had so many loaded trucks on the line. I have had eleven there.
486. And had you any empty trucks at the time to go back? No, I had all full trucks at one time, and no empty trucks to send back.
487. *By Mr. Owen*: It was to the station master that you always sent down notice that trucks wanted to be unloaded? Yes.
488. Is it not the custom for the sending station to send down to Sydney when they require extra trucks, and for a message to be sent into the stations for empty trucks? I don't know what the practice is.
489. Is it not a fact, before the alteration, only one kind of truck was used? Yes, B trucks.
490. That was at the request of the consignees? Yes, I believe so.
491. They can arrive at a more accurate measurement? D trucks are used, but not if they can get B trucks.
492. This alteration has caused the introduction of other trucks besides B trucks? I don't think so.
493. You still only work with B trucks, just as before? I don't think I have had on D trucks with timber since that time—generally B's. I have had D's, but not often, since I have been at Newtown.
494. How does it happen that you have since succeeded in emptying all these trucks of billet wood without assistance? I caution the consignees if it is not unloaded by the time specified in the bye-law, I will enforce the 5s. penalty for every twenty-four hours.
495. That is after the first twenty-four hours? Yes.
496. But suppose a requisition comes to you for empty trucks before the twenty-four hours, you cannot call in the consignees to unload? No.
497. What would you do then? I could do nothing. If they did not unload them they would have to be unloaded at the Government expense.
498. How could you get them unloaded? I should send down word to Sydney station master that the trucks were not unloaded, and leave him to do what he thought fit. The penalty is after the first twenty-four hours.
499. The penalty that you just now alluded to is still in force, that within the first twenty-four hours the consignee is not obliged to unload? Yes, it is still in force.
500. When was the alteration made about the extra men not being called upon to unload? I don't remember the date; recently, since Mr. Nealds was suspended; I don't remember the exact date.
501. During the last fortnight has there been a great demand for the billet wood—have the brickmakers been firing their kilns? There is just the ordinary orders.
502. You say at certain periods there was a great demand, and at others a great lull? Not a great lull; there is a slight difference in the ordinary traffic, when parties who may have five or six trucks will not have any, but other parties come in with their burning. There is sometimes for a day or two not more than two or three trucks, and then they get up to five, and so on.
503. Have any of the trucks stood loaded over twenty-four hours lately? Yes, they have.
504. And have you enforced the penalty? I could not, because the trucks are not required. Twenty-four hours would be from 3 o'clock to-day to 3 o'clock to-morrow, and then there is no train to take them away. The trucks would not be required.
505. I understood you to say that if the trucks were left unloaded for twenty-four hours, you would charge the 5s.? Yes, in case the trucks are required.
506. You say some of the wood has been left and you have not charged? The trucks have not been required; there have been a few billets left till night. The twenty-four hours would not expire till 3 o'clock, and the trucks could not go away till next morning.
507. *By the Chairman*: If the trucks were not wanted you would not enforce the penalty? Not if they left them in for a few hours, and took them away that day.
508. *By Capt. Mayne*: On whom would the loss and inconvenience fall if instead of being unloaded at the Government expense the consignees had been left to unload them within twenty-four hours, and they were to leave them longer? If the trucks were wanted, the inconvenience would fall on the Government.
- 509.

509. Would it not fall on the consignee? I don't know.  
 510. I suppose these people want to put down their billet wood? Yes.  
 511. The inconvenience or detention—on whom would it fall? I have heard, Mr. Douglass; he could send a great deal more billet wood if he could get the trucks.  
 512. Is there no fair inducement for him to unload the trucks and let them go back? The consignor does not load these, but the consignee.  
 513. Would not the inconvenience then fall on the consignee? It would fall on them in this way: that if the trucks were unloaded the party would have a difficulty in loading his cart if the timber was on the ground.  
 514. Do these parties make a profit by the sale of the wood? I cannot say.  
 515. Do they sell it? I cannot say.  
 516. What do they apply it to? A great many to the making of bricks.  
 517. When the wood is required for firing a kiln of bricks, and it not brought up—does not some loss and inconvenience fall upon them? Yes, I should think so.  
 518. If the Government had not, at its own expense, unloaded these for the consignees, would it not be an inducement to the consignees to unload? I think it would if they wanted the wood; but very often the consignees do not get them, because the bricks come in at night and would be unloaded, and the men have to pick the wood up off the ground.  
 519. Do you think they would prefer the wood being left in the trucks to having to lift it up off the ground? Decidedly; when thrown on the ground it is difficult to lift up the heavy blocks; it is more convenient to have them left in the trucks for the consignees to load.  
 520. Would they prefer taking wood out of the trucks within twenty-four hours, or would they prefer the wood being unloaded by the railway porters at the cost of the Government, and having to load their carts afterwards? They would much prefer taking it themselves.  
 521. *By Mr. Whitton*: Did they ever complain of the Government having unloaded the trucks? They used to say, why not leave it till we take it away. I know they grumble to take it off the ground.  
 522. Then, in fact, since you got the orders to make the consignees unload them, you have found no difficulty in having trucks? They are all ready.  
 523. *By Mr. Owen*: The person who wanted the trucks again would be the consignor not the consignee? When the trucks are empty, I don't know where they are going. The guard has orders where to leave the trucks.

George Weller called in and examined:—

524. *By Mr. Whitton*: What are you? I am one of the flying gang.  
 525. That is one of the extra porters? Yes, extra men.  
 526. Where have you been employed lately? At Menangle for these last three weeks.  
 527. Were you ever employed at the Sydney station? Yes.  
 528. Did you ever go up to Mr. Nealds' house to cut billet wood? Yes.  
 529. On many occasions? Three times.  
 530. Who were you always paid by at that time? One three-quarters of a day I was not paid for at all by Mr. Nealds.  
 531. Why were you not paid for that three-quarters of a day? Because Mr. Nealds told me not to book my time.  
 532. At other times who has paid you? I have booked it—it has been paid by the Government—half-a-day.  
 533. What did Higgs say to you when he refused to pay you for the three-quarters of a day? I never asked him. He told me not to book my time—Mr. Nealds would pay me.  
 534. And Mr. Nealds never did pay you? No.  
 535. Is half a day all the time you have worked there cutting billet wood, with the exception of these three-quarters of a day? No, I have worked there two or three hours one time. I have told you the truth; I was there three times.  
 536. Twice you were paid by the Government? Yes.  
 537. And once not at all? Yes.  
 538. *By Capt. Mayne*: Two or three hours—was that included in the three times? Yes.  
 539. Was any one with you at the time? No.  
 540. *By Mr. Whitton*: By whose orders were you sent to Mr. Nealds? By Mr. Higgs.  
 541. What hour in the day did you go? I went at 9 o'clock the first time, and left off at 6 in the evening.  
 542. That was a whole day? No; three-quarters of a day.  
 543. And that was the day Mr. Nealds was to pay you for? Yes.  
 544. And on the second occasion at what time did you go? I went at 2 and left off at 6.  
 545. And on this occasion you were paid by the Government? Yes, I booked it myself. I was not paid for the first time. I have a large family to keep, and I thought I would book it myself.  
 546. *By Mr. Owen*: You did not book yourself by the directions of Mr. Nealds—did you? No.  
 547. Did you inform Mr. Nealds you had done so? No.  
 548. The first time you complained of not having got any payment—were you told by Mrs. Nealds that Mr. Nealds would pay you? Mrs. Nealds told me that Mr. Nealds would pay me.  
 549. Did you ever apply to him? She did not say I was to apply to him, but that Mr. Nealds would settle with me.  
 550. At each of these times that you worked for Mr. Nealds, instead of charging him for it, you went and put your name as employed by Government? Before I left I put my name down at 2, and when I came back I booked at 6.  
 551. *By Capt. Mayne*: Was Mr. Higgs present when you booked it? (*No reply.*)  
 552. *By the Chairman*: Did you enter 2 o'clock as going away, and 6 o'clock as when you returned? Yes.  
 553. Then it would appear you were away during that time? Yes.  
 554. *By Capt. Mayne*: How was it you were paid for that time, when the return shewed you were away? I don't know.  
 555. At 2 o'clock, what did you enter? I booked 2 o'clock.  
 556. Do you mean you booked it as a return to duty? I booked 1 o'clock as my departure, and 2 o'clock as my return.  
 557. Then what did you book at 6 o'clock? Departure again.  
 558. *By Mr. Owen*: The first time that you went to Mr. Nealds, Mr. Nealds told you not to charge for the three-quarters of a day's work in the Government pay-sheet? Mr. Higgs told me to go to Mr. Nealds, to cut up some wood, and not to book my time, as Mr. Nealds would pay me.  
 559. *By Capt. Mayne*: Did you ever ask Mr. Nealds for payment? No.  
 560. Did he ever say anything to you about it? No.  
 561. On the third time, when did you go? I don't know what the time was; it was in the evening.  
 562. On what day? In the afternoon.  
 563. Was it Saturday, or some other day? I cannot say.  
 564. On that occasion did you mark down your departure? My time was booked at 2, when I was sent to Mr. Nealds, and when I came back I booked my time at 6. I could not say whether it was the second or third time that it was half a day.  
 565. *By Mr. Moriarty*: Did you not apply to Mr. Nealds for your wages? I left to his own self whether he was gentlemanlike to pay me.

William Jarvis called in and examined:—

566. *By Mr. Whitton* : What are you? I am assistant guard.  
 567. How long have you been assistant guard? Little over four months. Since Mr. Owen was station master.  
 568. What were you prior to that? In the goods shed—daily porter.  
 569. Were you one of the permanent staff of porters? I was.  
 570. Were you ever sent to Mr. Nealds' house to cut billet wood? Yes, on two occasions.  
 571. Who were you sent by? I was sent by Mr. Higgs, on both occasions.  
 572. Who paid you for the time you were there? The first time I was on the extra gang—the flying gang. The next time my time was booked as if working in the shed.  
 573. Then the Government paid you? Yes.  
 574. How long were you there the second time? About three hours in the afternoon.  
 575. Was any one with you? No.

Claudius Aikers called in and examined:—

576. *By Mr. Whitton* : What are you now? I am knocking about the Railway for what I can get.  
 577. You are one of the flying gang? Yes.  
 578. How long have you been employed in that way? Four or five months.  
 579. Is that the whole length of your service under Government? Yes.  
 580. Have you ever been to Mr. Nealds' house to cut billet wood? Yes.  
 581. How many times? Twice.  
 582. Who paid you for the time you were there? Mr. Nealds was to pay me.  
 583. On both occasions? Yes; because the head porter told me not to book my time.  
 584. And your time was not booked on any occasion? No.  
 585. You are quite clear about it? Yes.  
 586. Did you never tell any one that the time you were working for Mr. Nealds you were charged to the Government? No, Mr. Higgs told me not to book my time.  
 587. Could you not have booked your time after Mr. Higgs told you not? Yes, but he would have found it out.  
 588. Is he always there to see you book your time? No.

John Whitton examined:—

589. *By Mr. Owen* : Do you, or any of the officers employed on the Railway, ever order the men to go on messages for them? Not that I am aware of.  
 590. Did you ever send a man to the North Shore for a horse? Yes, I sent him over to order the horse to be forwarded, because the steam ferry was not running across. I don't call that employing a porter to go messages; I paid him for it, and I think I have a right, being in the Government service, to send a man on a message of that kind, but not to employ them in cutting billet wood for me.  
 591. Any one could have gone for the horse? There was no one else there.  
 The Board adjourned to half-past 10 o'clock to-morrow, Friday.

5 November.

*Seventh Charge.*—Rent of a house at Penrith.

“On referring to minute paper 62-668, relative to the house called the ‘White Horse Hotel,’ at Penrith, I find that Mr. Nealds had instructions, on 3rd July, to procure a tenant for these premises; and from Mr. Fitzmaurice's letter, dated 28th October, 1862, it appears that house was let on the 26th July, and, up to 4th October, the rents were regularly forwarded to Mr. Nealds; no portion, however, of the money has been paid to the accountant.”

Charles J. Nealds examined:—

1. *By Mr. Williams* : As to the “White Horse Inn,” at Penrith—had you ever instructions to secure a tenant for it? Yes, to let it.
2. When was that? This was on 1st July of this year I received this minute paper.
3. What did you do? The minute was to this effect—instructions to secure a tenant, and what rent to charge.
4. Did you secure a tenant? It was understood to be let to myself; at any rate I secured a tenant.
5. Who was the party? Through the station master I let it to a person of the name of Cable; there were three persons—I cannot tell you their names—Cable and two others.
6. At what rent? 6s. I received from Cable, and 4s. 6d. from the other two.
7. Were they all tenants at the same time? Cable was before them.
8. They were all in at the same time? I received the rent from the station master—his name is Fitzmaurice; he forwarded it first to the accountant, and afterwards, on my telling him not to do so, he forwarded it by the way-bill.
9. Was any of it paid to the accountant? I can only speak from what the station master informed me—I don't know.
10. Did you ever put up a parcel directed to the accountant with money in it? No.
11. You instructed Mr. Fitzmaurice to send the money to you? Yes, directly I heard he had sent it to the accountant.
12. When was that? I think it was about the 4th or 5th of August—I could tell you by referring to my books.
13. What did you do with that money? It is in my pocket at present, but it has been locked up in my desk—the desk for the use of the manager at the Sydney Station.
14. Was any return made by you to the accountant? No.
15. Any statement of having received the money? Any statements in writing to any one?—No.
16. What is the amount of the money so received? £7 10s.
17. In what way were you authorized to receive this money? I was authorized upon this minute paper. (*Reads minute paper dated 3rd July and 11th July.*)
18. That was in your charge as traffic manager? I do look upon it as such, but it was not intended I should understand it as such.
19. What was it intended? I shall be able to prove that it was intended I should take the house at 10s. a week.
20. How do you gather that intention? Simply from the conversation between Mr. Moody, Mr. Cowlishaw, and myself.
21. Has Mr. Moody or Mr. Cowlishaw the authority to let the tenements of the Commissioner? I presume this is a statement of the Commissioner's, and this is to let at 10s.
22. That is you are to find a tenant—I don't see anything that you are to be the tenant? I must have understood this, and have acted with great caution in the case.
23. How? Because I did not think it was intended to be let to me, and I have received the money and did not use it.

24. If it was not let to you, how was it that you did not hand the money to the accountant? I would remark that he has not made any application.
25. Do you conceive that you are not bound to pay any money you receive unless Mr. Walker, the accountant, makes application to you? Oh no.
26. Have you reported that you let the inn? No, because that was sent down two days before my suspension.
27. Have you made any report to any one that you let those places? Simply verbally, and to Mr. Moody, on the platform.
28. When? About the 10th October.
29. You never mentioned it to any one except Mr. Moody, that you let that place? No.
30. And yet you were receiving the rent therefrom? Yes.
31. How did you expect Mr. Walker to apply for the rent to you? Because the first week's rent was paid.
32. Whom to? To the accountant.
33. If that was paid to Mr. Walker, why was not the other rent paid to him? Because it was paid to me; it was understood I had it.
34. Was not that memorandum prior to the payment to Walker, authorizing you to let it? I think it was; the first payment to Walker I think was on the 26th.
35. You tell us that the first payment to Walker was before you let it? I am not certain.
36. Can you tell us whether that paper was written before you let it? I misunderstood you. It could not be let before the 3rd, because up to that time a man was in charge for the Commissioner, and no rent paid.
37. Under that authority you let the place? Yes.
38. One week was paid to the accountant? Yes.
39. Why was it altered? Because I understood the property was let to me.
40. Did you understand that from that minute? Yes.
41. That you are not to find a tenant, but to become a tenant? Yes, if I chose.
42. And you having found a tenant for the Commissioner, became the tenant, and made him the under tenant? I had not found a tenant at the time.
43. Do you tell us that you became the tenant of the Commissioner? That is what I presume.
44. What is the fact? I thought there would be some question about it. I believe I was looked upon as the tenant.
45. Were these people tenants of the Commissioner or your tenants? They were my tenants to all intents and purposes.
46. Who was the Commissioner's tenant? I was.
47. And these persons were paying the money to you as their landlord? Yes, through the station master.
48. Why did you then keep this money for the Commissioner? Because I doubted.
49. Whether you were the tenant? Because I doubted the steps taken in the office—I have reason to doubt every step taken in the office.
50. If these men were your tenants, and this money was paid to you from your tenants, why keep it for the Commissioner? At the termination of the quarter the money would have been paid.
51. Why did you keep the money for the Commissioner if that money was your money received from your tenants? I kept the 10s. for the Commissioner; I never used the money because I simply thought there would be a question.
52. Then you had some doubt whether that minute made you the tenant? For my own part I had no doubt.
53. Then why did you act upon it? Simply because I distrusted everything that was done in the department.
54. Because you looked upon yourself as the tenant you made no return to Mr. Walker? Not until application was made and the quarter had expired.
55. You have still that money you have been getting from these men—the Commissioner's money? Yes, it is my money.
56. From what date were you to become the Commissioner's tenant—from the date you were told to find a tenant, or from the date the persons went in as your tenants? I think from the 11th, because this is the date when I was told to get a tenant.
57. Then you consider that instructions from the Commissioner to get a tenant for his lands makes you the tenant? Not in all cases.
58. Why in this case? Simply from the conversation between Mr. Moody, Mr. Cowlshaw, and myself.
59. But you have already told us that they had no authority? I have been already authorized to take houses for the men at Blacktown, and held responsible for them.
60. For the Commissioner? No, for the men.
61. That is different to taking the Commissioner's land and letting it to somebody else—that is the explanation you have to give as to the money—did you ever send any written statement that you let the house? No.
62. It was merely from the conversation that you supposed you became the tenant? Yes, from the conversation.
63. And these men became your under tenants, you being the tenant of the Commissioner, and received the money from them and held it, being the Commissioner's money? Yes.
64. *By Mr. Moriarty*: Did you ever acknowledge your tenancy in any way? No, nothing, except at the time of the conversation with the three gentlemen at that time; and I said "Very well," and sent down to the station master not to pay over any more of the rents of the "Penrith Inn," but to pass it through the way-bills to me.
65. You have sent the money in? No, I am waiting till the quarter expired; I did not forward any; it was the station master forwarded it.
66. Thus the 11th June; then your quarter would have expired on the 11th October? Yes, but out of that a sum has been paid to the accountant by the station master.
67. *By the Chairman*: If you were the tenant how was it the rent was paid—was sent up to the accountant here? Because in the first instance the station master thought it was let for the Commissioner, and subsequently I told the station master it was to be sent to me, as I had become the tenant.

George Fitzmaurice called in and examined:—

68. *By Mr. Williams*: What are you? Acting station master at Penrith.
69. Do you know the house called the "White Horse Hotel"? Do you refer to the house at the Cross Roads?
70. Yes? I do.
71. When was it let? It is divided into three compartments, and let to three of our men.
72. What rent do they pay? One pays 6s. and the other two 4s. 6d. each.
73. Who collected the rent? I did.
74. When did you receive the first payment? The first was made on the 26th July, 6s.
75. What did you do with it? I paid it to the accountant in my regular return.
76. Did you collect the rent after that? Ever since.
77. What did you do with the rent after that? I paid to Mr. Nealds' order—to manager.





123. Would you inform the Board what the conversation was with Mr. Nealds? My impression—I don't recollect the conversation exactly—was, that the house was let to Mr. Nealds at 10s. per week, and that Mr. Nealds was to find tenants for it, and at the same time it was understood that it was for the tenantry of persons employed on the railway, not casual persons.
124. *By Capt. Mayne*: Who was to pay rent for it? Mr. Nealds.
125. Suppose he did not let it, what then? From the conversation, I presume he was bound under a penalty of 10s. a week.
126. Whether he let it or not? Yes. I thought, from the conversation, Mr. Nealds was bound to the Commissioner for 10s. a week.

Charles J. Nealds examined:—

127. *By Mr. Williams*: As to the money you received from the tenants for this place, how was it sent down to you? It was put in the way-bill.
128. What did you do with it? I put it away at once.
129. The actual money received? Yes.
130. Where is it—is the money you have got the same money? I cannot say, because I kept my own money there also.
131. Is the money you have got now the actual money you received? No, but the actual amount.
132. The money you are now producing is not the actual money you received? Not all; a great deal of it is; I am sure the notes are.
133. What became of the money—some of the money you have is the actual money—what became of the rest? I have used it—put a note in for change of two half-sovereigns, or it may be four half-crowns for 10s.
134. I thought you intended to say that you put the money in a drawer—the actual money that came down—and that you were now returning the same money? No.
135. Then this money that came down was received by you on your own account? Yes.
136. Was the usual charge for it on the way-bill? No, it was passed through the way-bill simply as a return for me.
137. As the Commissioner's money? No, as my own money.
138. Why was it not charged the same as other parcels would have been? I don't know; I never looked.
139. And you cannot say? No.
140. Can you explain why, if this money was your money, you kept it so distinctly to give over to the Commissioner—why, if it was not the Commissioner's money, did you keep it so? I have my doubts as to the safety of anything connected with the department, and therefore I kept the money in case there should be any question mooted about it.
141. *By Mr. Owen*: Where did you keep this money? In the drawer in my office; in the right hand drawer as you enter inside the door.
142. You were aware you would be held responsible for this money? Most decidedly.
143. Was that the reason you kept the amount put away in your drawer? Yes, partly for that purpose.
144. Is it customary to make charges for moneys of that kind, which are connected with the working of the line, which come down? No.
145. *By Mr. Williams*: Did you ever ask anybody to tell you the amount of the money you so received? No, never. I wrote to Mr. Fitzmaurice to let me know the dates on which he paid me, because I had them entered, and I wanted to see whether they agreed.

Edward Owen called in and examined:—

146. *By Mr. Owen*: Do you remember—after the suspension of Mr. Nealds—do you remember his taking some money out of the office? I do.
147. Do you remember his counting it? Yes; last Saturday he took a pocket-book out and eight notes, and stated it was money he received for the rents; he counted them, eight notes and half a sovereign.
148. Did Mr. Nealds ask you to do anything with the money? Yes, he wanted me to put it in the safe for him.
149. Did you do so? I did not.
150. Are you perfectly certain you are correct as to the amount of money he counted? According to what he stated.
151. Are you sure he did not say seven notes and half a sovereign? I understood him eight notes and half a sovereign—that is what he stated.
152. *By Mr. Williams*: How long was this after Mr. Nealds' suspension? That was last Saturday.
153. When was he suspended? On 17th October.
154. Who had the use of that place up to that time—Mr. Nealds had access to it? Yes.
155. Did he say who let the house when he said this money was the rent of it—did you ask him? No, he volunteered that statement, and I thought it was remarkable that I should be asked to put it in the safe.
156. You did not ask him anything about it—he volunteered the statement "Here is the pocket-book containing the notes for the house"? Yes.
157. And he asked you to put it in the safe? Yes.
158. *By Mr. Owen*: What were you in the office for? He called me in; he had returned to give up the keys and get out his private papers; I was there to see he took nothing else.
159. Have you ever seen Mr. Nealds go in there in the office since his suspension? He has been about again and again on the line; I cannot say.
160. Has he not always gone in with a witness? I cannot say.
161. The fact of his going in with a witness would not direct your attention? No.
162. Therefore you would not remark it? No.
163. *By the Chairman*: Was Mr. Nealds at this time suspended? He was.
164. *By Mr. Williams*: Was he about the station? He was about the station.
165. As usual? Yes.
166. After his suspension? Yes.
167. Not interfering with the business? No.
168. The office was under his control? Yes, he was about and speaking to the men.
169. *By Mr. Owen*: Was not Mr. Nealds always there by appointment by you? He was not.
170. Was he not there by appointment on that morning? No.
171. *By Mr. Williams*: Did you ever hear Mr. Nealds ask anybody as to the amount of the rent sent down? I did not hear him; one of the men under me asked me whether he should furnish a return of the rents sent down. He requested the clerk to furnish him with a return, and I refused to allow him to do so.
172. This was after his suspension? Yes, this was before the Saturday, and before the discovery of the money.
173. The inquiry about the money preceded the discovery? Yes, a week on Monday.
174. *By Mr. Owen*: Were you aware that Mr. Nealds was receiving the rent of this house? I was.

175. Did you make any minute of it? No minute whatever.  
 176. Did you bring it under the notice of the superior officer? No; my superior officer is Mr. Nealds.  
 177. I suppose you consider the Commissioner your superior officer? Yes, I do; I had no conversation with the Commissioner.  
 178. Did you ever communicate with anybody else this fact? I did not communicate with any one.

8 November.

Present:—

Mr. Sheppard, | Capt. Mayne,  
 Mr. Moriarty.

Mr. Sheppard in the Chair.

Charge 7—continued.

Thos. Cowlshaw called in and examined:—

179. *By Capt. Mayne*: What is your appointment in connection with the railway? Land valuator.  
 180. When you were examined the other day, you referred to a conversation you had with Mr. Nealds, from which you collected that he was the tenant of the house at Penrith? The conversation was not with me—it was between Mr. Moody and Mr. Nealds.  
 181. Can you recollect how that conversation commenced? I believe it was in connection with the minute paper. I don't recollect exactly; in fact I was writing at the time, and sitting with my back to them. I believe it was in reference to the minute paper. This matter had been under consideration for some little time before, as to the letting of the house.  
 182. Who commenced the conversation—you say it was commenced with reference to the minute paper? I could not say who commenced it. There was some conversation about this minute paper, and Mr. Moody came in to see Mr. Rae about it, to the best of my recollection. I dare say the matter occupied some ten minutes or a quarter of an hour altogether.  
 183. You cannot recollect who commenced the conversation—Mr. Moody or Mr. Nealds did? I cannot.  
 184. What was the purport of the conversation? The discussion was as to the amount of rent, and something was said about 12s., and then 10s., and it was considered 10s. was sufficient.  
 185. And what resulted from this? Mr. Nealds then said to Mr. Moody, "I am to be considered the tenant?"  
 186. And what did Mr. Moody answer? To the best of my recollection, it was that "We look to you for the 10s. a week."  
 187. And that was the substance of the conversation which took place between Mr. Nealds and Mr. Moody—did you take any part in it yourself? I think I did say something. I made some remark about the time of the rent commencing, and Mr. Nealds said, "Then the rent is to commence next Monday?" I think I then made the remark that it ought to commence at once, as it was let so cheap.  
 188. *By Mr. Moriarty*: Let so cheap to whom? To Mr. Nealds.  
 189. *By Mr. Whitton*: Had Mr. Nealds the minute paper in his hand at the time he asked the question? If he had not he had a few minutes before previously; I may state that I had not seen the minute paper at that time, because, as I observed before, I was sitting with my back to Mr. Moody and Mr. Nealds, while they were arranging this matter, and it was just as Mr. Nealds was going out that I said that I thought the rent ought to commence directly.  
 190. *By the Chairman*: Do your duties as valuator extend to fixing the rent to be paid for the houses? No; it was a mere casual observation on my part.  
 191. *By Mr. Owen*: What are your duties as valuator? Land valuator and valuator of buildings taken for railway purposes. I may remark that my opinion has been asked as to the value of the rent when buildings have been leased. I have a recollection that I said it was too cheap, because it had been let just previously at £1 per week.  
 192. *By the Chairman*: You are one of the regular staff in the office? —

Richard Moody examined:—

193. *By Capt. Mayne*: It appears you had some conversation with Mr. Nealds with respect to the letting of this house at Penrith? Yes.  
 194. Will you state what that conversation was, and how it commenced? As far as I can recollect, Mr. Nealds came in to me with the minute paper, on which he had written that he supposed he was to make the best bargain he could for the rent for a tenant, and as Mr. Rae was not then in the office, and he was anxious to get away, I, as I very frequently do, made a minute on the Commissioner's behalf—"That is what I understand."  
 195. How do you mean "that is what I understand"? If you refer to the minute paper of Mr. Rae, Mr. Nealds said, "I am to make the best bargain I can for the rent." On the 11th of the 7th month Mr. Nealds brought the minute paper, on which he asked, "Will the Commissioner say if I am to let the premises to the best advantage; in fact if it is to be placed in my charge?" I then wrote, "That is what I understand," in the absence of the Commissioner.  
 196. Had there been between you and Mr. Nealds, before you wrote that, any conversation respecting the minute? Not until I wrote the words "that is what I understand." Mr. Nealds having the minute paper in his hand said, "I imagine I am the tenant," and Mr. Cowlshaw then made some observation, which I don't recollect, and Mr. Nealds said "I only want it for the work-people." I then said "Whatever work-people you take it for, we shall look to you for the rent;" and then commenced the conversation between Mr. Cowlshaw and Mr. Nealds about what the rent was to be, but I did not gain it. I believe all that passed was what I have related.  
 197. *By Mr. Moriarty*: You contemplated Mr. Nealds taking it for the people? I thought he was likely to.  
 198. Are you sure those are the words you used, "that whatever work-people you let it to, we shall look to you for the rent"? Yes.  
 199. Did you say whatever people you take it for or let it to? I have no doubt I said "let it to," because I know I was letting it to him as traffic manager under the minute paper.  
 200. *By the Chairman*: Then Mr. Nealds said, "I am to be the tenant?" He made the observation in the first instance, and that made me say "Whoever you let it to, I shall look to you for the rent."

Charles J. Nealds examined:—

201. *By the Chairman*: At what rent did you let it at? After the first payment on the quarter it was let at 15s. a week—one at 6s., and the other two 4s. 6d. each.  
 202. And you were to pay 10s. a week for it? Yes.  
 203. *By Mr. Moriarty*: You were making a profit of 4s. 6d. a week out of it? No, 5s. a week.

Friday,

Friday, 7 November.

Present:—

Mr. Sheppard, | Capt. Mayne,  
Mr. Moriarty.

Mr. Sheppard in the Chair.

*Eighth charge*—Porters at Parramatta.

“Mr. Aldrich wrote to Mr. Nealds, about three months ago, stating that he could dispense with two porters at the Parramatta station, but no notice was taken of this by Mr. Nealds, and the porters remained.”

Charles J. Nealds examined:—

1. *By Mr. Whitton*: Did Mr. Aldrich write to you about three months ago that he could dispense with two porters at his station? Yes, in reply to a general circular I sent to every station master on the line, Mr. Aldrich said he could dispense with one porter or two for a day or so while the work was slack, but would require them when the work sprung up again.
2. Have you that letter from Mr. Aldrich? I have not. There is an answer from every station master on the line where there are porters. This circular was sent to every station master.
3. This would be sent with reference to a reduction in the permanent staff? It was with that view.
4. What was the date of the letter? Just before the opening of the Menangle station.
5. *By Mr. Whitton*: And the letter you sent had reference to a general reduction in the staff of porters? Yes, if possible.
6. Mr. Aldrich's reply was that he could dispense with one or two? Yes, for a day or two while the work was slack, but directly the work sprung up he would require them again.
7. That letter you have not got? I cannot find any one of those letters from the station masters.
8. From your knowledge of the work doing, did you feel justified in making any reduction of the number of porters? No, because there was a prospect of an increase directly.
9. Would there be any means of obtaining a copy of Mr. Aldrich's letter? I think so.
10. *By Mr. Owen*: What was it induced you to send this circular? At the time there were fresh appointments for the Menangle station, I sent this circular to all station masters, to see whether it was necessary to employ fresh men as permanent men, or whether we could not draft them from the other stations.
11. *By Mr. Whitton*: How many new stations were about to be opened at the time? Menangle only, at that time; Penrith had just been opened, and South Creek a short time ago.
12. How many porters would you require to be drafted from all the stations for the Menangle station? Four men were appointed.
13. How many men would you require for the Menangle station? Four men.

Tuesday, 11 November.

Present:—

Mr. Sheppard, | Captain Mayne,  
Mr. Moriarty.

Mr. Sheppard in the Chair.

Charles Frederick Aldrich called in and examined:—

14. *By Mr. Whitton*: You are now station clerk at Parramatta? I am.
15. How long have you been there? Last March twelve months.
16. And previously to that you were station clerk at Sydney? Yes.
17. For what length of time? I think nearly two years.
18. Do you remember, some four months ago, having a conversation with Mr. Nealds with reference to a reduction in your staff? Yes, at the Parramatta station.
19. And you afterwards wrote to Mr. Nealds on the subject? He wrote to me to ask me how many hands I could work the station with, and I replied if the traffic did not increase above the present month that we might do with four hands and myself.
20. *By Mr. Owen*: Is that any reduction? Yes, one hand less.
21. *By Mr. Whitton*: What reply did you get to that? I believe I got none; I don't recollect getting any.
22. Did you reply you could dispense with one permanent hand? That is the impression I intended to convey—that I could do away with one permanent hand.
23. And you received no reply? I don't think I did; I feel confident I did not; I would not be positive; I don't remember having received any.
24. Did your letter make any reference that you could dispense with two persons, or only one? Only one.
25. *By Mr. Owen*: Have you a copy of that letter? No, I have not.
26. Have you got a copy of the general order that was sent round—the letter you received from Mr. Nealds? I may have—I will not be certain. What general order do you allude to?
27. You say you answered his letter? Yes.
28. What form was it—was it in a private letter or circular? Letter in the usual memo. style.
29. Can you recollect what you said in reply? I said I could work the station with myself and four hands.
30. Did you not say you could do so when the traffic was slack? Provided the traffic did not increase.
31. When was that? It was some months ago.
32. Was it the time when the work was slack? There was the usual amount of work; our best time is when the wool is coming down.
33. Was that all you stated in your letter? Yes, that is all.
34. Has the traffic increased at all at the Parramatta station? I think it is as it stood. The passenger traffic has increased slightly.
35. That is on account of the Western line being open—the Penrith line? This was at the time when it was not.
36. When this letter was sent, were not some new stations being opened up, when the line was pushed on further? It might be.
37. When the line had been pushed up further? I think it was after South Creek was open.
38. Menangle was not? I believe not.
39. And since then it has been opened to Penrith as well? Yes.
40. So there were a good many changes contemplated in consequence of these extensions? A great many alterations were required.
41. *By Mr. Whitton*: How many porters have you now at the Parramatta station? I have got three and myself.
42. Is the traffic now about the average you have had for some twelve months? Yes; if there is any increase it is in the passengers.
43. It is not less than it was three months ago? No.
44. With reference to those extensions, they are only ten miles, I think, altogether? What?
45. The Western and Southern—South Creek to Penrith? That is only four miles.

Friday,

Friday, 7 November.

*Ninth charge.*—Season tickets.

“Under the regulations, season tickets, if held by two persons in one family, a reduction in price is made of 25 per cent.; if held by four members of the same family, the reduction in price is 50 per cent. These tickets, I am informed, are issued to persons at Newtown, at a reduction in price, who are not members of the same family, yet no report on this matter has ever been made by Mr. Nealds.”

Charles J. Nealds examined:—

1. *By Mr. Whitton*: You are aware, Mr. Nealds, that a reduction in price is made to season ticket holders—if held by two members of one family the deduction is 25 per cent., if held by four members the reduction is 50 per cent.;—are you aware that these season tickets have been issued to certain persons at Newtown, at a reduction in price, who are not members of the family? Perhaps you will explain what you mean by members of the family.
2. I mean of the same family—the husband, wife, and child? I only know of two instances having occurred—one was Mr. Justice Wise, who applied to the Commissioner for a season ticket for himself and his clerk, when he resided at Enmore; and the other was an application to the Commissioner on behalf of Mr. Scardon, for a lodger who stayed at the same house with him, and being under the same roof, it was held they were one and the same family. I may further state that applications for these season tickets have not been made to me lately but to the accountant.
3. Has any report ever been made to you by any of the station masters, with reference to the issue of these tickets, that they have not been made to the same family? No.
4. Were you aware as traffic manager, that these tickets were being issued to parties not the same family? No. The applications for season tickets were made to the station clerk, by the station clerk to the accountant. They were formerly made to me, now they are made to the accountant direct.
5. And at no time has any remonstrance been made to you of the issue of these tickets? No.
6. Did you ever think it necessary to enquire into that matter, to ascertain whether they were members of the same family or not? What tickets?
7. These season tickets? I say I never had my attention drawn to it.
8. Did you as traffic manager think it necessary to make any enquiry to ascertain whether these season tickets were issued to the same family? I never did make any enquiry—I knew nothing about it.
9. *By Mr. Owen*: Who is the person deputed to issue these tickets? The accountant.
10. Who is the channel for the preparation and issuing of these tickets? The accountant.
11. To whom is the application made? To the accountant, by the station clerk.
12. Is not the station clerk the person who receives all the information about these tickets? Yes.
13. These applications about the season tickets are placed under the notice of the station clerk? Yes, they are put up in every one of the stations—they are part of the regulations.
14. Both these applications which you speak of were made direct to the Commissioner? Through me to the Commissioner.
15. And the Commissioner sanctioned them? Yes.
16. *By Mr. Whitton*: Are there any papers relative to these matters? Yes.
17. The station master is acting under you as traffic manager? Yes.
18. And you never had your attention called to the matter? No.
19. *By Capt. Mayne*: Is there any particular form in which the application for season tickets is made? Simply the applicant leaves his name at the station from which he travels, stating which he requires, whether a monthly ticket, or for a quarter of a year, or for half a year, and the class.
20. Is there any form in which that is done? No.
21. *By the Chairman*: Does that go through you to this office? No, it goes direct. Formerly I issued them, now all applications are sent here. Even when they come to me they are sent to the accountant, and the returns were forwarded to the accountant directly they were issued.
22. *By Mr. Whitton*: That regulation is only of very recent date—the applications have come to you for years past. As traffic manager, if it had come to your notice that tickets were issued to persons who were not members of the same family, you would have reported it and investigated it? Yes, decidedly.

McVye Faulkner called in and examined:—

23. *By Mr. Whitton*: You are station clerk at Newtown? Yes.
24. Is application made to you direct for the issue of season tickets? Yes, by the people who want them; they come and put their names down in a book, and the number of tickets and the class.
25. You are aware, of course, of the general arrangement, that to parties who are members of the same family there is a reduction in price? Yes.
26. Are you aware that any season tickets are issued at your station, at a reduction in price, to parties who are not members of the same family? They may be members of the same family, but they have not the same names.
27. What would you call members of the same family—you would not call a cousin, would you? No.
28. Then what relationship or connection exists between them? I am not aware.
29. Who are the persons you allude to? I could enumerate several from memory, but if I had the books I could do better. There is one party of the name of Mr. and Mrs. Davis and Mr. and Mrs. Cohen, they take four third class tickets and get a reduction of 50 per cent.
30. As members of one family? Yes.
31. Are there others that you are aware of? Yes.
32. Will you name any others? Yes, Mr. Smith and Mr. O'Brien take two third class tickets.
33. Have they these tickets at a reduction in price? Yes, 25 per cent.
34. Do you remember any others? Yes, Mr. Way, I think he is a lieutenant in the Volunteers, and Mrs. Way, and two Miss Morrises. They have not them this month, but they had them last month. They take four first class tickets, with a reduction of 50 per cent. All these people were in the habit of receiving their tickets before I went; the only fresh one that has come since I took possession of the station is a party who took two tickets; he came about the 28th of last month and said he wanted three this time. I asked him the names of the parties; he said “James Murphy”—it was not the same name as his—I said “Who is Murphy?” he said “Oh! he is my son-in-law,” and as I had no proof he was not I gave him the tickets at a reduction of 40 per cent.
35. Do you call a son-in-law a member of the same family? I would not.
36. The tickets issued by you, the season tickets—did you find a list of them in the books when you took the station? Yes; the books had been in use for months before I went there.
37. Did you make any special report on the matter—that in your opinion they were not members of the same family? When I took possession of the station, I asked my predecessor whether this was right, finding that tickets were issued to members of a family who had not the same name; and I think he said he had written on the subject, but I am not positive. I am almost positive he told me this.
38. Are your books of season tickets ever examined by any person? They have never been examined since I have been there.
39. *By Mr. Owen*: How long have you been at this station? Since the 2nd of September.
40. Of September last? Yes.

41. *By Capt. Mayne*: In this case of application being made to yourself for three season tickets, you say your attention was directed by their being different names—but on being told it was this man's son-in-law what did you do? I entered the ticket and gave it him as a rule; I saw it had been done for months. I am almost positive J. Middleton told me that it was allowed—the difference of names.
42. *By Mr. Owen*: To whom did you apply for tickets? To the station master in Sydney, and got them back—we formerly did not.
43. How do you make application for season tickets now? To the accountant. Formerly it was to the station master.
44. Did you not make application under the old arrangement? Yes, to the station master, through the manager.
45. *By Mr. Whitton*: Did you ever under the old arrangement, make application for season tickets for parties who were not members of the same family? No. When I was at Homebush they were all *bonâ fide* members of the same family.
46. *By Capt. Mayne*: Have you any knowledge of what relationship there is between Mr. and Mrs. Davis and Mr. and Mrs. Cohen? No. I understand they are in business together; whether they are relations or not I do not know.
47. Are Mr. Smith and Mr. O'Brien related? I don't know.
48. Are Mr. Way and the two Miss Morrisses? I can't say.
49. *By the Chairman*: Do you know whether they live under the same roof? No. These tickets were issued to all these people before I went there.
50. They were not issued by you? They have been issued for two months by me, but not originally.
51. The list was made out by a person before you? Yes, and as they made fresh application I copied it from the books.

Richard Moody examined:—

52. *By the Chairman*: Have you any recollection of any letter being sent to this office from Mr. Justice Wise with reference to season tickets? I never heard of such a thing.
53. You don't know whether there are minute papers on the subject? Nothing except the general instructions as to the issue of season tickets.
54. You have no recollection of a special application being made by Mr. Justice Wise for season tickets? No, I never heard of it; I have no recollection.
55. *By Capt. Mayne*: Would it be probable that such application would have come under your notice, if in the office? If in the office, I have a strong impression I should recollect it as a matter of business; all these would come before me to pass to records. It is possible a private application may have been made without my knowledge.
56. *By Mr. Moriarty*: Anything like an official application would be recorded in the books? Yes, but I have no recollection.
57. Have you searched the records? I feel sure, if an official application had been made by Mr. Justice Wise, I should have seen it.
- Mr. Nealds*: It was when Mr. Justice Wise was at Enmore.
- I recollect now that Mr. Nealds said Mr. Justice Wise had been speaking to him about it. I recollect Mr. Nealds came into the office and spoke of a ticket for Mr. Justice Wise's clerk, and said an application was made, but there has been no official application.
58. Was the ticket then issued? No, I never heard of it.
59. Did you ever hear of Mr. Skardon applying for a ticket for a person lodging with him? No.

— Skardon called in and examined:—

60. *By Mr. Whitton*: Do you remember making application for a season ticket? For a monthly ticket I have upon two or three occasions.
61. Did you ever make application to have included with yourself in these monthly tickets some person who was not in your family—a lodger? I never had a lodger—he was my servant. May I ask you if you consider a servant as a member of your family?
62. I put the question, Did you ever make application to have him included with yourself in these monthly tickets? I have.
63. To whom did you make application? My impression is I made it directly or indirectly to the Commissioner.
64. *By Mr. Whitton*: Was the application granted? For monthly tickets, yes.
65. For yourself and some other person? Yes, for a servant.
66. *By the Chairman*: Did you explain that you wanted it for a servant? Yes, I am under the impression; I cannot say I explained it to the Commissioner personally; I don't remember whether I spoke to Mr. Rae about it, but I explained it either to Mr. Rae or one of his officers.
67. In this office, or in the station? I am under the impression I explained it to Mr. Moody.
68. *By Mr. Whitton*: You did not explain to the Commissioner at all? I don't know that I did; I may have done.
69. *By Capt. Mayne*: In every case, was it for the servant that you applied for a ticket as a member of the same family? Yes, except the first time I applied; it is so long ago I hardly remember the circumstance. At that time I lived in another gentleman's house, and had rooms there. I believe I applied for a ticket to be granted for me as one of the family living in that house, and at that time it was refused me; I have only a distant recollection of it.
70. *By the Chairman*: To whom was that application made when you were living in this family? I really could not say; the impression on my mind is that I made it to the traffic manager, but whether I said to him or not I could not say.
71. *By Mr. Owen*: And that application was refused you? Yes.
72. *By Mr. Whitton*: Was the application made in writing? That I could not say; I really don't remember; I imagine—I think it was; I am very likely to be mistaken.
73. Was any application made by you in writing? Yes, for monthly tickets, to Mr. Moody; I think I can remember—yes, I think I have made application, in writing, for one of my servants to be joined with myself in a monthly ticket.
74. You have no distinct recollection of it? No.

Mr. Moody stated that he had searched the records, and no official application was made by Mr. Justice Wise.

*The Chairman*: Mr. Nealds, to whom did Mr. Justice Wise apply? *Mr. Nealds*: To the Commissioner, Captain Martindale, when he was living at Enmore.

A letter was written to Mr. Justice Wise by the Chairman, with regard to the season ticket he had obtained for himself and his clerk.

[The Board adjourned to half-past 10 o'clock to-morrow.]

Tuesday, 11 November.

The Chairman read a letter received from Mr. Justice Wise, relative to his application for a season ticket.

Joseph Middleton called in and examined:—

75. *By Mr. Owen* : You were at Newtown before the present station clerk? Yes.  
 76. You had the arrangement of giving the season tickets? I had the issuing of them.  
 77. Do you remember persons applying for family tickets who were not all of them of the same family? Yes.  
 78. Did you take note of the circumstance? I did at once, and wrote to the manager if it should be issued, and he said yes.  
 79. What did you state to the manager in your letter? I stated it was the servant of a party that required it.  
 80. And was that the only time you noticed it? Yes.  
 81. And ever since then you granted tickets according to your discretion? Yes, conditional with the rules.  
 82. *By Mr. Whitton* : Did you ever make any inquiry yourself with reference to the different names of the persons who applied for season tickets? Yes, I made inquiries, and they seemed to think they were members of the same family.  
 83. Did you ascertain the relationship or connection between them? No.  
 84. How did you arrive at the conclusion that they were members of the same family? I had only their word to go by.

7 November.

Charge 10 A—General mismanagement.

Minute paper 61/407. Special train for His Excellency delayed at Liverpool.

Minute paper read by the Chairman.

John Rae called in and examined:—

1. *By the Chairman* : Do you recollect the precise date when that memorandum of yours was made? One is August, /61, and the other has got /62. It may have been 1862, because one is 29/8 and the other is 29/9, but I don't know what it is about.  
 2. About the special train when the Governor went to see the alpacas? This appears perfectly correct; it was submitted on the 29/8/61, but it is not marked to be put away till 1862. It may have lain for a long time without being minuted, and to get it away I have put the usual minute "Put away."  
 3. Have you any recollection of the circumstances connected with the detention of the train when the Governor went up to Liverpool? (No answer.)  
 4. Was that memorandum made on the date it appears? I have not the slightest doubt of it. The paper may have been aside, and as it was seen by the Minister I merely said "Put it away." The first is the 29/9, and the other is 29/8. I am confident, unless by a clerical error, that was the proper date when it was written.  
 5. The question is whether it is a clerical error—whether you mean 29th August, 1861, or July, 1862? It means 1862.  
 6. *By Capt. Mayne* : It is a different minute? Yes; I had no conception it was so long ago.  
 7. *By Mr. Moriarty* : It appears from Mr. Nealds' report that the matter was never submitted again? My impression is that this document was submitted from time to time by the Minister, and as there was never any decision arrived at, I saw no necessity of bringing it forward again, and I marked it "Put away." I thought the matter had dropped. I remember the thing dangled about for a long time, and being submitted to the Minister, I believe it lay with Mr. Arnold for a long time, and I asked for it to get it put away or to get a decision, and not receiving any decision, and whether he told me he would or not give any, I put it away, and minuted it "Put away."  
 8. Do you know how Mr. Nealds' statement came to you? It came from Mr. Nealds in the usual way.  
 9. *By Capt. Mayne* : Mr. Nealds' statement is, that he placed it in Mr. Arnold's hands? That he may have done.  
 10. And it would be handed to you by the Minister? That is possible. It would be a matter of routine whether it was sent to me or to the Minister. The usual practice is to send it to me.  
 11. *By Mr. Moriarty* : Are you under the impression that, as no action was taken, the explanation was considered satisfactory? I never understood the explanation was satisfactory, but the Minister did not consider the thing of sufficient moment to carry out the suggestion of Mr. Whitton. I believe he stated to me that one of the objections was, that you (Mr. Whitton) had suggested Mr. Nealds' removal to the north; and Mr. Arnold said there was an offence charged, but there was no suggestion for a dismissal, and there was nothing to act upon, and he thought if Mr. Nealds had done anything wrong it would not be advisable to send him to the north and bring down the other manager to the south; he did not think that was the proper way of dealing with the matter.  
 12. *By Capt. Mayne* : Do I understand that was his impression before recovering Mr. Nealds' report? Before and after, and that I believe is his impression now.  
 13. *By Mr. Whitton* : And, in fact, if Mr. Nealds' dismissal had been recommended, he would have acted upon it? Yes, that is my impression. He said, "You did not recommend a dismissal," and he had nothing to act upon; but he did not think it a proper recommendation, if Mr. Nealds had done wrong, that he should be sent to the north.  
 14. *By Mr. Owen* : If charges are against an officer which would warrant dismissal, would not the Executive take the initiative? That is not for me to answer. I don't know what the Executive would do—I could not possibly say; I merely say what I gathered from the conversation with Mr. Arnold.  
 15. *By Mr. Whitton* : How would it be possible for the Executive to take action in the matter, if it were not brought before their notice? Of course they could not; this never went before the Executive Council.  
 16. *By Mr. Owen* : I mean before Ministry? No.

Tuesday, 11 November.

Mr. Whitton examined:—

1. *By the Chairman* : Will you now make your statement with reference to minute paper marked 61-407? This is in reference to a special train for His Excellency, late at Liverpool. This matter commenced with a letter from the Minister calling for an explanation from Mr. Nealds. The matter was then forwarded on to me for a report, and Mr. Nealds replied to my report. This report of Mr. Nealds I may say I had not read till I heard of it the other day, and it was not forwarded me to reply to it, or I should have done so—and, with the permission of the Board, I will now reply to a few of the mis-statements contained in it.

Mr. Nealds states:—"Thirdly, with regard to Mr. Whitton's suggestion that I should have run the train to Campbelltown, I have to observe that, by regulation No. 55, page 54, before a special train runs on a single line, notice should be given to station masters and inspectors of permanent way. "This was done on the occasion in question, as far as Liverpool, by targeting the proceeding train." I

I may inform the Board that this notice has been invariably set aside, and, I believe, within six months from the time the notice was issued it became a dead letter, and that special trains have run on all single lines when required without notice—on one or two occasions were very nearly causing serious accidents, by trains meeting on the single line between Parramatta and Liverpool.

Mr. Nealds goes on to state:—"By a general order for a safe working of a single line, no special " is allowed to proceed from the Junction at Campbelltown without first receiving from the latter station " a written pass stating that the line will be clear."

It is quite clear that the effect of that order would apply as much between Parramatta Junction and Liverpool as between Liverpool and Campbelltown, and no written order could have been received or had been received from the station clerk at Liverpool to say that the line was clear. Therefore, that portion of the regulations could have no effect on the working of the line, because Mr. Nealds does pass on a single line without any notice, and then brings forward the regulations to justify his neglect in not having made proper arrangements for the working of this train.

2. *By Mr. Moriarty*: The infringement is not sending to Parramatta or Liverpool? If the regulation was infringed in any way, it could have been done in this case as well as in the other.

3. Just as much an infringement as in this case? Yes.

4. *By Capt. Mayne*: You say this was an infringement? Yes; this regulation was written by myself, to prevent the incessant running of special trains on single lines without notice.

5. Is it by tacit authority that it is set aside? No authority has been given; it has been set aside by Mr. Nealds.

6. And with the knowledge of his superior officer? What knowledge the Commissioner has I don't know; I have known it myself, and have remonstrated about it over and over again. The regulations have been set aside at any time Mr. Nealds thought proper to do so—I mean with reference to these special trains. I have particularly stated that special trains should not be allowed to run without notice being given to the station masters on the line; but this has not been done, therefore there was no reason whatever why this train should not have gone on to Campbelltown instead of returning to Parramatta.

7. *By Mr. Moriarty*: There would have been less risk in going to Campbelltown, because he would not meet any train, but you have to overtake the goods train in going to Parramatta? The next train did not leave Campbelltown until 6.15. But if a special train could not be allowed to run without an order, Mr. Nealds would have no fear of meeting an engine coming from Campbelltown without he gave an order himself for the engine to run; for if the regulations had been strictly carried out, no person could have sent an engine without a special notice. Therefore, with a special train for the Governor, he should have got notice that the line was clear before he took the special train over the line, that is if this regulation had been carried out. Mr. Nealds then goes on—"But even admitting that I had " obtained no immediate reply, I should have considered myself open to censure had I run without " apparent cause twenty-eight miles instead of eighteen." Now, I am not very much surprised, considering the number of times Mr. Nealds has evaded questions.

8. *By the Chairman*: You must confine your explanation simply to facts, and not your own impression of Mr. Nealds' conduct? Mr. Nealds has given his remarks and his opinions in his report, but I do not wish to give mine if the Board do not approve of it. Mr. Nealds states that he would have run twenty-eight miles instead of eighteen. I say that is not so, and Mr. Nealds must have known it not to be the fact at the time he wrote it. From Liverpool to Parramatta is eight miles, and from Liverpool to Sophienburgh two miles, making ten miles; Sophienburgh is two miles nearer to Campbelltown than Liverpool, which is twelve miles from Campbelltown, therefore the distance is also ten miles. 9. The two distances from Sophienburgh to Parramatta and to Campbelltown are equal? Yes.

10. *By Capt. Mayne*: The train would have to run twenty miles in one case, and twenty in the other—two and eight miles each way, making twenty altogether? Yes. With reference to Mr. Nealds' remarks respecting the shifting of rails, they are imaginary, and it is unnecessary for me to give any explanation. He says he did not know whether there were not men shifting the rails. Mr. Nealds then goes on to say, "Mr. Whitton states that I am an obstruction to the satisfactory working of the line. This is so vague " that I find a difficulty in replying to it. But as my income in part arises from the profits of the line, " which greatly depend upon its being satisfactorily worked, it must be obvious that self-interest, if no " better principle, would induce me to forward by every means in my power arrangements introduced " for that purpose." In reference to that, I may state no order has ever been issued from this office where Mr. Nealds has pointed out anything with the least reasonable objection to its working. That he has made objections I am prepared to admit; but I do not remember any order issued from this office being carried out satisfactory by Mr. Nealds, but it has been generally made by him as obnoxious as possible to the public. Mr. Nealds' report goes on—but I have no remark to make respecting his self-interest. It is clear the line is not satisfactorily worked, and I might instance the meat traffic from Liverpool. I believe the cost of putting up meat sheds, building meat trucks, laying down sidings, and putting down a weighing machine, to have been more than the gross receipts of all the meat traffic from its commencement, so that if this be so all the meat has been carried at the cost of the Government. Mr. Nealds states he would do all he could to increase the receipts on the railway,—I should be glad to find any suggestions from him tending to increase the receipts, and at the same time giving accommodation to the public; but in every instance Mr. Nealds' recommendations go to decreasing the revenue and assisting the public, by promoting private enterprise to the disadvantage of the Government. Mr. Nealds then says—"To the assertions that I have on several occasions been " threatened dismissal, I could only remark that it is customary in all Government departments to " commit to paper the simplest matter of official detail. So serious a charge, therefore, of dismissal of " an officer in my position must, if it had been made, be found on the records of the office." That is a thorough and complete evasion, for Mr. Nealds knows that Mr. Rae and myself have told him respectively that unless he carried out the instructions sent from this office that his dismissal would be recommended. Mr. Nealds does not say he was not threatened with that; he says that the simplest matter of official detail " are put on paper." He knows that these were not put on paper, but he knows that he was told both by Mr. Rae and myself the course that would be adopted if he did not attend to the instructions sent down to him. The other matters have reference to Mr. Nealds' long service in the department, and about which I feel there is no necessity to say anything. There is one matter on which I may remark, that, as on many occasions, this paper of Mr. Nealds' was not forwarded direct to the office in the way official papers are, but Mr. Nealds had the advantage of giving his own version of the story to the Minister, and this paper appears to have remained a considerable time before any action was taken in it, and the only action then taken was the request that it should be put away.

11. *By the Chairman*: Does Mr. Nealds' salary depend upon the working of the line? Mr. Nealds' salary was £400 a year and a commission of one per cent. on the net receipts, but how it was ever made out I am not prepared to say.

12. *By Capt. Mayne*: I can speak of my own knowledge that there was a per-centage, but I don't recollect what per-centage? An increase to the salary consequent upon the traffic.

13. This is one of the reasons Mr. Nealds gives in his report, for the course he took with regard to the magnetic instruments—He says, "from their liability to get out of adjustment there is little dependence " to be placed in the magnetic instruments in use through the line, or I could have obtained the necessary pass. This must be evident to the Minister, from his experience of the previous day." Is that the case, that the electric telegraph has been found very defective in its working? I believe it has—the magnetic instruments used there. One observation I have to make, that I have nothing to do with the working of the line.

14. Has that been the fact? It has repeatedly been at the Campbelltown station, when neither instruments would work—neither the general telegraph or the magnetic one used at the stations.

C. J. Nealds examined:—

15. *By Capt. Mayne*: Did you try to make this communication? On the day previous Mr. Arnold had been detained and could not go on.  
 16. Did you endeavour to communicate with the instruments? I endeavoured to communicate with Sydney.  
 17. When this difficulty became apparent to you, did you on the line attempt to communicate with Campbelltown? I did at Liverpool when I came from Sophienburgh.  
 18. Did you find that no answer was received? I found I could get no answer either way from the Junction or to Campbelltown. Mr. Arnold, the other day, had been stopped with the Commissioner for the very cause I am speaking of—he could not get any communication.  
 19. *By Mr. Moriarty*: That was the day before? Yes, and this shewed Mr. Arnold the difficulty which I was speaking of. I did not know of the starting of the train till 12 o'clock on the day.  
 20. *By Mr. Whitton*: But instructions were sent down the day before, and should have been carried out? They were not.

John Rae called in and examined:—

21. *By Mr. Whitton*: Have you any recollection of Mr. Nealds having been told by yourself on several occasions, that unless he carried out his duties on the line in a better spirit and proper manner, that his dismissal would have to be recommended? I think I have said as much as that more than once to Mr. Nealds; I have said at all events that some severe steps would be taken.  
 22. Did you hear me tell Mr. Nealds so in your office? Yes.  
 23. On more than one occasion? Yes; Mr. Nealds says in his report, "To the assertion that I have on several occasions been threatened dismissal, I would only remark, that it is customary in all Government departments to commit to paper the simplest matter of official detail." Was it usual in cases of this kind, to have made a remark upon a minute paper that Mr. Nealds had been threatened with dismissal? How usual?  
 24. Is it customary to put anything of that kind in writing that does not go before the Minister? No, of course not.  
 25. Then if it were put in writing, it must have gone before the Minister? Yes.  
 26. *By Mr. Moriarty*: Then it was intended as a good-natured caution rather than anything else? Yes.  
 27. *By Capt. Mayne*: But such an intimation has been made by yourself and Mr. Whitton? I have, although very rarely, had some high words with Mr. Nealds, but on several occasions I was obliged to tell him if things went on so, it would come to a serious result most probably; but it was not with the intention of bringing it before the Minister, but merely as a friendly caution to him.  
 28. Do I understand that there was a caution that if he did not change in his conduct of the business you would make that recommendation? I think it may have gone to that extent. I would not like to make a distinct statement; but I recollect talking to Mr. Nealds, and hinting that things were not going on as they did, and that if they did not improve, I would have to recommend something to the Minister, or that serious things would result.  
 29. Did that refer to the working of the line? Yes; Mr. Nealds considered when we used to discuss the matter; he thought he was doing right, and I thought that he was doing wrong, and I stated it as my opinion that if it did not come to be done as I wished, then it would come to serious consequences.  
 30. *By Mr. Whitton*: Have I written letters to Mr. Nealds' subordinates, signed by you, because Mr. Nealds neglected to carry out the instructions previously given? Yes, I think there has been a case of the kind.  
 31. You have yourself written direct orders to the station clerks, because Mr. Nealds refused to carry out the instructions already given? He neglected to carry them out.  
 32. One order in particular was in reference to the collection of tickets? Yes.  
 33. *By Mr. Moriarty*: And that order was made to prevent persons going by the train without paying their fares—who is responsible for that? The traffic manager. We were under the impression that after we issued the orders, that there was an intention not to carry them out in the way intended—to carry them out too strictly, merely not to make them work. We then issued further instructions to carry them out in a liberal manner, and that it was not necessary to look at the tickets at every station, but after they were satisfied that a party had got a ticket they need not bother him again.  
 34. *By Capt. Mayne*: That order was directed to Mr. Nealds' subordinates? I don't remember.  
 35. I want to know if the subsequent order was addressed to Mr. Nealds' subordinates? No, I think it was addressed to Mr. Nealds. No, it was a sort of remonstrance with Mr. Nealds that he was not carrying out the instructions in the spirit intended—I have spoken to Mr. Nealds repeatedly on the matter.  
 36. There have been orders addressed by you to Mr. Nealds' subordinates, instead of to him and through him? I think there have.  
 37. And you did it simply because you did not think Mr. Nealds was carrying out the instructions given? Mr. Nealds stated that he did not think these instructions could be carried out, and stated the reasons why they could not be carried out. He thought it was impossible, but he did not refuse to carry them out; and when we found they were not carried out we imagined he was like a prophet who was trying to bring his own prophecy true, and when Mr. Whitton went up on the line I made a remark that he would see whether the orders could be carried out; and Mr. Whitton, if I recollect right, said there was no difficulty in the matter, and we then addressed a remonstrance to Mr. Nealds—whether to him or his subordinates I don't remember.  
 38. On other occasions there have been direct orders addressed to Mr. Nealds' subordinates? Yes, that is my impression, but I would not be sure.  
 39. While on the subject, have you any doubt of the reason of that course being adopted? If it was adopted, it was adopted because Mr. Nealds was not carrying the instructions out.  
 40. On other occasions? I am alluding to this occasion.  
 41. You say there were occasions where you have addressed orders to Mr. Nealds' subordinates? Yes, that is my impression.  
 42. If there were cases where you addressed Mr. Nealds' subordinates, what was the reason? My impression was that the reason was because we believed Mr. Nealds was not carrying out the orders; and if we could not point to any case there was a feeling that we should be obliged to do it, and I think we did it. If I am not under a misapprehension, Mr. Nealds complained of it.  
 43. *Mr. Nealds*: I remember your writing to the guards once, and I complained of it? I remember Mr. Nealds complaining that we had communicated with his subordinates, which would not be the usual course, although I think I have a right to do it if I choose.  
 44. *By Capt. Mayne*: There is one thing connected with the order I should like to ask a question about, and on which the papers seem to be defective. When Mr. Read communicated the intimation he had received from Mr. Arnold to Mr. Nealds, Mr. Arnold gave the intimation in your presence; now, is there any memorandum to shew that Mr. Nealds communicated this on the same day, or the next morning? I remember we distinctly told him, for fear there should be a mistake.  
 45. You state that Mr. Arnold, in your presence, gave him the intimation on the 28th? Yes.



46. *By Mr. Moriarty*: Should you consider that a sufficient intimation to act upon it? Yes, most assuredly. If Mr. Nealds is not there I should apply to the station master, and he is equally answerable.

47. It was a verbal application? Yes; but we stated at the time what would be required, and if any alterations were made we should communicate with him.

48. *By Mr. Whitton*: Mr. Nealds said there was no official communication? But there was the next day; we sent it the moment we received it from Government House.

49. *By Mr. Moriarty*: Is it necessary to give twenty-four hours' notice about these special trains? It is not necessary—it is advisable. I think three or four hours sufficient. I remember distinctly about it, because we are always particular about the specials, and we happened to be down there on other business, and saw Mr. Read. We wanted to see Mr. Nealds, but he was on the line, so we were obliged to take the next best. The moment he came back it would be communicated to him, and in the morning I wrote to Mr. Elyard.

50. *By Capt. Mayne*: This does not clear up when Mr. Nealds received the intimation first? From Mr. Read?—I suppose Mr. Nealds' statement is sufficient. He said he received it at noon, on the 29th. We got this paper back (*letter from Colonial Secretary's Office*), and found this list of persons.

51. *By the Chairman*: That was the day the train was wanted? Yes; but even then there would be time enough. Mr. Nealds does not complain there was not time.

52. But if he had known the day before, he would have had more time to make his arrangements along the line? Yes.

53. All applications for special trains are made through this office? No, not necessarily; they might be made through the traffic manager himself, but they would have to come to this office.

54. Then the order which states that there shall be twenty-four hours' notice before any special train—does that mean to the traffic manager? Yes; I think the party may go to the traffic manager and get it as a matter of course. It is not a matter whether he will get the train or not, but whether he will pay for it.

55. *By Capt. Mayne*: Can you recollect whether there is a document from Mr. Read? My impression is that there is.

Mr. Nealds admitted that he received Mr. Read's document.

56. *By Mr. Whitton*: When? *Mr. Nealds*: Not till I came and mentioned it to him the following morning.

57. *Mr. Moriarty*: What time would the goods train have left Liverpool? *Mr. Whitton*: Half-past 1.

58. *Mr. Moriarty*: Mr. Whitton, you have no reason to believe that there was an intention on the part of Mr. Nealds to keep the Governor and party waiting—it was only an error of judgment? I have no idea of the intentions of Mr. Nealds, but I know if he had taken the train to Campbelltown the detention would have been avoided.

Wednesday, 12 November.

Present:—

Mr. Sheppard, | Capt. Mayne,  
Mr. Moriarty.

Mr. Sheppard in the Chair.

William Read called in and examined:—

59. *By Capt. Mayne*: What is your appointment, Mr. Read? I am at present station master at South Creek.

60. Where were you stationed and held your appointment on the 28th of August, 1861, on the occasion of the special train going to Liverpool? At Sydney.

61. Did you on the 28th of that month receive some instructions as to a special train being required for the Governor and his friends. I received notice on the day previous.

62. About what hour? 1 o'clock.

63. From whom? Mr. Rae, and Mr. Arnold was with him.

64. What did you do upon that order? I informed Mr. Nealds about it directly I saw him, but when Mr. Rae told me he said there would be written instructions. I left word at the station—"Let me know when Mr. Nealds comes"; and I told him of it.

65. When did Mr. Nealds come, and when did you apprise him of it? I think it was about half-past 9 on the following morning.

66. Had Mr. Nealds been at the station the previous day, subsequent to your getting instructions? I had not seen him. I was away on leave from 7 o'clock the day previous.

67. Up to 7 o'clock you had not seen him? No.

68. What steps did Mr. Nealds take on your giving him the intimation on the 29th? If you will allow me to give you the details—When the guard of the half-past 9 train came in (who was guarding the goods train), I told him not to leave till he got instructions about the special train from Mr. Nealds. I also left word with a man to let me know when Mr. Nealds had come. Directly he came I went in and told him what Mr. Rae had said, and asked him whether he had received instructions. On his telling me that he had not, I wished to send up to this office for instructions, and I believe a man was sent and instructions were given to the goods guard.

69. A messenger was sent for instructions to this office? I believe so. I proposed that a cab should be sent off to the office immediately.

70. *By Mr. Whitton*: You say you told Mr. Nealds about half-past 9? Yes, it must have been before a quarter to 10.

71. At what time did the next train for Campbelltown start? A quarter past 10 o'clock or 10 o'clock. I don't know whether it was before the alteration of the time.

72. *By Mr. Nealds*: I want to know whether, when the 10 o'clock train had gone away, I did not walk up with a newspaper in my hand, and say, "Have you received any written instructions about this train?" No.

73. *By Capt. Mayne*: Do you say at 10 o'clock the train started for Campbelltown? I don't know whether it was before the alteration. The train now starts at a quarter past 10.

74. Did that train take up any instructions as to keeping the line clear? It did take instructions about the line, but it was on the return that the mistake was made —

Charles J. Nealds examined:—

75. *By the Chairman*: Have you anything further to state respecting the trains, after hearing the evidence? No; the Minister was quite satisfied with my explanation.

William



21. And you state that you are aware, or believe, that the contract has been handed over by Holdsworth to Boswell, and yet the timber was invoiced "On Her Majesty's Service"? Yes, I know it because this very way-bill was brought to me.
22. Was not the carriage charged to the Commissioner? Not that I am aware of; until this was brought before my notice I had not the slightest idea of it.
23. As a matter of fact, was not the carriage charged to the Commissioner? I am led to believe that by this correspondence.
24. And under Mr. Holdsworth's contract he should have paid it? Yes, it was to be delivered in Sydney.
25. Were any instructions given to any person on the line to invoice this timber "On Her Majesty's Service"? Not that I am aware of; I did not see the instructions.
26. To whom would the instructions be given? Very likely the consignor, in making out his way-bill, would simply say, "Inform the station clerk at Sydney that he had the contract, and this was Government timber, and then it would be consigned "On Her Majesty's Service."
27. And this must have occurred four or five months without your knowledge at all? Unless brought under my notice.
28. Unless some one told you that the Government were defrauded out of the traffic derived from the timber, you would never have found it out? I think if Mr. Gould, who received the timber, and made out every should have told me of it.
29. I think the particular information given by Mr. Gould was to refuse to pay for it "On Her Majesty's Service"? I am not aware he ever refused until I saw this bill; I dare say he told Mr. Fligg to collect it.
30. You have no knowledge of it? It is stated that he did collect it.
31. You, as traffic manager, knew nothing of it until brought under your notice? Yes.
32. And yet you believe that Mr. Boswell was the contractor for the timber? Yes.
33. And I understand you never told any person verbally, or by written instructions, to invoice the timber "O.H.M.S."? Most decidedly I could not have done so.
34. Who first brought the matter under your notice? Fitzmaurice.
35. In what way did he bring it under your notice? He sent down to me. Mr. Thomas and Mr. Lewton, the inspector of permanent way, had demanded some timber, which Boswell refused to deliver to them, in consequence of no order. His orders were to deliver timber "On Her Majesty's Service" to the storekeeper in Sydney, and he declined to give it.
36. Upon that memorandum of Fitzmaurice's, what steps did you take? I believe it was only a verbal communication, and I told him to write to the storekeeper for an order.
37. You are quite clear on that point? Yes, I believe so.
38. And what was done upon that—what other steps were taken? Well, Mr. Thomas came down and asked me why I could not deliver it, and I told him to go and see Gould on the matter.
39. On finding out an irregularity of this kind had occurred for so long a period, did you reprimand the station master for having invoiced it "On Her Majesty's Service"? I was not aware then that the freight was not collected.
40. Up to what time were you aware this freight was not collected on the timber? When the question was brought before me—when I was called into the room.
41. Did you, on this matter being brought before you, reprimand the station clerks for having sent the timber down "On Her Majesty's Service"? No, because I was not aware that the money had not been collected.
42. Are goods, as a rule, sent down by any of the trains "On Her Majesty's Service," without instructions from some person in authority? No, certainly not.
43. Was it not a gross piece of irregularity of the station clerk to invoice "On Her Majesty's Service" without instructions? No, seeing that the storekeeper had informed the station master at Sydney that this person had the contract for timber.
- Letter of 29th May, 1861, read.*
44. Up to that time you were not aware it was coming down free? No, I had reason to believe the freight was collected.
45. You stated just now that some memorandum came down from Fitzmaurice? I said he called my attention to it verbally.
46. Did you ever receive any memorandum from Fitzmaurice about sending it down? Yes.
47. When did you first see that (*letter*)? I think it was on the 30th May.
48. Was it forwarded to you? Yes, it was addressed to me, and could only come to me.
49. Did it ever come into your possession? It came to me.
50. Did it ever come into your possession? Most decidedly.
51. And on receiving this paper, what steps did you take? It was forwarded to Mr. Rae.
52. By whom was it forwarded to Mr. Rae? By myself.
53. Was there any memorandum by you on receiving this paper from Fitzmaurice? Memo. respecting Holdsworth's account enclosed from station master at Liverpool to traffic manager.
54. Whose handwriting is that word "traffic manager" in? In my own.
55. And you thought proper, after the minute was sent to you, to interline it? Yes.
56. Are you quite positive this memorandum of Fitzmaurice's, dated 30th May, 1861, was forwarded by you to this office? Yes, either forwarded or delivered to the Commissioner. I am quite certain this paper came through my hands, and that Fitzmaurice never sent a paper addressed to me to this office.
57. Is it usual for you to alter minutes after they are made by this office? Not if the minute is signed by the Commissioner; but it is only the heading part of the paper—leaving out the principal part affecting myself.
58. I think it is clear when this memorandum was made on the paper it was not known or believed that it was forwarded by yourself? How then could it come here?
59. It is not usual to enclose memorandums received from station clerks without making a memorandum on the papers themselves when addressed to the Commissioner? I frequently bring them in myself and consult Mr. Rae upon them—I frequently bring in papers from the station.
60. I think you stated, a short time ago, that money had been collected at Sydney for the carriage of timber consigned to Mr. Holdsworth from Liverpool? I understood so.
61. Will you refer to your memorandum, dated 6/6/61—(*Memo. read*)—Is not this the minute 61/259 which was forwarded to you with Fitzmaurice's report of 30th May, 1861, for your report? Yes.
62. From this office? Yes.
63. And you interlined the words "By Traffic Manager"? Yes.
64. And you still state that you forwarded it to this office? I don't say forwarded it; I brought—I mean to say that paper passed through my hands before it came to the Commissioner.
65. *By Mr. Moriarty*: It was brought by you to the Commissioner? Yes, it came to me.
66. Are you quite clear when this date was made on this minute? I have not the slightest doubt that date was put on in this office—in here, and the insertion also.

George Fitzmaurice called and examined:—

67. *By Mr. Whitton*: You were station clerk at Liverpool in May, 1861? Yes.
68. Do you know a person of the name of Holdsworth or Boswell? I know Boswell.
69. Consigning timber from Liverpool to Sydney? Yes.

70. To whom was the timber consigned? To Mr. Holdsworth, I believe.
71. To whom was it invoiced? I cannot remember for certain—it may have been to the storekeeper or to Holdsworth.
72. Have you no recollection that this timber, which was being sent down from Liverpool, was sent down "On Her Majesty's Service"? When I first went there it was, but I wrote down to ask if it were correct.
73. When did you write down to ask if it were correct? During the end of May or beginning of June, I cannot remember which.
74. And during that time it was invoiced "On Her Majesty's Service"? Previously to my writing it was.
75. Did any one call your attention to the fact that made you write down to Sydney? No.
76. Did you get no memorandum from any person calling attention to the fact that all timber sent down to Holdsworth should be invoiced to him, and not "On Her Majesty's Service"? Previous to my writing down?
77. Previous to your writing down? Not to my knowledge.
78. Will you explain why you wrote to Sydney, to ask if Holdsworth's timber should be invoiced to him or "On Her Majesty's Service"? Because I understood Mr. Holdsworth was the contractor, and he had to deliver to the railway, and therefore it should be delivered in Sydney and not at Liverpool.
79. But what circumstance called your particular attention to it? I cannot remember any circumstance in particular. I thought it was not correct, so I wrote down; I thought the revenue was being defrauded.
80. Had that continued—this invoicing "On Her Majesty's Service"—previous to your appointment? Yes, because I referred to the goods outward book, and found my predecessor, Mr. Brown, had.
81. Had you any communication from Mr. Gould on the subject of the timber? I recollect I received one after I wrote down in the first instance.
82. And part of that memorandum states ? Yes.
83. That is dated on 29th of May, and on the 30th of May you wrote down to the manager for instructions? That is not my first writing, I think, because I know I broached the subject in the first instance.
84. How long previous to the 29th of May? I went there on the 27th of April, and I had not been long there before I broached the subject.
85. To whom did you broach the subject? I wrote down to the manager.
86. Did you receive any reply from the manager? I believe I did, but I cannot say, or what the reply was.
87. Was the reply that it should be charged to Mr. Holdsworth, or consigned "On Her Majesty's Service"? I know that after that it was always charged to Holdsworth.
88. If the previous reply was to that effect, why did you write down for instructions as to whom to charge it? I may have received the storekeeper's memorandum before I got it from Mr. Nealds. I am not sure that I got any instructions from Mr. Nealds.
89. You say you broached to the manager some time before? Yes.
90. This was before May? Yes.
91. What was the answer sent by the manager about this timber? I cannot recollect.
92. Did you ever receive any reply to it? I cannot recollect.
93. *By Capt. Mayne*: So your attention was called to the matter by the storekeeper? Yes; my attention was called to it by myself in the first instance.
94. Did you report it to Mr. Nealds? Yes, I know I wrote down to Sydney—I believe it was to Mr. Nealds; whether it was to the station master I cannot say.
95. Did you keep a copy of the letter? I kept a copy of the whole of the correspondence when at Liverpool, but I must have destroyed them if they are not at the Liverpool station.
96. You are quite positive you did call Mr. Nealds' attention to the matter, previous to the letter of the 30th May? I feel certain of it in my own mind.
97. That is your writing? Yes. It refers to nothing previous by the way I have written it, but the subject was broached by me, or the storekeeper would not have known it.
98. How do you know? Because it all came down "On Her Majesty's Service" in Brown's time.
99. That is your second memorandum on the subject? Yes.
100. And you received no instructions? I cannot say.
101. Had you received any when you wrote that memorandum of 30th May? Not to my knowledge; it is so long ago I cannot remember the details.
102. If you received instructions, would you ask again for them? No, not the second time.
103. Would you have asked instructions a second time had you received instructions previously? I should say I would not.
104. *By the Chairman*: Are you quite certain you applied for them? I am quite certain I broached the subject first.
105. To whom? I believe to Mr. Nealds; it may have been to the Sydney station master.
106. *By Mr. Whitton*: Do you take instructions from a station master on the line or the traffic manager? It depends upon what they are.
107. Would you receive instructions from the Sydney station master, with reference to the invoices of goods at any station? Will you put the question in a more definite way?
108. Would you write to the Sydney station master with reference to the invoices of timber or other goods from your station? If he told me that timber was required at such station I would take his order.
109. And invoice it to the person he told you? No, I go by the consignor's orders.
110. Would you allow any goods at your station to be invoiced "On Her Majesty's Service" if directed to do so by the consignor? I would do so, but I would satisfy myself that it was correct.
111. Did you satisfy yourself in this case that it was correct? I followed my predecessor's plan, but when I thought it was incorrect I wrote down to know whether it was so or not.
112. *By Capt. Mayne*: How did you forward that memorandum of the 30th May to its destination? All memorandums are forwarded by the guard of the train.
113. You would have delivered that to the guard, to deliver to the manager? Yes.
114. Who was the guard—do you remember to which guard you gave it? It must have been to guard Higgs or guard McLean; I cannot say for certain.
115. Their duty is to deliver it to the person it is addressed to? To put it in the manager's box.
116. *By Mr. Moriarty*: Was it enclosed in a closed envelope? No.
117. *By Capt. Mayne*: What reply did you receive to this memorandum? I cannot remember now. I know the system of booking "On Her Majesty's Service" was altered "to pay."
118. You cannot recollect that you received any instructions in reply to your letter of the 30th May? I cannot recollect what the instructions were.
119. Did you receive any? I must have received some, or I could not have altered it "to pay."
120. *By Mr. Moriarty*: Did you receive one memorandum from Mr. Gould? Yes.
121. Was the alteration made before you received that from Mr. Gould? I should not have taken instructions from him; I cannot say.
122. And you cannot be certain whether it was Mr. Nealds or the station master that you previously broached the subject to before the 30th May? I could not assert which.
123. *By the Chairman*: After you broached the subject to either of them, were the goods consigned "On Her Majesty's Service," or did you mark them "to pay"? I forget the time; after I wrote it was made "to pay by Mr. Holdsworth, contractor."

124. After you first broached the subject? I could not say without referring to the book.
125. *By Capt. Mayne*: Would you have written that letter if the previous system had been altered at the time you wrote? After I first wrote, they must have been sent "On Her Majesty's Service."
126. *By the Chairman*: Then you are mistaken that they were invoiced the freight to be paid? I made it "to pay" after the 30th of May, and not before.
127. *By Mr. Nealds*: You say you receive your directions for forwarding the goods from the consignor's notes? Yes.
128. These consigning notes for timber, were they not invariably, before you got the information from Mr. Gould, consigned "On Her Majesty's Service"? For railway use.
129. About this minute paper—did you ever forward this minute paper addressed to me to the office, or might not this paper, not being sealed, come with other enclosures in an envelope? It might have, but we have no envelopes at the station.
130. You never send a paper to this office connected with the traffic except to me? I always direct everything to the manager.
131. *By Capt. Mayne*: What day should that letter, dated 30th May, have been received by Mr. Nealds? On the same day.
132. *By Mr. Moriarty*: Have you any recollection at what time of the day you wrote it? Most probably, I should say, in the afternoon, and sent it by the evening train.
133. *By Capt. Mayne*: Then in the ordinary course it would be received by Mr. Nealds either that day or the day following? Yes.
134. *By Mr. Whitton*: Did you not state, some time ago, that you always satisfy yourself as to the right these consignors had to send things "O.H.M.S." before you invoiced them? Yes, I did.
135. Have you not just stated that you took the consignor's statement as correct? I stated that I invoiced them according to the consignor's note, but I satisfied myself that the consignors were correct.
136. Did you satisfy yourself that these goods invoiced "On Her Majesty's Service" were correct? I did, shortly after I had been there.
137. That was when your attention was called to it by Mr. Gould? No, I am perfectly satisfied in my own mind that I was the first to notice it.
138. And it was because you had received no instructions on the matter after you drew attention to it, that you wrote the second memorandum of the 30th May? Yes.
139. And you wrote your second memorandum in consequence of the memorandum you received from Mr. Gould? I believe that is correct.
140. *By the Chairman*: What station do you refer to where this timber was sent? Sydney, or to any station on the line.
141. *By Mr. Moriarty*: Timber would be sent up the line? Generally to Sydney, but some is sent up for bridges as well; the greater part went to Sydney.

John Gould called and examined:—

142. *By Mr. Owen*: What are you? Storekeeper.
143. Were you storekeeper in 1861? Yes.
144. The goods clerk in 1861 was Mr. Fligg? I think so.
145. And subsequent to him Mr. Owen was appointed? Yes.
146. You made a memorandum, which is at present before the Board, which states, when Fligg was goods clerk he collected the freight on "O.H.M.S." timber? Yes, I see I have.
147. Did Mr. Owen continue to collect the freight on "O.H.M.S." timber? I cannot say.
148. Had Mr. Owen any orders not to do so? I don't know.
149. *By Mr. Whitton*: Will you look at that paper, Mr. Gould, and see if that is your writing? Yes.
150. Why did you send that to the station master at Liverpool? The inspector of permanent way reported that he could not get some wood for the bridges between Liverpool and Campbelltown that were required.
151. Was there no other reason besides that which induced you to forward it to Liverpool? I told the Inspector Lewton to go to the station master at Liverpool. He ought to apply there and get the timber, instead of the timber being sent on from Sydney, because it would save time, and take it direct, instead of having to send to Sydney again.
152. Read that memorandum of yours and see if there is no other reason? (*Reads letter.*) I wrote this to the station master, in consequence of the inspector of permanent way informing me that the station master refused it unless I sent an order.
153. *By the Chairman*: Did you state that whatever timber was sent, to whatever station, it was to be charged with freight? Yes, exactly.
154. Previous to that, against whom had the freight been charged? I was under the impression that some of the timber from Holdsworth was coming down without freight, being charged against Holdsworth.
155. *By Mr. Owen*: How did you come to that impression—was it under your immediate notice? The first that occurred to me was in consequence of a truck of timber which was afterwards intended to be used for the Gymnasium, and I was asked if it belonged to the store or not, and I said not, and it appears that timber was consigned "On Her Majesty's Service"; that was the first of it.
156. And did you hear any explanation of why it was so consigned? No.
157. *By Mr. Moriarty*: At what date was that? About the date of this.
158. And that was the only reason that made you suppose this? Yes, that was what drew my attention to it.
159. Up to that time, you had been receiving timber and allowing it to pass without freight? No, it did not come to me; it was immaterial to me who delivered it to me—I had only to receive it.
160. And it was the circumstance of the Gymnasium timber that induced you to make the memorandum to the station master at Liverpool? The latter end of it—yes.
161. *By Mr. Whitton*: Was it in consequence of receiving that bill from the traffic department that made you make this memorandum? I got the paper subsequently to that date.
162. The first knowledge you had of timber being consigned "On Her Majesty's Service," was when you got that note? Yes, this is the first official notice that we were to pay for it.
163. *By Mr. Owen*: What is the date of your memorandum? 29th May.
164. Do you remember when it was that this timber was sent down for the Gymnasium? Somewhere about that time.
165. Are you sure of it? I think so.
166. *By Mr. Moriarty*: It was no part of your duty to see whether freight was paid on the timber or not? No, my duty was only to receive the timber.
167. And take good care of it after you got it? Yes.
168. *By Mr. Whitton*: Have you previously seen this memorandum of Fitzmaurice, dated 30th May, 1861? Yes, I have seen it before.
169. Do you know how that paper came to this office? I have some impression that I brought this paper to the office.
170. Are you quite sure you brought it to the office? I got it at some place and was very glad to get it at the time.
171. *By Capt. Mayne*: What was the reason you were glad? Because I saw by this paper there was so much revenue lost.
172. And that made you glad? Yes, because it would be gained by the department.

173. How did it come into your possession? I must have got it from the station, and I gave it to the chief clerk.
174. What date? It must have been after this date—probably I got it from the station master, but I think I had this paper before I made the official report about it.
175. Have you any doubt on the subject? No.
176. *By the Chairman*: That is a very unusual thing for a minute paper to come in this way to the office—a paper addressed to Mr. Nealds to come to you—cannot you recollect how that was? When I say I had this paper, I knew the contents before I made the official report on that one (*minute 14th June.*)
177. *By Mr. Moriarty*: Is not your recollection more distinct on the matter—can you tell us the date on which you got it on? It must have been subsequent to this date.
178. *By Mr. Owen*: From whom did you get it? I think I must have got it at the station.
179. *By Capt. Mayne*: Will you look at this minute at the bottom of the paper—was that on it when you first saw it? No.
180. Look at the date—it must have been subsequent to the 30th May and 3rd June? Yes, it must have been about that.
181. *By Mr. Moriarty*: And you brought it here yourself? Yes, I have a recollection of bringing it to the chief clerk.
182. *By Mr. Owen*: Then you must have brought it before the 3rd of June? Yes.
183. Is that not an irregular practice? I don't know; I could not give an opinion on it.
184. *By Capt. Mayne*: Will you explain why this paper, addressed to your manager, came into your possession, and why you brought it to the chief clerk? As the party most likely to bring it under the notice of the Commissioner.
185. Your object was that it might be brought under the notice of the Commissioner? Exactly.
186. *By Mr. Moriarty*: And that must have been before the 3rd of June? Before that minute was made on it.
187. *By Mr. Owen*: Did you do this of your own accord? Yes; and I would do the same thing to-morrow if such a paper came into my hands, and I would be justified in doing so, seeing that the revenue was losing. I have already stated that I was glad of getting the paper, because freight was being lost to the revenue.
188. *By Capt. Mayne*: It was not done by you on the suggestion of any person? Not at that time; I suspected the revenue was losing.
189. It was not done at the suggestion of any one? It was not at that time; I don't recollect any one suggesting it.
190. *By Mr. Moriarty*: It being fresh in your memory that you had called the attention of the station clerk at Liverpool to the necessity of charging freight at Liverpool, and, on finding this paper afterwards, finding that it was not charged, you concluded that the revenue was losing, and brought it under the notice of the Commissioner? Yes.
191. *By the Chairman*: Did you have any conversation with Mr. Nealds about it? I don't recollect whether I had any conversation on that subject with Mr. Nealds.
192. *By Mr. Owen*: Have you the power of reporting irregularities—have you the power to do so? That is one of those questions which I would not be right to give an opinion on. I should think it any man's duty in the department, who saw anything going wrong, to report it, through the head of the department.
193. Who is the head of your department? The Commissioner.
194. But you reported through another officer? Through the chief clerk.
195. That is the routine? Yes.
196. *By the Chairman*: Is it not customary to forward these papers with some memorandum? I had a conversation with the chief clerk, and I explained that I had previously sent a memorandum to the station master at Liverpool.
197. Is it not usual to forward any report to the Commissioner in writing? No, I did not forward any official report. It did not come within my presence until it came back to report on.
198. The circumstances are peculiar—cannot you recollect where you got this paper? I think I must have got it at the station. Often I have been to the station master on business.
199. Who was it? I think Mr. Read.
200. Did you say anything to him about it? No; many papers came down the line, and many papers are left in the office.
201. *By Mr. Owen*: You took the paper? It was an open paper. I considered it so important that I brought it away with me.
202. You went in there, and rumaged among the papers, and took that one away? I went in to the station master; I go in there on business.

Richard Moody examined:—

203. *By the Chairman*: Do you recollect anything connected with that report of Mr. Fitzmaurice? I recollect, I believe the day after the date of the memorandum, or the second day, that the storekeeper brought this paper into me folded up, or—and I understood he got it from some one at the station—I don't recollect from whom; but he said it was very singular, in consequence of having directed a memorandum to the station clerk at Liverpool to charge those things to the contractors, and it now appeared that it had been charged "O.H.M.S."; and if that were so, then there must have been a great deal of money lost to the revenue, probably all through the year.
204. Did Mr. Gould say probably all through the year? He made a remark that gave me the impression that the revenue must have been losing.
205. Do you mean, if the goods had all been transmitted in this way the money would have been lost (both for the past and future) to the public? Yes; and immediately on receiving the paper I gave it to the Commissioner, and he put on it, "Mr. Nealds, for report." I had it then entered with the minute number, and it is in the handwriting of the record clerk, Mr. Forde, 3/6/61. It is upon that day it was before the Commissioner, and on that day it should pass to records in the books. At the time I sent this minute away, the words "by traffic manager" were not in the minute paper.
206. When did it come back? It came back on the 6/6/61, because I find on the 7th it went to Mr. Whitton.
207. Were these words there then? I cannot say.
208. What does the heading of the minute now read? It reads as a minute sent by the traffic manager.
209. Was that so? No, because it was delivered to me from the storekeeper.
210. *By Capt. Mayne*: Was Mr. Nealds at the office on the day on which you got that minute? I should think not, otherwise it would not have been passed through the records in that form—it would have been given to Mr. Nealds on that day.
211. Had you any conversation with Mr. Nealds on that day touching it? Certainly not.
212. *By Mr. Owen*: Is it customary to receive these verbal representations on any occasion? I find it extremely convenient to receive verbal communications with reference to matters of this kind, and frequently I have done so, and so does the Commissioner, but as his immediate subordinate I have to do it occasionally.
213. You have done so? Often, and with his knowledge.

214. Do you know what was done with that memorandum after it came into the office first? It remained in my possession until it was marked by the Commissioner; I know I took care of it as a matter of great importance.
215. It did not pass out of your hands? It is perfectly clear it did not, because it did not go to the records in the usual way until I got it marked.
216. As soon as that was done what did you do with it? I handed it up to the record clerk, for transmission to Mr. Nealds. My business with the Commissioner is usually from 3 to 4 o'clock; as a rule I am always last with the Commissioner.
217. So that your business paper would go to the records clerk the last thing in the evening? Generally, and that would probably account for it having been transmitted to Mr. Nealds the next morning.
218. *By Mr. Moriarty*: That is on the 4th? Yes. As my business is done usually late, it is found inconvenient to transmit them the same evening.
219. And this report was received from Mr. Nealds on the 6th? Yes, and went on to Mr. Whitton on the 7th.
220. *By Mr. Owen*: Do you generally prepare these headings to the memorandums? I generally dictate it; I do not prepare it—it is not my handwriting—it is Mr. Forde's.
221. When was it prepared? I should say on the 3rd of the month—on the night I had it transmitted to Mr. Nealds.
222. Will you swear you saw this before it went out of the office? I am sure I cannot be mistaken; it was a business I paid great attention to.
223. You gave instructions to send it back to Mr. Nealds to report on—there was nothing to require your supervision in that matter? It is a thing I frequently do.
224. And you never take any notice till the report comes in? Certainly not.
225. You did not see it again until it came back with Mr. Nealds' report? No.
226. *By Mr. Moriarty*: And this was forwarded to Mr. Nealds on the 4th? Yes.

Charles J. Nealds examined:—

227. *By Mr. Owen*: Who was goods clerk after Mr. Fligg left? Mr. Owen succeeded Mr. Fligg, having been second goods clerk under Mr. Fligg.
228. *By Mr. Whitton*: How long was Mr. Owen second goods clerk under Mr. Fligg? I am not certain; I should think more than six or nine months, because he was appointed in Captain Martindale's time. He was doing assistant goods clerk's work, although only paid porter's wages, 7s. a day.
229. *By Mr. Owen*: Before Mr. Fligg left was he not promoted to the situation of goods clerk? He was. *Two accounts for timber "O.H.M.S." to Holdsworth put in, dated 26 February, £13 4s. 7d., and 20 June.*

John Rae called in and examined:—

230. *By Capt. Mayne*: Will you explain to the Board how that document came into your possession first? I cannot state.
231. Do you remember the document? I remember the case it refers to, but I don't remember the manner in which it came into my hands; I suppose that it came in the usual way, I must have received it from the chief clerk. It has been presented to me, but by whom I cannot say; I find it marked in the usual way, "Mr. Nealds to report."
232. Was your attention drawn pointedly to the document when handed to you? I don't remember my attention was drawn to it different to any other document; but there must have been some papers with this document;—are there no papers connected with it? I find that this is addressed to the manager; I have nothing that reminds me of anything peculiar about this paper, but I remember the circumstance well enough that it refers to.
233. Is there anything in it that shews it came enclosed in any document or paper? No.
234. Does your memory serve you as to that? No, I cannot remember how it came to me.
235. Then the only thing that you can recall is that it came into your hands from the chief clerk? It must have either come from the chief clerk or Mr. Nealds, and no other way could it have come. I find the address on the back; if there was not the address on the back I should have thought it came in the usual way.
236. *By Mr. Owen*: The fact of the paper having been sent to Mr. Nealds to report on would satisfy you that it did not come direct from Mr. Nealds at first? My impression was that it came from the chief clerk, because I sent it on to Mr. Nealds for report.
237. Is it customary for a document addressed to the traffic manager to come to you first? No.
238. It should come to the traffic manager and then be forwarded to you with his report? That is the usual course.
239. *By Capt. Mayne*: Did it strike you that the document had come forward in an unusual way? I cannot remember the circumstances of it, and it is a remarkable circumstance that a document addressed to the manager, and sent from me for the manager to report, and yet I cannot remember the circumstance.
240. *By Mr. Moriarty*: Would you have been likely to have made that memorandum, and sent it to him for his report if he had presented it to you? It is possible, for this is marked as an official document, but if it came as a naked document it might be sent to him.
241. If he brought it to you as a naked document, and wished to make a verbal explanation, you would have sent it back to him? Yes, I never take verbal explanations.
242. There is nothing in it to make you remember it? Nothing.
243. *By Mr. Whitton*: If the paper had been before the chief clerk, it was his duty to lay it before you? Unquestionably to lay the paper before me.
244. *By Mr. Owen*: Mr. Nealds sometimes comes up to you with papers, to talk them over before he makes his report? Yes.
245. *By Capt. Mayne*: Would you, in case Mr. Nealds brought in that paper and gave a verbal report, have made such a minute in order to get his written report? I should have done so, but I have no recollection of a verbal report—but I should ask, if there had been, for a written report ———.
246. Would you have made that minute? Yes, I don't look on a verbal report as an explanation.
247. If a person brought you a document would you make a minute that he must make a report, and say that this document must come to me with your written report? It should be there. That is my usual course—my invariable course; when I ask for this report of Mr. Nealds the course is to go through the office—to go through Mr. Moody, and if anything is handed to Mr. Nealds it is with the understanding that he takes it in to Mr. Moody in the usual course. I don't believe this was the case, because it is addressed to Mr. Nealds to report, and it goes direct to him. I can suppose three cases. I can suppose that Mr. Nealds gave me a verbal explanation, and if he did I would still have asked him for a report, as I appear to have done.
248. *By Mr. Moriarty*: Supposing you had done that, would you, in addition, on the same date put your initials to the same observations on the minute paper? It is not mine. This is the document I mark on, and the minute paper sent, signed J. R.
249. *By Capt. Mayne*: Suppose Mr. Nealds gave you that document personally, and you required a written report, and put that minute on that document—would you then have handed it to Mr. Nealds or the chief

chief clerk? If I handed it to Mr. Nealds, it would have been with the intention of his taking it to the chief clerk. I have repeatedly told Mr. Nealds that nothing is to go out of this office without the proper course, because it is inconvenient to us all, more particularly with regard to the office.

250. *By Mr. Moriarty*: Would you have put that minute on it without the office brand on it? I don't see the office brand on it.

251. Would it not be branded if it came from Mr. Nealds and you wished to make it an official document? I repeatedly do so in order to save time; I minute them, and hand them in to be branded, as you call it.

252. If it had been submitted to you out of the usual course, namely, brought to you by Mr. Moody, would it have struck your attention as anything unusual? I am surprised I don't remember it, because it is a remarkable circumstance. I even remember the document itself as well as possible, and yet I cannot remember how it came into my possession. I cannot imagine that I could have overlooked that it was not addressed to myself, because it is a memorandum to the manager. It is evident it has not gone through the proper course of the office, because it is deficient of the office mark; we generally stamp as a rule; I see it is stated here that it is enclosed to the traffic manager.

253. *By Mr. Whitton*: That document must have come into your hands before the paper was minuted? Yes.

254. *By Mr. Owen*: Mr. Gould stated that he got this document, but he does not state how, and that he brought it up here himself and gave it to the chief clerk, that they talked the matter over, and the chief clerk brought it in to you—on the other hand, we have the statement from Mr. Nealds that Mr. Nealds brought it up here himself and submitted it to you. We want to know if your memory serves you to say which of the two statements is correct? No, I am not a bit nearer than I was. As I said at first, the more probable way is that it came from Mr. Moody, but I don't recollect how.

255. *By Capt. Mayne*: If it had come to you enclosed, would there have been anything beyond what there is in connection with it? Enclosed, addressed to myself?

256. Yes, look at the head of the minute paper? Well, it is perfectly clear that before this minute was made the document was minuted by me.

257. If this minute had come enclosed from the traffic manager, would it stand in the same state as it now does? I believe it would, if this had come in the usual course to the chief clerk and been handed or brought in to me. I would have marked my initials there or here; but if marked there, it would be marked here signed—

258. Is there anything to shew that it did not come in the usual way? No, there is not.

259. *By Mr. Owen*: If the chief clerk had brought that document to you—the document directed to the traffic manager, and headed for the traffic manager—would it not have struck you as being strange? I have no doubt my attention was drawn to it.

260. But it need not have been if it came direct from Mr. Nealds—there would have been nothing remarkable about it? No.

261. *By Mr. Moriarty*: These minutes are supposed to be copies of the original documents? No, short summaries.

262. What could Mr. Nealds' object be in interlining this after it was evidently written—is such a thing customary? No, certainly not; until my attention was drawn to it I never noticed it.

263. Is it customary to have such an interlineation as that? It is not customary or proper; I think it is highly improper to alter a document without the sanction of those in authority.

264. *By Mr. Owen*: Let us assume a case, that Mr. Nealds did bring up an important document, and one which he drew your attention specially to. Having brought it up and got the minute, and on it being sent back to him for a written report, and the minute simply stated that the document was laid before you, and not by the traffic manager—would it not be usual for the traffic manager to state that he did lay it before you? Very improper for the traffic manager to alter it; if you allowed him to alter a minute, you don't know how far it would go.

265. *By Capt. Mayne*: There might be instructions in the traffic manager's own minute? Yes.

266. *By Mr. Whitton*: Assuming the document had been forwarded by the traffic manager, would it not have been enclosed by some paper? Yes, unless given to me by hand. I believe so, unless he brought it in his hand; but it does not follow that this comes to me so; before this minute was written this paper was in existence.

267. The paper enclosed is one on which Mr. Nealds should have reported himself—it required no instructions from you—it was no part of your duty to report on it? No.

268. If that document was in Mr. Nealds' possession, was it not that he should report on it before he came to you? Yes.

269. *By the Chairman*: You don't recollect the circumstance? I cannot.

270. *By Mr. Moriarty*: You think no verbal explanation had been offered by Mr. Nealds at the time you wrote your minute asking for an official explanation? I don't think so; I don't recollect it.

13 November.

Richard Moody examined:—

271. *By Mr. Moriarty*: The Board think that there is evidence that the timber received from Holdsworth up to the time of Fliggs' departure has had the freight paid for—Is it so? It was collected up to the period for which the account is sent in, otherwise there would be a debit in the books against the storekeeper's account.

272. Up to the end of February? Yes.

273. And which there was not? Yes.

274. Did all the timber go to the storekeeper? Yes; all the contract timber delivered by Holdsworth would be handed over to the storekeeper, but he had nothing to do with the freight.

275. Would it be branded "O.H.M.S."? Not branded—ticketed. It should come down the line in the way-bill, but that (way-bill) does not come into the hands of the storekeeper.

276. Can we get a way-bill? Yes.

277. We want to know whether there was any alteration in the mode of sending timber before Fliggs' departure? Mr. Holdsworth was contractor for the year 1861; consequently it is those invoices that you require, from the 1st of January to the 26th of February. (*Accounts put in.*)

278. Had Mr. Fligg's successor access to these invoices, or is there any documentary evidence to shew him that in Fligg's time it was paid for? No, it would not necessarily come to him. The way-bills are all filed, so that unless he went back to look at the papers he would not have had them specifically brought before his attention.

279. In such a matter, and in taking charge of such an office, would he not naturally go and see whether this timber was to be paid for? I should imagine that having been in the office previously he must have made himself acquainted with the routine.

280. Was that Mr. Owen? Yes, he was stationed there, but I do not know in what capacity he was. He was paid as a porter, and passed as a porter.

281. It seems an extraordinary thing that on this date they should stop collecting the revenue? I believe no revenue was collected when Mr. Owen took charge of it from Mr. Fligg. He found these way-bills came "O.H.M.S.," and was unable to distinguish who the goods belonged to.



282. Was the service such as to inform him what had been charged by Mr. Fligg or not? I should think not, because things had been very loose, and it is only through a new system that has been established by Mr. Owen, that we have known these things.

283. And for that the traffic manager was responsible? Yes, that is my impression, and I have had to act accordingly. It was with a wonderful amount of work that the new system was established. There was much opposition to it.

284. *By Capt. Mayne*: Are there any books of record at these different stations? There are, but the information is such as is taken from the way-bills. At that time there was only the way-bill book; now there are proper books.

285. Did Mr. Owen have no book of record when he succeeded Mr. Fligg, to shew how these things were done? No, he could not have.

*Mr. Nealds* said—I maintain there are books, and have been ever since the opening of the line. There are books by which it would be seen all that was to pay, what was paid, and what had to be paid out. I say Mr. Owen knows very well that those books are there, and before Mr. Fligg left, Mr. Owen used to be in the office, and making out accounts for Mr. Fligg.

*The Chairman*: Write a list of the books which you refer to.

Richard Moody, examination continued:—

286. *By Mr. Moriarty*: This seems to be rather unsatisfactorily explained—the first memorandum respecting Holdsworth's account is interlined by Mr. Nealds, in different ink, "by Traffic Manager"? when did you first observe it? Only when pointed out by the Board. It is one of those things that would not necessarily strike my eye in the multiplicity of papers. I have previously detected an interlineation, and the officer has been reprimanded for making it. This was a peculiar case all along.

287. Do you think that that interlineation could have been made on the 6th—on the date of Mr. Nealds' report on the subject—when the whole thing was fresh in your memory, without attracting your attention? I should think not; Mr. Nealds is in the habit of bringing papers direct to Mr. Rae, and I should not have got it direct, and I may not have seen it. It is not improbable that Mr. Rae took it to Mr. Whitton for information, and then I may not have seen it for some time.

288. The circumstances under which this paper was brought to you by Mr. Gould were peculiar—do you remember how he accounted for getting it? I believe he told me he got it from Mr. Fligg, the goods clerk.

289. But Fligg's had left? I think he was then there the goods clerk. To the best of my recollection he got it from the goods clerk; I believe he got it from the goods clerk at the station. At first I imagined that he picked it up, but my recollection afterwards is, that he said, "I have got it from the goods clerk, at the station."

290. Not the station master? He made a statement as to where he got it, but I am not distinct about it.

291. *By Capt. Mayne*: Did he explain why having got a document not addressed to the office or to him that he brought it here? He is a very peculiar fellow. It may strike many that his zeal carries him in a way that some people might condemn; when he brought it he threw it on my table, and said, "This is the way things are going on, and after me writing to Liverpool on the matter." I recollect the way in which he worked his shoulders. I made a remark how he got it, and he said, "I got it from the goods clerk, but I will stick to it."

292. He said, "This is the way things are going on"? Yes, and that he had written to Fitzmaurice.

293. Did Mr. Gould's manner in any way lead you to suppose he had got this paper in a way he was ashamed of? Oh! no; not at all. I certainly believed he got it from the goods clerk, who, perhaps, for the first moment, became aware of how things were being done. I merely surmised that Mr. Nealds had been to the goods clerk, and Mr. Gould had got it from him, and would not give it up; although I do not give a reason, I have a reason why I come to that conclusion.

294. The Board would like to hear the reason which led you to this conclusion? It is this: that matters of great importance have been kept from the knowledge of the Commissioner for months, and have come into the office by accident. We have found that matters have been before the traffic manager, and no reports made, and the matters have only come before us by accident, for instance, the £183 2s., for goods lost, was kept away for six months.

295. Am I to understand you that your reason was brought to your mind from the fact that information had been suppressed and kept back, in reference to important matters? Yes, and I have no doubt the Commissioner will state the same thing.

296. *By Mr. Moriarty*: The attention of the Commissioner does not appear to have been pointedly called to this matter? Not till I brought it before him.

297. But he has forgotten all about it? His memory is not the best.

298. Who was the goods clerk at that time? I don't recollect.

299. On the 3rd of June? It must have been Mr. Owen; I am sure I had it on the 3rd.

300. What was Mr. Brown? Station master up at Liverpool.

301. Up to what date was he station master? I could not say.

*Mr. Nealds*: About the end of March or April.

302. Where is Mr. Brown? He has left the service.

13 November.

Edward Owen called in and examined:—

303. *By Mr. Moriarty*: We find that on or about the 2nd of March, a change took place in the consignments—that goods sent from Liverpool instead of being sent to Holdsworth, as previously—immediately after Fligg's departure that goods were sent down "O.H.M.S."? Yes.

304. Can you give us any light as to how the change took place? I cannot. I know I called attention to it.

305. When? About March or April.

306. To whom? To Mr. Moody, the chief clerk, or the Commissioner. I was about bringing out a new system of accounts, and I shewed that this was a very loose system of carrying things on.

307. When was this? I think it was March or April.

308. Do you remember what transpired—what statement did you make? I stated that these goods were carried. I did not know the contract was that Holdsworth was to pay freight. I called attention to the monthly account, "O.H.M.S.," and that anything might be charged "O.H.M.S.," and there was no check on it.

309. What did Mr. Rae or Mr. Moody do? Nothing further was done; not until May when there was some timber for the gymnasium, which came down "O.H.M.S.," and I said to Mr. Nealds it ought to have paid freight.

310. [The Chairman read the list of books given by Mr. Nealds?] I have none.

311. *By Mr. Owen*: Was there a line inspector at that time? No.

312. Was there a traffic inspector? He was dispensed with at that time.

313. *By Mr. Moriarty*: What was his duty? He assisted Mr. Nealds; he does what duty Mr. Nealds does.

314. *By Capt. Mayne*: When did you call attention to this matter? I called attention to the accounts being

- being most disgracefully kept, and a committee was appointed to inquire into it. Mr. Nealds was sent for, and this new system of accounts was afterwards adopted.
315. When did that committee meet? They met once or twice upon it; it might have been altered in the end of March.
316. *By Mr. Owen*: Do you know that Mr. Nealds refused to attend that committee? Yes, because he told me.
317. Will any report of that committee shew what books they found? What books.
318. *By Mr. Moriarty*: You say you called Mr. Rae and Mr. Moody's attention to the state of the goods' accounts? Yes.
319. Did you call Mr. Nealds' attention to it? No, I thought it was of no use.
320. Then Mr. Nealds must be ignorant of this charge in the consignments? Yes.
321. *By the Chairman*: Look at that letter of Fitzmaurice's—when did you see it first? I think it was yesterday.
322. You never saw it before? Not to my knowledge.

—

John Gould recalled and examined:—

323. *By Mr. Moriarty*: We are not clear how you came by that paper—will you explain? I could not give you any more explanation than yesterday; I cannot tax my memory better; I must have either got it from the station master, or about the station master's office.
324. If you found it about the station master's office, would not the natural course be to give it to Mr. Nealds, to whom it was addressed? No, it was an open document; I considered I had to bring it to the Commissioner—my superior officer.
325. Had you no other reason in your mind for bringing it here? The only reason was because it had reference to my memo. of a previous date.
326. Had you no other reason? No other, except I saw the revenue was being lost, and I brought it under the notice of the Commissioner to recover it.
327. On making that memo. had you any ground for making it—had you any idea of the revenue being lost? I believe I explained it was in reference to some timber for the Gymnasium. That was the first intimation I had. I might have had suspicions in my mind that it might have come in this way. What these suspicions were I could not tell. I was goods clerk there, and ought to know the way business was conducted.
328. *By the Chairman*: You did not get the letter from Mr. Owen? No.
329. You having written a letter, and a letter being received from the station master in consequence—is it not what would happen? That is what happened.
330. Do you not consider that, this being an answer to your previous report, it would have been transmitted to the Commissioner? When I got it I did not consider.
331. This might have been in transmission according to the proper routine, and yet you thought it was your duty to take it away and bring it to the Commissioner? Yes, I thought so because it had reference to the memo.
332. Although it was at that time in transmission? It might have been; I don't know whether it was in transmission.
333. Did you tell the station clerk that you had taken the paper out of his office? No, I may have got it from the station clerk, and I may have picked it up out of the office. I cannot tax my memory any further.
334. *By Capt. Mayne*: You gave it to Mr. Moody? Yes.
335. Did you tell him how you became possessed of it? I explained the nature of it in connection with my memo.
336. What do you mean by nature of it? I mean my memo.
337. Did you tell him how it came into your possession? Yes, I must have told him that I got it from the station.
338. From any one? I cannot tell whether I told him I got it from any particular person or not.
339. You had been goods clerk there previously? Yes.
340. *By Mr. Moriarty*: You had been goods clerk there previously? Yes.
341. And you had observed some timber coming down "O.H.M.S."? Not that timber.
342. After you had ceased to be goods clerk, you observed some timber coming down "O.H.M.S."? No. I could not say that, because I do not see the way-bills. While I was goods clerk, I saw a good many things marked "O.H.M.S."
343. Did you have reason to believe that these things were not paid for? Yes.
344. Before this memorandum which you brought under notice of the Commissioner? Yes. Having notice to the memo. of the previous matter of the timber, Mr. Fitzmaurice occurred to my mind, and finding that Fitzmaurice wrote and said that the timber was consigned "O.H.M.S.," I thought it was right to bring the matter under the Commissioner's notice at once.
345. *By the Chairman*: Do you know how long after the letter was written you brought it up? I think a couple of days.
346. What made you in such a violent hurry (because you found a report on your report in the office) when it might be transmitted to the Commissioner in due course? I did not think I was in a hurry. I think it is my business to take it at once if I find anything to report on.
347. *By Mr. Owen*: You said, yesterday, you were in such a hurry because you were delighted to find the Government were defrauded? Yes, and I say it again, because there was revenue going astray which will be recovered.
348. By whom were you removed from your position as goods clerk? I was appointed storekeeper.
349. *By the Chairman*: That is not an answer to the question. By whom were you removed? Captain Martindale; he promoted me from goods clerk to storekeeper.
350. At whose recommendation? I suppose the documents will shew it.
351. That is no answer to my question? I don't know who recommended me for promotion.
352. Were you on friendly terms with Mr. Nealds at the time you found this paper? I have always been on friendly terms with him, so far as he does not interfere with my duty—on the best possible terms.

—

15 November.

Charles J. Nealds examined:—

353. *By the Chairman*: The Board wish to know if you would like to make any further explanation in reference to the interlineation? The interlineation was made by me, I acknowledge that; but I laid the paper before the Commissioner, and I am ready to be put on oath that I laid it before the Commissioner, and since then it has been taken away. I have reason to believe I laid the paper before him on Saturday morning, and went down to Liverpool by the 2 o'clock train. The paper I took to my office, and it must have been stolen in the evening, or on the Monday morning; but I am perfectly sure I shewed the paper to Mr. Rae, and read it myself.
354. *By Mr. Moriarty*: When was the interlineation made? When the paper was sent down to me by the Commissioner. I made the interlineation; and seeing that I knew I had sent it before to Mr. Rae, I made the interlineation to shew that it had come from me. It is of frequent occurrence that I bring my papers into Mr. Rae, and read them over to Mr. Rae before I make any report whatever.

355. *By the Chairman*: How was it you did not express some surprise at the paper coming to the Commissioner in an irregular manner? In my hurry I must have fancied I left it with Mr. Rae; but seeing that memorandum is returned by Mr. Forde and not by the Commissioner, I corrected it in that way. There is not the initials of the Commissioner on the minute paper.

Wednesday, 12 November.

Charge 10 D.—Minute paper, 62/1254. "Pratt, a porter at Blacktown, suspended by station master for drunkenness, and reinstated by Mr. Nealds without inquiry or report."

The Chairman having read the papers, said—We have considered the matter, and the Board are of opinion that it has already been disposed of. We do not intend to inquire into the character of this particular person, and we don't propose to take any evidence in it.

12 November.

Charge 10 E.—Minute paper, 62/1243. "Report from Mr. Owen relative to passes granted by Mr. Nealds to parties not in the Railway Department."

Charles J. Nealds examined:—

1. *By the Chairman*: In the case of a clerk in charge of the Telegraph Department—had he a free pass? Yes; when they are employed on the railway and inspecting the line, when it breaks down, or any interruption takes place. People at the stations—Parramatta, Penrith, and Liverpool—transmit and receive our messages at any time when called on to do so.
2. *By Mr. Whitton*: Do we pay for these messages? I believe not.
3. Do you know whether we do? I believe we do not; Mr. Cracknell said we do not.
4. Are they not charged against this department? I think not.
5. *By the Chairman*: How long has this gone on? Ever since the telegraph instruments have been on the line.
6. How long? Three or four years.
7. This has continued three or four years? Yes.
8. Are you aware whether it was known to the Minister or the Commissioner? I believe so—all employees are to have passes.
9. *By Mr. Whitton*: You say these men are not employed on the railway? I did not.
10. Are they not in the Telegraph Department? Yes, but they work on the railway.
11. Is it not a fact that at several of the stations on the railway, telegraphs have been erected, which are worked by the station clerks exclusively for the purpose of the railway? There is an electric telegraph and a magnetic telegraph at Campbelltown, also at Liverpool; but there is only an electric telegraph at Parramatta, and also at Penrith; the station masters work either of the two latter.
12. Is there any telegraph at Newtown? Magnetic.
13. That is there for the purpose of the railway? Yes.
14. Is there any at Petersham? Yes.
15. Then the station clerk you gave the passes to do not reside at Petersham? Not that I am aware of.
16. Then, in fact, you have only got these instruments at the principal stations? The magnetic at the intermediate, and the electric at the principal.
17. What is worked in Sydney? Both.
18. Are these both at Campbelltown? Yes.
19. Then you have the principal stations worked by the station clerks exclusively for the railway? When they are in order.
20. *By the Chairman*: How long have they been put up? Three years. The telegraph which was put up before that time was for the public generally, they received messages and received pay.
21. *By Mr. Whitton*: Are they receiving no pay whatever? Not from the telegraph at Sydney—not for railway messages.
22. I mean for general messages for the public, and for the departments of the public? Yes.
23. And for railway messages also? No reply.
24. *By Capt. Mayne*: It appears to be admitted that there were passes issued to a certain number of officers in the Electric Telegraph Department? Yes.
25. For what purpose? For the line inspector to visit the line between Campbelltown and Sydney, and Sydney and Penrith when the line gets out of order; occasionally the line gets damaged, and the circuit is stopped, and the line inspector goes down to repair it.
26. Are you aware whether these passes were restricted solely to such persons? I am not; but I intended them only for persons who worked these, and were on duty.
27. Was there any means of convincing yourself that they were on duty? The only way was seeing a man going down with his tools.
28. Was there any order given that there should be a limit to the passes? They are to be issued to those in the service.
29. *By Mr. Moriarty*: Are you aware that these same gentlemen who travel with your passes—what arrangement they had with reference to their travelling expenses? I am not.
30. Did they get an allowance per day on what it cost them? I believe they did not get an allowance. From what I understand, the rule in our department is, that a person who does not sleep from home does not get paid.
31. *By Capt. Mayne*: But he gets his actual expenses? I don't know.
32. Do not the telegraph boys travel backwards and forwards from Sydney to see their friends? I am not aware of it.
33. *By the Chairman*: Have you ever issued passes to persons purporting to be on duty to enable clerks to come and see their friends? Not to my knowledge.
34. *By Mr. Whitton*: Have they not used these passes for that purpose? I cannot say.
35. *By Mr. Moriarty*: Did you ever issue passes to persons on any account except on duty? No.
36. *By Mr. Whitton*: Were they on duty? To the best of my knowledge and belief.

Wednesday, 12 November.

Charge 10 F.—Minute paper, 62/1260. "Recommendation from Mr. Owen to reduce staff of porters—sixteen can be dispensed with, reducing the cost of working the line £2,300 per annum, to which must be added the costs of the extra men whose services are not required."

Charles J. Nealds examined:—

1. *By Mr. Whitton*: Some short time before your suspension you had a consultation as to whether any deduction could be made? Yes, with Mr. Owen.
2. What was the result of that conversation? About a week before my suspension I had a conversation with Mr. Owen on the reductions that could be made before leasing the line, and the observation Mr. Owen made was, that although we might make reductions in the department he would defy Mr. Whitton to make any alteration or reduction in the traffic department; this was a week before my suspension.

8 November.

Charge 10 G.—“Mr. Nealds has on many occasions been intoxicated when on duty.”

James Higgs called in and examined :—

1. *By Mr. Whitton* : You are head porter at the Sydney station? Yes.
2. Have you ever seen Mr. Nealds intoxicated at the Sydney station? Yes.
3. On how many occasions? Three or four times.
4. What did you notice particularly on these occasions, or any one of the occasions? I assisted Mr. Nealds out of a first-class carriage across to his office.
5. *By the Chairman* : About when? I cannot tell.
6. About what time—how long ago—one month or six months? It might be a twelve month.
7. Was it yesterday or ten years ago? I could not say nearer than a twelvemonth.
8. *By Mr. Moriarty* : Was it only a twelvemonth? I cannot say.
9. *By Mr. Whitton* : What did you do with Mr. Nealds when you took him into his office? I left him there.
10. Where did you leave him? Inside.
11. In what position did you leave him? I cannot say; I believe he was at the table.
12. Did you find Mr. Nealds there when you returned in the morning? I think Mr. Nealds was there on the following morning.
13. At what time did you see Mr. Nealds there in the morning? Soon after 6 o'clock.
14. On the other occasions that you have referred to? At one time at the Parramatta Junction.
15. You saw Mr. Nealds intoxicated at the Parramatta Junction? Yes.
16. Where was he then? On the platform.
17. What did you do then? I did not do anything.
18. Did you put Mr. Nealds in the carriage? Mr. Nealds got in the break.
19. Who was the guard at that time? I believe it was Robinson.
20. When was the next time you saw Mr. Nealds the worse for liquor? Before that.
21. Where at? On the Sydney station.
22. *By Capt. Mayne* : On the first of these occasions who was present? I believe there was a man named Meade, one of the porters who assisted me.
23. *By Mr. Whitton* : To take care of Mr. Nealds? Yes.
24. *By the Chairman* : Is Meade in the employment of the railway now? No.
25. *By Capt. Mayne* : Was any one else present on the first occasion? No. I cannot be sure that Meade was the man, but I believe him to be the man.
26. *By Mr. Whitton* : Can you recollect who was present on this occasion? Mr. Thomas.
27. *By Capt. Mayne* : On what occasion? At the Junction.
28. *By Mr. Owen* : Is Mr. Thomas in the employment now? No.
29. *By Mr. Whitton* : Was any one else present except Mr. Thomas? I don't recollect—I cannot say.
30. *By Capt. Mayne* : On this occasion, did any particular act or conduct of Mr. Nealds take place, or any particular circumstance, that fixed the matter strongly in your memory? My assisting Mr. Nealds out of the first-class carriage—a drunken man sometimes resists.
31. He did not resist your assistance? No.
32. Did he say anything to you? No.
33. *By the Chairman* : In what stage of intoxication was he—was he able to walk? If he could have walked, I should not have taken hold of him.
34. How did you take hold of him? By the arm.
35. *By Capt. Mayne* : You assisted him out of a first-class carriage? Yes.
36. Who directed your attention to assisting him? My attention was called to him.
37. Your attention was called to him being intoxicated? Being in the carriage I thought Mr. Nealds was asleep.
38. What did you do then? I touched his arm.
39. The moment he awoke, were you aware he was intoxicated? Yes, I thought so.
40. And you took him by the arm and helped him out? Yes.
41. Did he require your assistance to walk from the carriage to the office? I thought so, or I should not have done it.
42. Did he make any objection to your assisting him? No.
43. *By Mr. Owen* : On the first occasion, what time of the day or night was it? The last train at night.
44. What made you draw the conclusion that Mr. Nealds was drunk? I say you can see he was as soon as Mr. Nealds woke up; I thought so.
45. You thought so? Yes.
46. Mr. Nealds said nothing to you—did he? I don't recollect a word being said.
47. Then you took Mr. Nealds by the arm, and helped him into the office? Yes.
48. And left him there? Yes.
49. Was there any smell of liquor on him? No, I did not notice it.
50. On the second occasion you saw him drunk at the Sydney station? That was afterwards.
51. What train was that? That was the last train at night.
52. Do you recollect the time—it might be six years ago? No, not nearly so long ago as that.
53. What did you do then? I did not do anything at all.
54. Did you see Mr. Nealds? Of course I did.
55. Where was he? Looking over the rail.
56. And you said nothing to him—and you concluded he was drunk? Yes.
57. What was he doing? He walked along the side of the station, and went and leaned over the rails.
58. On the occasion you saw him at the Parramatta station—what took place then? Mr. Nealds got up into the break-van.
59. Without assistance? Yes.
60. What made you conclude he was drunk? By the way he laid down in the break when he got in it.
61. And you thought he was drunk? Yes, I did.
62. Did Mr. Nealds on any of the occasions tell you he was seriously ill, and ask you to send for a doctor? No.
63. *By Mr. Moriarty* : Did Mr. Nealds on any of the occasions stay at the Sydney station? Yes, I thought he had.
64. *By Capt. Mayne* : Was there a shadow of a doubt whether he was drunk or sober? No.
65. *By Mr. Moriarty* : You are aware Mr. Nealds is subject to rheumatism, and is lame sometimes—was it anything of that kind? No.

Mr. Vye Faulkener called in and examined :—

66. *By Mr. Whitton* : You are station clerk at Newtown? Yes.
67. Formerly you were station clerk at Homebush? Yes.
68. During the time you were at Homebush did you ever see Mr. Nealds in a state of intoxication? Yes.
69. On more than one occasion? Yes.
70. How many times? Twice.

71. Where did you see Mr. Nealds on the first occasion—where was Mr. Nealds? It was about two years ago, shortly after the flood of April; coming up by the last train at night, Mr. Nealds was on the engine until he came to Homebush, and he was assisted off the engine by the driver to the platform.
72. And where did you put Mr. Nealds? I put him into a first-class carriage.
73. Have you any doubt in your own mind that Mr. Nealds was intoxicated? I did not see Mr. Nealds drinking, but I could not have any doubt about his being drunk.
74. When was the second occasion you saw Mr. Nealds intoxicated? It was a few days after last Christmas.
75. Where was Mr. Nealds then? He was in a second-class carriage.
76. In what position was he? He was lying on the seat, on his back.
77. And what did you notice about him particularly? There was a special train coming from Blacktown; it was a train coming up, and no passengers. I ascertained from the guard—I wished to speak to Mr. Nealds on a private matter—and I was told he was in that carriage, and I went to him and spoke to Mr. Nealds on the subject, but I saw the state Mr. Nealds was in, and went away.
78. Was there anything particular in his appearance? I cannot exactly say the peculiar appearance he was in; he appeared as if he had been sick, or something of the kind.
79. And you had no doubt that Mr. Nealds was at that time drunk? I did not see him drinking, but he had all the appearance of a man being drunk—from his speech and appearance.
80. *By Mr. Moriarty*: That was a special train? That was a special train, returning to Sydney.
81. Another train had passed before? Yes, the ordinary train had just left Homebush; I stopped this train five minutes, because it was within the five minutes, and I wanted to see Mr. Nealds on a private matter, and I ascertained from the guard that Mr. Nealds was in the train, and I went to Mr. Nealds and spoke to him.
82. Suppose you had not stopped the train, do you think an accident might have occurred because Mr. Nealds had not his wits about him? Of course I would not let the train go on within the five minutes, if the Governor was in it. I don't know whether any accident might have occurred.
83. *By Mr. Owen*: It is your duty to see to this matter? I have always seen to it.
84. And the guard? Yes; it is the station master's duty to stop the train at the proper time, whether the guard will go on or not.
85. You say on the second occasion you saw Mr. Nealds lying on his back in the carriage? Yes, he was sick.
86. Was he sick? He appeared to have been sick. If you will allow me to give it the most vulgar term, the saliva was running out of his mouth on the floor.
87. There was no other symptoms of sickness? Only a lot of stuff running down there.
88. Might it not have arisen from his smoking? Yes, for anything I know.
89. Did you go up to Mr. Nealds? I was as close to Mr. Nealds as I am to this.
90. Did you smell any smell of liquor on him? I did not require to smell any smell of liquor.
91. Did or did you not? I did not.
92. Mr. Nealds was asleep, and you roused him up? Yes, he was asleep.
93. Did you speak to Mr. Nealds? Yes, I did.
94. What did you say to Mr. Nealds—did you put a question to him, and did Mr. Nealds answer it? He tried to answer it, but I saw, and had no doubt on my mind how it was with Mr. Nealds, and I walked away.
95. Did he answer the question? He tried to answer the question—he commenced to speak, but not intelligibly.
96. How was it not intelligible? Because Mr. Nealds was the worse for liquor.
97. Was the man's speech incoherent? What Mr. Nealds said to me was not an answer to my question, which was about getting a pass for my boys to go to Sydney school.
98. What reply did Mr. Nealds give? No answer to my question at all.
99. What did he say? He did not say anything that I could understand.
100. What did you do then? I walked away, and I said nothing to him or anybody else.
101. On the first occasion Mr. Nealds was travelling on the engine? Yes, to Homebush.
102. What was done then? When the train stopped there, I saw Mr. Nealds assisted off the engine.
103. By the driver? Yes.
104. Don't you know Mr. Nealds suffers from lumbago or rheumatism? I don't know it.
105. Did you ever see him walking lame? Yes, but I don't know what from.
106. You have seen him obliged to be helped? No; but I have seen him lame, and walking with a stick.
107. What was done then? Mr. Nealds took hold of the iron rails of the platform. I went to a first-class carriage and back, and took Mr. Nealds' hand and led him up to the door, and put my arm round him and helped him in, and he took the centre seat.
108. Did he say anything to you, or you to him? No.
109. Was there any smell of liquor? I cannot tell.
110. Did Mr. Nealds appear as if he were suffering from pain? Mr. Nealds appeared as if he were suffering from drink.
111. Did he appear as if he were suffering pain? He appeared as if suffering from drink.
112. Did he appear as if suffering from pain? I don't know whether Mr. Nealds felt pain.
113. *By the Chairman*: Did he appear to you as if he was suffering from pain? He appeared to me as if he was suffering from something, because he could not walk.
114. *By Capt. Mayne*: Were you under the impression that he was suffering from pain? No, I was under the impression that he was drunk.
115. Have you ever seen Mr. Nealds suffering from sciatica or rheumatic affection? I have seen him frequently walking with a stick, and then he was sober.
116. Was there anything that indicated that he was suffering as you have seen him on other occasions? He had all the indications of a drunken man, or a man that was drunk.
117. *By Mr. Owen*: You did not see him drinking on any of these occasions? No.
118. *By Mr. Whitton*: Did you ever see a man accustomed to smoking in the state you observed Mr. Nealds? I should say not; he was laying on his back, and the saliva was running out on the floor. I never smoke myself; it may be laziness, but he could not lift himself up to spit it out.
119. Did you ever see a man suffering from rheumatics incapable of speaking? Not unless he was paralysed.
120. *By the Chairman*: Has Mr. Nealds ever reported you for misconduct in any way? I don't think he has; not that I know of. I have known Mr. Nealds for the last seven or eight years, and we have always been very friendly until lately. Lately Mr. Nealds took a dislike to me; I don't know what for. It appears from a letter that Mr. Nealds recommended my removal to the north.
121. Did he state any reason? He stated that I was one of the most likely officers to be removed; knowing my large family he said it would be ruin for me to be removed, and at the same time he recommended my removal; but don't think I would tell a falsehood against Mr. Nealds on account of this. I would not tell a lie for £1,000.

James Walker called in and examined :—

122. *By Mr. Whitton* : What are you? Fireman.  
 123. You were some time ago engine driver? Yes.  
 124. Have you on any occasions had Mr. Nealds driving in your engine when he was in a state of intoxication? Once.  
 125. And what did you observe particular about Mr. Nealds to induce you to suppose that he was intoxicated? I thought he was rather worse for liquor. He was sitting on the side of the tender of the engine, and I was afraid he might fall over. When we got to Homebush Mr. Nealds got off and went into a carriage.  
 126. Did Mr. Nealds get off without assistance? He got out on the steps and I just caught hold of his arm.  
 127. Did you ever see Mr. Nealds laying down on your tender? Once.  
 128. Was that on another occasion? Yes, coming from the Masonic Ball.  
 129. What did you notice particularly on that occasion? I think he had been out late; it was very nearly morning when he came down; I could not say he was the worse for liquor, because we were a very heavy load, and there was a lot of work to do, and we had to fetch meat down that morning.  
 130. About four years ago something occurred—was Mr. Nealds on your tender? Yes.  
 131. Tell the Board what it was? Why he was on the tender, and I was fireman with I— Mr. Lewton was on the engine at the time.  
 132. Tell all that occurred? Mr. Nealds was in the way, and I asked him to get up out of the way of the side of the tender.  
 133. Where was he when he was in your way? He was sitting on the wood.  
 134. You asked him to get out of the way? Yes.  
 135. In what state was Mr. Nealds on that occasion? He was rather the worse for liquor at that time; he was lying on the tender then.  
 136. When you say he was rather the worse for liquor, was he drunk? Well, he was not sober.  
 137. Was there anything particular in his manner—can you explain to the Board what it was that led you to the impression that Mr. Nealds was on that occasion, as you express it, in liquor? He seemed rather to stumble about, and people who have often been on the engine would not stumble about; and he looked rather as if he had had a drop.  
 138. Did he speak to you? Yes, he said "Good day."  
 139. Did he speak distinctly? Yes, he spoke distinctly—as he generally did, but he stumbled about; Mr. Lewton was on the engine at the time.  
 140. *By Mr. Owen* : The only thing that made you draw the conclusion that he was the worse for liquor was, that he stumbled? Yes, he stumbled and went to sleep on the side of the tender.  
 141. What time was it—was it a late train or an early train? It was a late train.  
 142. I suppose there is nothing extraordinary in a person stumbling on an engine? No.  
 143. It may have arisen from accident? No, it was rather steady; not much jerking on these new engines.  
 144. But this was four years ago? I cannot say exactly; three or four years ago.  
 145. At what time were the engines all —? Some of them were with indiarubber springs.  
 146. On the first occasion what induced you to think he was drunk? He was sitting on the side of the tender and I was afraid he would fall off. I thought so because the porter handed him off when he got to the Homebush station.  
 147. Did he ask you for assistance in getting off? No.  
 148. Did he speak to you? No.  
 149. Were you near to him? Yes.  
 150. Did you smell any smell of liquor? Yes.  
 151. Are you perfectly positive of it? Yes.  
 152. You say Mr. Nealds got on the step of the tender? Yes, and I caught hold of him by the arm to see that he did not fall between the platform and the engine, and the porter handed him into the carriage.  
 153. What made you think he was going to fall? Because he made a stumble just by the handrail.  
 154. That was what made you think he was going to fall? Yes.  
 155. Have you ever been reprimanded by Mr. Nealds? Not that I am aware of.  
 156. You have had no caution from him in any matter? Only caution as to the trains.  
 157. No official cautions? Not that I am aware of. I have been cautioned by Mr. Scott, my foreman.

James Robinson called in and examined :—

158. *By Mr. Whitton* : What are you? Railway guard.  
 159. Have you ever observed Mr. Nealds on the line in a state of intoxication? I have.  
 160. On how many occasions? I could not recollect.  
 161. Have they been so numerous? I may say on three or four occasions I have noticed it.  
 162. When was the last time you saw Mr. Nealds in that state—about what date? I should say three months ago. I am not sure of the date—it may be a little more.  
 163. What did you notice on any one particular occasion with reference to Mr. Nealds? On one occasion I noticed him lying in the break-van.  
 164. *By Mr. Owen* : Can you give the date? I could not.  
 165. *By Mr. Whitton* : Where did Mr. Nealds get into your break-van? At the junction.  
 166. Mr. Nealds came down with you from the junction to Sydney? Yes.  
 167. And when you arrived at Sydney, what did you observe? My duty is to see after the parcels, and before I could come to the end of the train where Mr. Nealds was, I had no chance of seeing how he was taken out.  
 168. And you never did see him taken out? No.  
 169. What did you observe in Mr. Nealds conduct when he got into the break-van? I did not see Mr. Nealds placed in the break-van, but I saw him there when I got to Homebush, laying in a dangerous position, and that caused me to shut the door.  
 170. And you believe at the time you saw him in the break-van that he was drunk? Yes.  
 171. On what other occasion can you name that you have seen Mr. Nealds in that state? I could not mention any dates. I cannot recollect particular occasions when I have seen him. I could not say where it was, but I have seen it.  
 172. You cannot remember when it was, or where it was? Yes.  
 173. But you have seen him in that state three or four different times? Yes.  
 174. *By the Chairman* : Cannot you recollect any of the circumstances of the other times where it was—was it on the platform or in the train? I cannot well recollect.  
 175. How long ago was it? I could not say. I have been on the line ever since it was opened. It is so long I cannot recollect.  
 176. Are there no circumstances which recall it to your mind as to the place, or the state in which Mr. Nealds was? No.  
 177. Do you recollect what stage of drunkenness he was in on the other occasion—was it inability to walk—lying down? I could not say, except this one occasion.  
 178. *By Mr. Owen* : You say you did not see Mr. Nealds helped into the break-van or get out? No.  
 179. And you only saw him lying down on his back—what did you do? I shut the door.

180. Did you say anything to Mr. Nealds? No.
181. Was Mr. Nealds asleep? I should think so from the position he was in.
182. *By Mr. Moriarty*: What position was he in? He was laying on the broad of his back on the floor of the break.
183. Is there a seat in the break-van? Yes, there is in front, but none where Mr. Nealds was lying.
184. Is there any place where he could sit down? Yes.
185. *By Mr. Owen*: Is there any place where he could lie down, besides the floor? No.
186. *By the Chairman*: You say he was in a dangerous position? I mean by this, the sliding door slid back outside, but that he being so near the side of the door, I was afraid he would fall out.
187. And then you shut the door? Yes, I closed the door.
188. *By Mr. Owen*: And on the other occasion, can you specify—can you give the Board anything to shew how you came to the conclusion that he was drunk? Because I was told he was at the junction.
189. *By Mr. Whitton*: Have you any doubt that he was drunk? I had not.
190. Did you think when you saw Mr. Nealds that he was drunk? Yes.
191. And you believe at the different times, and at the time you stated you saw him, that he was intoxicated? Yes, previously to that time.
192. How many times do you believe you saw Mr. Nealds drunk? Four times.
193. You say four times? Yes.
194. The first time you had your doubts? I stated I had no doubts.
195. That leaves three you say you were told on the platform he was drunk—the first case in his being in the break-van and on the three other occasions you were told he was drunk? Yes.
196. *By Capt. Mayne*: Did you believe on the four occasions you name, that Mr. Nealds was drunk? Yes, I did.
197. *By Mr. Owen*: Will you give the Board any fact which would shew on what grounds you came to the conclusion that Mr. Nealds was drunk on the three occasions which you refer to? I think from the time I have known Mr. Nealds I ought to be the best party to know whether he was so or not.
198. What grounds had you for coming to the conclusion—you are not able to state any fact? No, not as to dates.
199. Was there any circumstance you could state that led you to suppose him to be drunk? No, I could not.
200. *By Mr. Whitton*: Was Mr. Nealds staggering, or anything in his appearance to lead you to suppose him to be drunk? Yes.
201. What was there? If you see a man four or five years, you would know very well whether he was drunk or not by speaking and walking on the platform.
202. Did you notice by his walking that something was wrong with him? Yes.
203. *By Mr. Owen*: Would you state what the peculiarities were? Only what I have seen.
204. What were the peculiarities? I should consider when a man is intoxicated he was not walking straight.
205. *By Mr. Whitton*: Was he limping or staggering about? He could not walk straight.
206. *By the Chairman*: Was there any smell of liquor? I was not near enough.
207. Then it was by the way Mr. Nealds was walking you judged? Yes.
208. *By Mr. Moriarty*: When you say he was not walking straight, do you mean with the legs or back, because Mr. Nealds sometimes walks with a stoop? I know he does; I mean with the legs.

Joseph Lewton called in and examined:—

209. *By Mr. Whitton*: What are you? Inspector of Permanent Way.
210. Have you ever on any occasion seen Mr. Nealds on the line intoxicated? I have. I have seen him helpless.
211. On what occasion are you referring to? I saw the head porter on the platform lift him out of a first-class carriage, and on lifting him out Mr. Nealds fell on his knees. I assisted him up, and one porter took my place and assisted him into his office, and laid him on the ground.
212. Did you see him yourself laid on the ground? I did.
213. What time in the morning were you at the station the following morning? At half-past 5 to 6.
214. And on that occasion did you see Mr. Nealds there? I saw him come out of his office just before 6.
215. Did you, from Mr. Nealds' appearance, imagine that he had been in the office all night, or been home? I could not say he had been in the office all night, but he did not appear to be clean.
216. He did not appear on the station in his usual neatness? He went into the office again, and I think one of the men took him in a cup of coffee as usual.
217. Did you ever see Mr. Nealds intoxicated or drunk in a horse-box? I saw him lying down in a horse-box.
218. On what occasion was that? I saw him at Homebush; and I saw the traffic inspector, Mr. Fitzmaurice, mount the horse-box to speak to him, and Mr. Nealds could not be seen, but I did not hear him answer him at all.
219. He was in the horse-box? In a small place attached to the horse-box.
220. On the seat? He was not lying on the seat, but on the ground under it.
221. Do you remember any other occasion seeing Mr. Nealds in that state? I saw him taken off the engine at Homebush, assisted by the driver and station master, and put into a first-class carriage. Walker was the driver.
222. And you have no doubt, at the time you named, Mr. Nealds was drunk? Well, he could not walk; he hung by the hand-rail till the station master came and put him in a carriage.
223. *By the Chairman*: Have you any doubt in your own mind as to his being drunk? I cannot say that Mr. Nealds was sober. He did not look like a sober man; he could not stand.
224. You have often seen Mr. Nealds, and know that he is subject to rheumatism? I don't think that arises from rheumatism; I have seen him in that way.
225. Do you think he was in that way? I have been in that way.
226. Well, what do you think about it? Well, I think it was from beer—I think it was from drink.
227. *By Mr. Whitton*: You have known Mr. Nealds sufficiently long to know from his appearance whether he was troubled with rheumatism or drink? Yes.
228. And you have no doubt in your own mind that it was drink? I have no doubt he was suffering from liquor.
229. *By the Chairman*: How many occasions have you seen this? Twice.
230. When was it—about what month? The time Mr. Nealds was taken out of the first-class carriage by the porters, I cannot say the month—I don't recollect these things.
231. Do you recollect the other occasion in the horse-box? I cannot say; I think Mr. Nealds was put in at the Parramatta old station.
232. *By Mr. Owen*: That was the second occasion? Yes.
233. The first occasion—what was it you saw on that occasion? I saw him taken out of the horse-box, and I saw him in the horse-box.
234. The first occasion was in Sydney? No, the other is first.
235. I want to ask you about the occasion when the head porter lifted him out? I saw Mr. Nealds put in at Homebush, and lifted out at Sydney by the head porter.

236. Did you see anything remarkable when he was put in? It appeared he was drunk; the station master said he was drunk. I saw him get off the engine and he fell down there, until the station master took him by the arm and placed him in a first-class carriage.
237. Were there any people present at the time? I cannot say—the station master was there; I don't know there was any one in particular. I ride on the engine, and very seldom get off.
238. Was it an empty train? I cannot say whether it was an empty or a full one.
239. You are manager of the train? I am not manager of the engine; I am inspector of permanent way, and look after the plate laying.
240. And you don't know whether there were any passengers? Yes, there were passengers sometimes. I go on the engine; I do not take any notice of what is in the train.
241. You say Mr. Nealds fell forward and leant on the rail? Yes.
242. Was that all he did? He stopped there till the station master took him away. When I was with him on the engine, he would have fallen off had it not been for the driver—he said so himself.
243. *By Mr. Moriarty*: Who? The driver told me so. I was standing on the one side and he was on the tender.
244. *By Mr. Owen*: When you were on the tender did you notice anything remarkable that made you think he was the worse for liquor? He was rather staggering about as a man would in liquor.
245. Did he get on the engine at the junction? I think he did.
246. With assistance? Mr. Nealds was on the engine when I got on; I got on at the junction.
247. When he was on the engine did you notice anything? I noticed he had been drinking.
248. How do you mean; did you see a tumbler in his hand? I saw he was the worse for liquor. I have known Mr. Nealds for a long time, and can tell when I see him whether anything is the matter or not.
249. What time is Mr. Nealds generally down at the station? No particular time—sometimes before the first train is in the morning.
250. What time is that? A quarter before 7.
251. Is it unusual for him to be there before 6 in the morning? I have seen him sometimes there.
252. Is it not a pretty general practice of his to take a cup of coffee? Yes, before the train goes off.
253. When Mr. Nealds comes there in the morning, does he not generally come there unshaven and unshorn? I don't know.
254. Is there anything unusual in seeing him unshorn? I think he generally washes himself when he comes down to work.
255. But when he comes down early in the morning? I don't know; I never took that notice.
256. On the second time did you see Mr. Nealds—the time Mr. Fitzmaurice went to speak to him? I did.
257. What did you see? I saw him in the horse-box.
258. Was he asleep? I don't know whether he was asleep or not.
259. Did you say anything to him? No, I stood by Mr. Fitzmaurice. He asked, "Where is Mr. Nealds." I think he wanted to speak to him something about a special, and Walker said, "He is in the horse-box." I saw Mr. Nealds lifted out of the horse-box at Sydney, and taken to his own office by two of the porters.
260. You were not near him? Yes; he was not taken out until the platform was cleared.
261. Did you notice anything? He was taken to his own office; they each had hold of one arm.
262. That was the only thing that led you to believe he was drunk? He could not walk; he would not want to be carried if he were sober.
263. But a person may require assistance who is suffering from lumbago? That is another thing; I don't know it.

George Fitzmaurice called in and examined:—

264. *By Mr. Owen*: Do you remember going to speak to Mr. Nealds on any particular occasion when he was lying in a horse-box at Homebush? I can recollect asking Mr. Nealds a question, whether a special would be required for certain trucks. I could not say whether Mr. Nealds was lying on the horse-box at the time; I was standing below upon the permanent way, and all I could see was his face.
265. Then he could not be lying down? Not that I know of, because I could see his face.
266. What answer did he give you? He said, "Special train."
267. Did he speak in an incoherent manner, as if he was drunk? I could not say he was drunk, but his speech was different to what it was usually.
268. In what respect? His words were brought out more in a drawling tone.
269. This was the last train? This was the last up passenger train.
270. Was that the only thing which led you to suppose Mr. Nealds was drunk? I did not say he was drunk.
271. Was that the only peculiarity you noticed? Yes.
272. And you believed he was drunk? I did not take such notice.
273. *By Capt. Mayne*: That is no answer—do you believe that he was drunk? I cannot recollect the impression that was made upon me.
274. You have been some time with Mr. Nealds? Four and a half years.
275. You see him constantly? The time I was traffic inspector.
276. Did you ever see Mr. Nealds in a state of intoxication? I never saw Mr. Nealds incapable of doing his duty.
277. Did you ever see Mr. Nealds drunk? That depends on the definition of the word.
278. What is your definition of the word? I believe the influence of liquor varies—laying down without being tired, and one cannot walk properly.
279. You say it varies—but what is your definition of drunkenness? When he cannot walk without falling down.
280. On this occasion had you any opportunity of judging if Mr. Nealds could walk? I had not.
281. Had you any way of knowing whether he was drunk or sober? Only by speaking to him; I was standing down on the permanent way and I saw his face through the box.
282. Was he, on that occasion, sitting down, lying down, or standing up? I don't think he could lie down and me see his face.
283. In what position was he? I could not say.
284. There are three positions—was he sitting, lying, or standing—you say he could not be lying because you saw his face? I should think it was probable he was sitting down leaning forward.
285. *By the Chairman*: What was he sitting on? There is a seat in these horse-boxes—the groom's box.
286. Was he sitting on that seat? I could not say.
287. *By Mr. Moriarty*: You asked Mr. Nealds a question? Yes.
288. Did you get any answer? I got the words "Special train."
289. Was that an answer to your question? That was sufficient for my information.
290. You considered that, at the time, a sufficient answer to your question? Yes.
291. *By Mr. Whitton*: When you say Mr. Nealds said "Special train," what question did you put to him? To the best of my recollection there were extra trucks to be loaded to go up the line, and would a special train be required; and Mr. Nealds said "Special train."
292. Would not Mr. Nealds, under ordinary circumstances, say "Yes" or "No"? Yes.
293. *By the Chairman*: And on Mr. Nealds saying "Special train" you acted? I believe I did; I knew I was satisfied with the answer, and I went on the engine. I have no distinct recollection of the affair.



294. *By Mr. Whitton* : Were you satisfied that the answer was sufficient that you could act upon it? I think it was.
295. *By Capt. Mayne* : When you received the answer what did you do? I took my place on the engine, and we went on to Sydney.
296. Did you leave Mr. Nealds in the same place you found him when speaking to him? Yes, he was in the horse-box.
297. Did you see him leave the horse-box afterwards? Not till we arrived.
298. *By the Chairman* : Did you not think the horse-box a strange place for the traffic manager to be in? I frequently see Mr. Nealds in the horse-box; it is not where the horses are; it is the groom's partition.
299. It is a pretty cool place? Yes, it is a place we get in to smoke.
300. *By Mr. Whitton* : Did you not believe, at the time Mr. Nealds replied, "Special train," that Mr. Nealds was repeating your words? I believe so—that special train would be required.

Charles J. Nealds examined :—

301. *By Mr. Owen* : Have you any recollection of these occasions spoken of—I think they only amount to three altogether; although some indefinite ones, take the one you are being charged with being carried from a first-class carriage into your office? I remember the circumstance perfectly well.
302. Were you drinking on that day? Nothing more than a glass of grog in the afternoon. I may mention that I frequently go away by the first train, and don't return till the last at night. Unfortunately, on this occasion, I was returning from Blacktown, and, in getting into a first-class carriage at Blacktown, the door of the carriage closed on my foot before I was fairly in, and sprained my ankle, and when I arrived at Sydney, I believe, I was asleep—I very frequently fall asleep after a hard day's work—and the porter Higgs assisted me into my office, and I put my hand upon the table and sat down in the room there.
303. Were you suffering pain? I had been, but I was asleep at the time; when I awoke up—I may also remark that I believe it is well known that when in India I dislocated my knee, and in damp weather the knee swells, and the cap is liable to swell, which causes an awkwardness in my walking beside rheumatic affliction which I have. I may make a statement that I utterly deny this charge of drunkenness *in toto*.
304. Before that, on the same occasion, you were said to have been riding on the engine; before you were helped into the carriage, I think it was? I am speaking of the time I was helped into my office at Sydney.
305. Well, explain what occurred on the occasion that you were assisted off the engine? I do recollect Walker giving me a hand to lift me off.
306. Had you been drinking nothing more than a glass of grog? I am not in the habit of drinking.
307. Then there is the other occasion at the Parramatta Junction? At that time it is stated I was asleep in the break-van. I had been travelling all day, and that day I had the assistant engineer, Mr. Thomas, with me, and we had been talking in the break-van; although the guard said there is a seat—there is a seat there certainly—it is a little cupboard in the compartment, but in the van itself there is no seat. Mr. Thomas and I had been talking as I was sitting in this way with my feet outside the break-van, and Mr. Thomas beside me.
308. That being the only place you could get? Yes, unless we went where the guard was; and we were having a private conversation; Mr. Thomas was with me; I turned round on my back in the inside of the break-van, and very likely fell asleep. Why is not Mr. Thomas called about this?
309. Do you remember some of the officials coming and shutting the door? I don't recollect; that is very likely when I was asleep.
310. *By Mr. Moriarty* : Was Mr. Thomas there the whole time? I think he travelled with me all the way to Sydney.
311. *By Mr. Owen* : On this occasion, when the head porter helped you out of a first-class carriage, did you fall down on your knees? No.
312. And when you were helped off the engine, what assistance was given you? Nothing; but a man put his hand upon my arm.
313. That I believe is the same occasion as the one you were helped out the carriage at Sydney, and the same time as you hurt your foot? Yes; there is no statement how I got from the Western train to the Southern train. The Western keeps some yards from the Southern at the Junction. If I was so intoxicated I could hardly have got on the train when the Southern was ahead of the Western.
314. Do you recollect Fitzmaurice coming and speaking to you? Perfectly well.
315. Had you been drinking on that occasion? No.
316. Had you been working hard on that day? Yes, and I got into the groom's box, not only to smoke my pipe out of the way, but also to read in quiet without any person being there.
317. Do you remember Mr. Fitzmaurice coming up and speaking to you? Yes; he came up within the six foot between the two rails.
318. What were you doing when he came up? Reading and smoking.
319. Did you answer Mr. Fitzmaurice? He spoke of the trucks of metal, and asked whether they should come by the regular train or by special train, and I answered by special train.
320. *By Mr. Moriarty* : Did you ask anybody to assist you at the Junction, when you hurt your leg at the station at Blacktown? No, I walked along the line the six foot. The reason why my leg was so painful was sitting in the carriage; my leg got hurt in getting in the carriage at Blacktown; I jumped in when the train was in motion, and the door slung to and caught me on the ankle. I got out of the first-class carriage at the Junction, and walked to the platform and got on the engine.
321. Then you got off the engine at Homebush, and was put in a first-class carriage? Yes, by Mr. Faulkner; he put out his hand to me; he does it to other passengers.
322. Did you require assistance when you came to Sydney? Yes; when we arrived there Higgs took me by the arm to my office, and I took the key out of my pocket and opened it.
323. *By the Chairman* : How was it you were on the engine? I frequently travel on the engine when I want to see anything.
324. *By Mr. Owen* : Did you ever sleep in your office during the night? Never.
325. You never passed a night there? Never.
326. I suppose when you go down to the station at an extraordinary early hour, you go before you have made your toilet? Yes, unless I am going by the first train, I never shave until I have my paper at breakfast time.
327. And you generally get a cup of coffee there? I rarely go down at 6 o'clock that I do not.
328. At what time do you breakfast? At half-past 9; I generally wait for the half-past 8 train.
329. Your duties take you a good deal upon the line? Constantly.
330. You are constantly travelling about the line? Yes.

[The Board adjourned to half-past 10 o'clock on Tuesday, the 11th.]

Tuesday, 11 November.

Charles F. Aldrich examined :—

331. *By the Chairman* : Have you seen Mr. Nealds, at any time, intoxicated on the line, when doing duty? I regret to say so, often.
332. During what time? In Sydney, generally of an afternoon, on his coming into the office, and generally when he came down the line by the last train.

353. In what state of intoxication was he? I should say he was intoxicated.
354. Was he able to converse? On many occasions not, I should say.
355. When were these occasions—can you specify any occasion? No, I have no recollection of the date.
356. What were you then? Station clerk at Sydney.
357. Do you recollect, on one occasion, Mr. Nealds being taken out of a carriage, and taken into his room by Mr. Higgs and some one else? I heard of it, but I was not present.
358. What means had you of ascertaining that Mr. Nealds was intoxicated—what led you to think so? By his gait. I have been close to him when he smelt very strongly of it; by his appearance and eyes, and by his speaking very loud and at random, and his way of calling the porters.
359. And you are quite sure you could not be mistaken? There could be no question; I am very sorry to have to say so, but it is true, I assure you.
360. And within six months how many times can you recollect—from your general recollection—that he has been drunk? I have seen Mr. Nealds come down from Penrith and Blacktown in a similar way on several occasions.
361. *By Mr. Owen:* Can you specify any occasion on which you saw Mr. Nealds drunk? No, I could not mention any particular date.
362. Or can you say how often it has occurred? I should say at least once a week.
363. Was this when you were station master at Sydney? At Sydney and Parramatta both.
364. And did you, on any of these occasions, converse with Mr. Nealds? I have asked him questions, and he spoke quite thickly to me.
365. Did he give you any intelligible answer? I only asked him a question of form. Sometimes he asked me for papers to write, and he sat down and wrote on it.
366. Is there anything else you have noticed peculiar about him? Only his gait, his thick speech, and he smelt strongly of drink.
367. Don't you know a person may retain the smell of liquor, although not at all drunk? A person's eyes and gait you can see by.
368. You are aware Mr. Nealds suffers from sciatica and rheumatism? I have heard him complain of such.
369. Have you ever seen him walk lame? Yes.
370. And I understand you to say that the only thing you noticed which led you to believe that Mr. Nealds was drunk, was on one occasion his speech was a little thick? On more than one occasion.
371. What do you call his speech being thick? The man was evidently intoxicated—I cannot explain myself better.
372. You say his speech was somewhat thick, and you judged also from his gait, and at the same time you said his speech was thick he called for some forms, which he filled up? He has generally called for some paper to write something on.
373. That is all you can say of these several occasions? Yes, I have no dates.
374. Is Mr. Nealds a personal friend of yours? No.
375. Has Mr. Nealds ever reported you? I have no proof of it; but I believe he has.
376. Have you on several occasions expressed hostile feelings to Mr. Nealds? No, I have not; I have been cautious, even if I felt it.
377. *By the Chairman:* Have you had any misunderstanding with Mr. Nealds? I know he had a strong feeling against me for a long time.
378. Have you had any misunderstanding with him?—Are you upon speaking terms except on duty? I never allow my duty to interfere with my feelings.
379. You have some hostile feelings against Mr. Nealds? I believe he has been the cause of my removal two or three times.

Thursday, 13 November.

Sydney Bayley called in and examined:—

360. *By Mr. Owen:* You are a season ticket-holder on the line? Yes.
361. You are constantly travelling up and down? Yes, daily.
362. Did you know Mr. Nealds? Yes, personally.
363. Have you ever on any occasion seen Mr. Nealds intoxicated? Never; never in the slightest degree.
364. Did you see him every day? In fact I did see him every day, except when Mr. Nealds might be away up the line.
365. How long have you been a season ticket-holder? About two years; I cannot say exactly.
366. You reside at Parramatta, I believe? Yes.
367. Did you ever travel from Parramatta to Sydney by the last train at night? I don't recollect having done so.

Alfred Stephen called in and examined:—

365. *By Mr. Owen:* You are a clergyman of the Church of England? Yes.
369. You know Mr. Nealds? Mr. Nealds has been a neighbour of mine, living close to me for the last three years.
370. He is a parishioner of yours? He is a parishioner, but not an attendant of my church.
371. You know him very well? Yes, I see him constantly.
372. Have you ever, at any time, seen Mr. Nealds intoxicated? Never.
373. He lives opposite you, I believe? Yes, directly opposite.
374. You have ample means of seeing it? Yes, I have ample means; I never saw it, and I think if such a thing had occurred I must be sure to have known it.
375. Did you receive any visits from an employé of the line of the name of Aldrich? I knew him some time ago.
376. Did he ever call upon you about some matter connected with Mr. Nealds? Some time ago Mr. Aldrich was in some difficulty at the railway, and called on me and asked me to see Mr. Rac. I did not like as a clergyman interfering in the matter, but I did come and see Mr. Rac in accordance with the representations made to me.
377. Were they affecting Mr. Nealds? They were to some extent affecting Mr. Nealds—certainly.
378. Did you lay them before the Commissioner? Some of them.
379. What did the Commissioner say? I do not recollect.
380. Did he not say, "I do not believe a word of them?" I thought the Commissioner was uncourteous from what I heard from Mr. Aldrich; I conceived a strong prejudice against Mr. Nealds—a prejudice I have always had until the last year or two, when circumstances caused me to change my opinion entirely, and I believe that Mr. Aldrich made an instrument of me, and I felt much hurt in consequence. I cannot recollect what the Commissioner said, but I recollect, at Mr. Aldrich's instance, on interceding for Mr. Aldrich, I remember to the best of my recollection that I repeated matters which I thought objectionable, and which it was necessary to report, to make out Mr. Aldrich's case, and the impression on my mind that there was not that attention paid to the observations I made. I don't think that this has anything to do, either here or there, because the Commissioner may have thought I had no business to come to him at all. I don't recollect having said a word to Mr. Rac about the

the charge of drunkenness; I don't recollect having mentioned such a thing. I know, in interceding for Mr. Aldrich, that I came in with no intention of doing Mr. Nealds an injury, and what I did say was only stated to exculpate Mr. Aldrich from the charge brought against him, when he inculpated Mr. Nealds, but to the best of belief I never told the Commissioner that Mr. Aldrich had told me, because it was a charge I had no right to repeat, because I had not seen an instance of it. Mr. Aldrich did tell me at the time that Mr. Nealds was given to brandy and water, and that he had been intoxicated in the railway, but I did not repeat this to Mr. Rae. I know how easily such charges are made, and I have never seen him in that state.

331. *By the Chairman*: So Mr. Aldrich went to you and gave you that information; and you have reason to believe that he was making use of you? Yes, I believe he was, because I had a prejudice against Mr. Nealds in consequence, and I watched Mr. Nealds very narrowly. I had a good deal to do with the railway, having parcels from my relations the Cox's, of Mulgoa, continually sent down, and I have not seen what Mr. Aldrich stated to me borne out in the single instance.

332. *By Mr. Whitton*: Do you frequently travel by the railway? Yes.

333. Do you frequently travel by the late train at night from Parramatta? No, generally in the morning; but I have been by the late train.

334. How many times? I should say half a dozen times.

335. Then the only reason you have to suppose from Mr. Aldrich's statement is not correct in the fact that you have not seen Mr. Nealds in the state he described? Yes; and also a large proportion of the employés of the railway are members of the church; if not my congregation they are my parishioners, and I am in the habit of visiting them, and from what I know of them I think I should have heard it. I never heard but one person mention any thing, and that never went beyond this, that Mr. Nealds was fond of brandy and water. I like brandy and water myself in moderation. I think it right to say that the conversation I had with Mr. Rae that it is a pity it is brought up here, as I don't think it affects the matter.

*Letter from Mr. Hill, season ticket-holder, read and put in evidence.*

Edward Goggin called in and examined:—

386. You know Mr. Nealds? Yes, about seven years.

387. You see him pretty often? Sometimes two or three times a day.

388. You are a traveller on the line? Not on the railway; I generally see him between Redfern.

389. Have you ever known him or seen Mr. Nealds drunk? I have never seen a sign of drink on Mr. Nealds, and I have met him at lunch often in town.

390. You never saw that he had any habits of intoxication? I never saw the sign of liquor on Mr. Nealds.

391. *By Mr. Whitton*: How often have you seen Mr. Nealds? I should say three times a week.

392. You don't travel much on the railway? Not much; I very often go to Homebush.

393. Have you ever travelled by the last train from Homebush into Sydney? No; if I did I should go to Homebush.

394. And you never travelled from there by the last train at night? No.

395. *By Mr. Owen*: You have frequently seen Mr. Nealds of an evening? Yes, frequently at the theatre; at least, three or four times a week. I used to meet him of an evening going home, and he would frequently walk to his home with me.

Henry Richman Morgan called in and examined:—

396. *By Mr. Owen*: You know Mr. Nealds? I do.

397. How long have you known him? Five years.

398. Did you know him intimately? Yes; we met frequently.

399. What do you mean by frequent meetings? Every day; in fact, I have lived in Fitzroy-terrace for two years.

400. You were his landlord? Yes, at one time.

401. Did you ever see Mr. Nealds intoxicated? Never in the least.

402. Is Mr. Nealds a man given to drinking? No, I never saw him in the least.

403. You have had opportunities of judging? Yes.

404. You have seen him frequently of an evening? Yes.

405. You travel constantly on the line—was he ever in that state on duty? No, never; he is one of the most attentive men I ever knew—most indefatigable.

406. *By Mr. Whitton*: Where do you live, Mr. Morgan? At Petersham.

407. And you are at present a season ticket-holder? Yes.

408. And was two or three years ago? Two and a half years ago.

William Hellyer examined:—

409. *By Mr. Whitton*: You have known Mr. Nealds for some years? Yes; my first acquaintance was in the train, more than two years ago.

410. You are a constant traveller on the line? I am.

411. Have you ever, on any occasion, seen Mr. Nealds intoxicated? Never.

*Friday, 28 November.*

Present:—

Mr. Sheppard,

Mr. Moriarty.

Capt. Mayne,

Mr. Sheppard in the Chair.

*Charge 10 G—continued.*

James Ridley called in and examined:—

412. *By the Chairman*: What are you? Night watchman.

413. On the railway? Yes.

414. Where stationed? Sydney.

415. Have you been in the habit of seeing Mr. Nealds often? Very often.

416. Have you seen him intoxicated at all? I never did.

417. How long have you been there? Ever since the line has been open. I was over the other side the first part.

418. What time does your duty as night watchman commence? At half-past 6.

419. You are always on the station from that time? I am not always on the station; I am round the premises—round the goods shed and round the carriage shed.

420. Do you remember anything about Mr. Nealds being helped out of a first-class carriage into his room? No.
421. Were you there at the time? No.
422. Did you hear any conversation at the station about Mr. Nealds being helped out of a carriage into his office? No.
423. Have you been asked to give evidence? Yes.
424. Who asked you? Mr. Nealds.
425. Anybody else? Mr. Owen in the office asked me whether I ever saw Mr. Nealds drunk or laid in the office all night, and I told him I never did. He said, "That will do," and I think last Monday Mr. Nealds came down for his things, and he asked me himself. I told him "No, I never saw you drunk, and I never saw you lying in the office all night;" and he said, "Will you go and give evidence?" and I said, "No, I will not."
426. *By Mr. Williams*: You told Mr. Nealds so? Yes.
427. *By the Chairman*: Why did you not like to give evidence? Because I said I told Mr. Owen what I know, and if they want me they will send and call me down—I should not like to go by your order. "Well," he said, "the public will know it if you went."
428. Who said so? If I went to give evidence.
429. Who said that? Mr. Nealds.
430. What further conversation did you have with Mr. Owen? That was all he asked me.
431. *By Mr. Owen*: When do you leave the station? At 6 o'clock in the morning.
432. Do you generally call Mr. Nealds in the morning? I call him I may say for these last two years.
433. Every morning? Yes, I rapped at the fence.
434. You generally are on the platform when the train comes in? (*Question objected to.*)
435. *By Mr. Moriarty*: Would it be possible for Mr. Nealds to stop in his office all night without your being aware of it? Certainly he could, because I tell you there is two doors; there is one outside and one inside.
436. How does that account for his being there without you knowing it? He could go out of the outside door and I would be round at the goods shed.
437. And he might go in that way? Yes.
438. Could Mr. Nealds get out of a first-class carriage by the last train and go in his office, and come out at 6 o'clock in the morning, without your being aware of it? I may say he could not; but as to coming out of a first-class carriage, he could; many times the place is thronged.
439. *By Mr. Williams*: And are you always there? I am not always stationed there. He could come out of a first-class carriage in a crowd of people and I not see him.
440. You are night watchman? Yes.
441. You never go to sleep there? That is not my place to do so.
442. Have you ever been to sleep on your station? I don't know about sleeping, I may be sitting nodding.
443. Well, when you are sitting nodding, would you notice the people who came in? Yes, because my dog would let me know in an instant.
444. Then you are depending on your dog as watchman? He would let me know whether anybody was about.
445. If the dog did not bark, you would be sitting nodding and would not know? Many people may come up and you may not hear them; a dog will hear twice as quick as you.
446. And if the dog does not hear you will not hear? Not till very close to me; my dog will let me know half way up the road.
447. *By the Chairman*: Let you know if a stranger may appear? Yes.
448. *By Mr. Williams*: Would he bark at Mr. Nealds? Yes.

Tuesday, November 11.

*Charge 10 H.*—Paper marked 62/1279. "Memorandum from accountant, with reference to goods having been sent by passenger train at goods rates from Sydney to Penrith for Mr. Hellyer. Mr. Hellyer has since stated that at about that time he was suing Mr. Nealds for the recovery of a debt."

The Chairman read the papers.

Charles J. Nealds examined:—

1. *By Mr. Whitton*: With reference to the paper you have just heard read, do you know on any occasion that Mr. Hellyer has been allowed to send goods by passenger trains at goods rates? Yes.
2. On how many occasions has he done that? The only occasion is this one now mentioned.
3. Was your attention drawn to the fact by the station clerk at Penrith? Yes.
4. Do you think it your duty to allow Mr. Hellyer to send them by passenger trains at goods rates? Yes; I have already given an order to that effect on the 29th September.
5. Will you state to the Board on what conditions you gave that order? Mr. Hellyer is a constant sender by the line of various things. In the afternoon as he was going up he sent a note to me, at about 2 o'clock, requesting me to allow him to send up these things to Penrith by the 5 o'clock train, as he had instructed his clerk to meet him at the station; and unless they were sent they would have to remain at the Sydney station till the following Monday. He was going down by that train himself.
6. Is it contrary to the regulations of the line that goods should go by passenger trains at goods rates? No; there are certain cases in which a discretion rests with me. In the case of large carriers—and I look upon Mr. Hellyer as a large carrier—they have frequently goods sent to make up their complement. It may be 1 cwt. of sugar.
7. Has that a tendency to increase the receipts of the line? Decidedly.
8. To send them at goods rates by passenger trains—will you explain how it increases the receipts? The simple fact of giving facility to carriers or other persons to send goods. These persons have sometimes got their 3 cwt. or 4 cwt. left behind; and if we don't do that, the next time they will come by the road. I am looking at it in a mercantile light.
9. Do you oblige any other person in the same way you do Mr. Hellyer? Certainly.
10. And you have constantly done it? Certainly.
11. Are you aware that, by the regulations, there is one charge for goods sent by goods trains, and another for goods sent by passenger trains? Perfectly aware, for all traffic.
12. Have these regulations been sanctioned by the Executive? I know they have.
13. Will you explain by what authority you have deviated from these regulations? By my letter of instructions I am to increase the traffic in every way I can.
14. Will you shew the Board any instruction to depart from any regulation laid down by the Executive? I have nothing further than this instruction.
15. And this instruction authorizes you to depart from the regulations? Yes, I should certainly say so, if it would increase the traffic.
16. That is, in fact, you have the power to change the rates sanctioned by the Executive, at any time that you, Mr. Nealds, may find it convenient to do so? I did not say so. I simply said, in case where such a departure from the regulations would tend to increase the traffic, as in the case of Mr. Hellyer, or large carriers, sending as I have already stated.

17. Then, in fact, the regulations made by the Executive with reference to goods rates, or other rates, are of little importance in working the line, or are to be set aside when you think proper? I don't say so. I think my instructions gave me a discretionary power to do so.
18. Will you point out any part of your instructions that authorizes you to alter the rates? I have already pointed out; I have given my instructions to Mr. Owen.
19. On page 7, the 18th regulation is as follows:—"All parcels and packages under 112 lbs. weight each, unless they form part of a consignment of goods exceeding that weight, will be conveyed by passenger trains exclusively, at the authorized parcels rates; and all parcels and packages weighing above 112 lbs. each, or forming part of a consignment exceeding 112 lbs., will be forwarded by goods trains, and charged at goods rates, if the words 'per passenger train' be not distinctly marked upon them." These regulations were agreed to in 1861. You have, when you thought it desirable, deviated from the regulations sanctioned by the Executive? I have sent goods by the passenger trains frequently.
20. And you consider that increases the traffic of the railway? Yes.
21. Would the goods of Mr. Hellyer have gone down by the goods train at goods rates if you had not obliged him by sending them down by the passenger train at goods rates? I think they would next week.
22. And to oblige Mr. Hellyer you sent them down by the passenger train, charging him goods rates with a view of increasing the traffic of the railway? Yes.
23. Were you at that time under any obligation to Mr. Hellyer? None whatever. Mr. Hellyer was under obligation to me.
24. Were you employing him to arrange a matter for you? No.
25. And you have had no business transactions with Mr. Hellyer? I never employed him in my life.
26. Has any one employed him against yourself? About six months ago he sent me a lawyer's letter for £7.
27. Is that the only time? The only time.
28. Would you name any other sender by the railway who has been allowed to send goods down by passenger trains at goods rates? I cannot remember the names, but the goods clerk can tell you; Mr. Owen and Mr. Carlisle can tell you; it is of frequent occurrence.
29. Then, it is of frequent occurrence to set aside the rules and regulations the Executive have issued? It is of frequent occurrence to do what I have done. When a portion of a large consignment has already been sent down the line, I have frequently sent any small balance that may perchance be left behind by the passenger as a portion of a consignment, at goods rates.
30. When you send these small balances, are they not balances that you or the goods clerk have neglected to forward? O dear, no—that is quite a mistake.
31. Then you admit you have sent these goods in passenger trains at goods rates? Yes.
32. And knowing that these regulations of the Executive are direct against doing so? Yes, acting on my own instructions.
33. *By Mr. Moriarty*: You consider your instructions allow you to deviate from the charge fixed—what instructions do you allude to? I allude to the general instructions I received from the Commissioner.
34. On what date? November.
35. What year? 1858, but I have paper since from Mr. Rae, stating that Mr. Nealds is to adhere to the regulations issued by Captain Martindale of such a date.
36. Is this the paper you allude to? Yes, but I have a paper from Mr. Rae, saying I am to carry out the instructions of the Commissioner (Captain Martindale), and I think I can produce it.
37. And this is the paper under which you are empowered to deviate from the orders subsequently issued by the Executive? Only in these cases which I mention. I should not take the whole consignment of goods at passengers' rates, or alter the rates. It is only in a manner of convenience for large carriers, where a part of the consignment is gone, and he is a passenger going by the train, to send the goods on, provided he could not get them taken before next week. It is a sort of inducement to them to patronize the railway.
38. *By Mr. Whitton*: Is Mr. Hellyer a large sender? I believe he is.
39. What was the average traffic of his per week? I cannot say; he has lived a long time there.
40. *By Capt. Mayne*: This is what you say authorizes you to give this convenience, according to your discretion; these are the instructions of the Commissioner:—"But he must clearly understand that he is not empowered to alter the times of the morning trains, to grant special trains, or to make any alteration or special agreement in rates or fare without previous sanction, nor to increase the expense without authority——"? I have been working under the instructions. I would not alter the rates; but——
41. It appears you have, because there is a different rate charged by the passenger and goods trains. It appears you have acted in distinct contravention of the instructions? *No reply.*
42. *By Mr. Whitton*: A recent regulation you have issued lately about vegetables going down by the passenger trains—that has not been sanctioned by any one? No; simply by that (*pointing to regulations.*)
43. It has not been sanctioned by the Commissioner or Executive? It is, as I read it.
44. Your opinion of the regulations gives you the power of sending vegetables by the passenger trains, and charging goods rates for them? Yes.

11 November.

George Fitzmaurice called and examined:—

45. *By Mr. Whitton*: You are station clerk at Penrith? Acting station clerk.
46. Do you remember, on any occasion, goods being sent by passenger train to the station at Penrith, and charged goods rates? Mr. Hellyer's goods were.
47. On how many occasions? One occasion.
48. No more than one occasion? Only one occasion I remember.
49. On that particular occasion you allude to, did you receive more than one way-bill with these goods? I did—two.
50. What were the way-bills? One was parcel, 11s. 2d. to pay; the other was goods, money paid, 5s. 9d. paid. When money was paid I delivered accordingly.
51. Did you not send back to ask in what way-bill you were to charge? I sent to Mr. Nealds to ask him on which of the two bills to charge.
52. Which was correct? I had acted on the paid bill.
53. Are you in the habit of sending goods by passenger trains, and charging goods rates for them? Not unless it is for the convenience of the traffic—such a thing as gunpowder, anything to be kept separate, or anything neglected to be forwarded.
54. It is not customary to send goods by the passengers' train, and charge goods rates? Not unless for some reason I mentioned.
55. On whose authority did you send these articles by passengers' train? I have not sent any from Penrith that I am aware of.
56. Did you ever send any on a special train? I don't remember; I know I have received gunpowder in the break invoiced as goods.

57. And you have never sent any goods through to Penrith for any one by passengers' train, and charged goods' rates? No.
58. When you sent vegetables by passengers' train, what rates did you charge? Parcels' rates.
59. On all occasions? Yes.
60. You don't understand your regulations to give you the power of sending vegetables by passengers' trains at goods' rates? No.
61. *By Mr. Owen*: You say that these goods are sometimes sent by passenger trains at goods' rates when neglected to be sent up—neglected by whom? Neglected by our own people.
62. Has it ever arisen when the goods are left behind by these parties—the consignors themselves—when, for instance, a person who has loaded a dray at Penrith, and he has left behind a few packages, such as sugar, or small matter of this kind—did you ever know of these small matters being sent up after him, and charged at goods' rates? I cannot remember if such consignments frequently go at passengers' rates.
63. You don't remember them going at goods' rates? No, I cannot remember it.
64. Then this is the only case you have ever known that goods have been sent up in this way? This case of Mr. Hellyer's? Yes, that is sent by passenger train, and invoiced at goods' rates—only in the circumstance I have mentioned, if we neglected to send it, it is immediately sent by the next train—or gunpowder, which is kept separate.
65. How long have you been acting as station clerk? Since the opening of the Penrith station, 7th July.
66. Were you ever before employed in that capacity? I have been goods' clerk at Sydney station, station-master at Sydney, the same at Parramatta and Liverpool, and traffic inspector.
67. *By Mr. Whitton*: Is Mr. Hellyer a large sender on the railway? He has sent three or four consignments, I believe, since I have been at Penrith. I don't think I have been to any station where he has sent before.
68. What might be the weight of all these consignments? This consignment was about seven cwt.
69. What has been the total weight of all the consignments from Mr. Hellyer? I think two tons would cover it.
70. How long have you been there? Since July.
71. Then in four months Mr. Hellyer has sent two tons of goods? I will not be sure without I refer to the books.
72. On gunpowder there is a special rate? Yes; 3s. is the ordinary rate.
73. *By Mr. Owen*: Is Mr. Hellyer and his family constantly travelling on the line? Yes.
74. Up and down every week? Yes.

Edward Owen called in and examined:—

75. You are station clerk at Sydney? Yes.
76. Do you remember on any occasion goods having been sent for Mr. Hellyer by passenger train at goods rates? I have on many occasions—two or three times, I believe.
77. How did it first come to your knowledge that Mr. Hellyer was sending these goods by passenger trains at goods rates? I heard him talking to one of the guards. He asked one of the guards, "What are you doing," and he said, "I am guard of the goods train." He said, "I am not going to have my goods sent by the goods train"; the guard said, "Why," and he said he would have them sent by passenger train—he had only to speak to Mr. Nealds, and he would send them all by passenger trains at goods rates.
78. What steps did you take after you heard that conversation? I gave orders to the parcels clerk that no goods should be sent by the passenger train without a way-bill at parcels rates.
79. Did you send a way-bill at parcels rates? Yes.
80. Are you aware what rate Mr. Hellyer was charged goods rates or parcels? He was charged both, he paid goods rates at Sydney, and was charged parcels rates when the goods got up to Penrith.
81. Are you aware whether that extra amount has been paid or not? It has not.
82. You cannot state positively how many times these parcels have gone in this way? No; I believe two or three times; I cannot state positively.
83. *By Mr. Owen*: How often have you drawn attention to the fact that goods were going by passenger trains at goods rates? I have not drawn attention at all until I heard Mr. Hellyer say he would have his goods sent by passenger trains at goods rates.
84. Then you allowed it to continue without taking any notice of it—can you give us any clue at all to the other occasions? Yes, I dare say I can. Once or twice to Rooty Hill—when the line was extended so far; a ton or two was conveyed at goods rates in a passenger train.
85. Was that soon after the opening of Rooty Hill? Yes.
86. Then you can give me pretty nearly the time of it? No; I cannot. I have no recollection of the time when Rooty Hill was opened.
87. When the line was opened to Rooty Hill, did any goods train run there? Most decidedly.
88. Goods were carried there at goods rates? Always.
89. From the first? Yes; they went by the goods train from Sydney.
90. But did it go up to Rooty Hill? I can only state they went from Sydney by goods train.
91. Do you not know that, for a considerable period after the Rooty Hill station was open, goods trains did not run? They ran up to Parramatta Junction.
92. Did you not advise that vegetables should go under goods rates? No, I did not.
93. Did you not suggest that? No.
94. Did you ever mention that to the traffic manager? No, he mentioned it to me, and shewed me something in the regulations which mentioned something of the kind. I said it appeared to me there is a difficulty in the matter, and on that the manager gave orders that vegetables should be charged at goods rates.
95. Do you know who it was that Mr. Hellyer spoke to on the platform? Robinson and Darby.
96. Was this immediately before these goods, which we are now talking of, were sent? Four or five days.
97. What was it in reference to—were any goods being sent up there? I gathered from the conversation that he would send no more goods by goods trains.
98. I ask what was the occasion of this conversation—what was it that induced him to make the remark that he would send up no more goods? I cannot say; he asked the guard, "What are you guard of," and he said, "I am guard of the goods train"; and he then said, "I will have no more goods sent by the goods train, but by passenger trains at goods rates."
99. And then he stated he had only to speak to Mr. Nealds to get it done? Yes.
100. Will you look at that memorandum—is that your writing? Yes—"Sydney—correct."
101. Read the memorandum to which the statement is appended—62/1279? Of course, the system we
102. What does it state? That the way-bill is correct, and these goods were conveyed by the train.
103. Have with accounts is this: The two stations make a statement, and when these queries are sent to the stations, they are marked correct or not.
104. But the correctness refers to the whole of the document? 11s. 2d. to pay in as credit we will not allow Penrith to take.

104. Why, when it is correct in Sydney, is it not correct in Penrith—does it not mean to pay on 11s. 2d. ? No, it means that Sydney does not give credit to Penrith for 11s. 2d., or else the other queries would not have been asked.
105. Had you not, before you made that memorandum, received orders to admit that the money is paid you? No, not until it was too late—not until the monthly accounts had gone into the office.
106. Was it not before you received that memorandum? Yes.
107. *By Mr. Whitton*: Is it not a fact that goods trains did run daily to Rooty Hill, and simply took passengers as an accommodation to the public? Yes.
108. There was a goods train to Rooty Hill? Yes.
109. Then it was not a passenger train? It was a mixed train; we did not carry goods in the break, but we carried them on trucks, and the trucks were put behind the passenger train.
110. *By the Chairman*: Am I to understand you that the train that carried the goods was a passenger train or the goods train carried the passengers to Rooty Hill station when these goods were sent on to Mr. Hellyer? That is a difficult question to answer. I am not in a position to say whether the goods train was carrying passengers or the other positively.
111. Did you not say just now that Mr. Hellyer had his goods sent by passenger train? Yes, from Sydney. These goods were carried to the Parramatta Junction by the goods train, and there they had to wait to be carried on by the passenger train.
112. *By Mr. Owen*: When they started from Sydney they went by the goods train? Yes.
113. *By Mr. Whitton*: Were all the goods sent on to Rooty Hill invoiced at goods rates? Yes, and parcels at parcels rates.
114. *By the Chairman*: By what train did Mr. Hellyer's goods leave Sydney? I cannot state.
115. You said just now it was a passenger train? I cannot state Mr. Hellyer's goods were sent down in the break-van, but goods are sent by other trucks which are sent as goods rates. These goods were sent at the parcels rates and placed in the break-van.
116. *By Capt. Mayne*: What rates were charged for Mr. Hellyer's goods? He was charged at goods rates.
117. By whose orders? Mr. Nealds.
118. *By Mr. Owen*: Did you receive the order from Mr. Nealds? I did.
119. This was on every occasion? The last one; I did not receive the orders—it was the goods clerk, not myself.
120. When you were goods clerk did you not sometimes send up parts of a consignment by passenger train at goods rates? When they were left behind from our fault through not having trucks sufficient or labour; that is a long time before the new rolling stock came out.
121. *By Mr. Whitton*: Are you in the habit of sending vegetables by passenger trains at goods' rate? Yes, we are of late.
122. Is it in accordance with the printed regulations? I stated before that the regulations are rather vague.
123. *By Capt. Mayne*: What is the regulation referred to? On the thirty-fifth page it does not say anything about the charge.
124. That is the point on which you think the regulation vague—it does not state what charge? Yes.
125. *By Mr. Whitton*: Have you been in the habit, since you have been at the Sydney station, of sending all vegetables by the passenger trains at goods rates? No.
126. Since what time? Two months ago.
127. On whose orders did you send them? On Mr. Nealds'.
128. It was not in accordance with your former printed regulations? No.

—

William Hellyer called in and examined:—

129. *By Mr. Whitton*: You are a solicitor of the Supreme Court? Yes.
130. Do you remember any goods of yours being taken up by passenger train to Penrith, at goods rates? Yes, on one occasion, I believe.
131. Only one occasion? I believe only one.
132. What occasion was it? It was about November or December of last year. I had driven from — to Parramatta, and had to exchange my horse on the road; one of my horse's shoes failed him, and finding I had to bring another horse to Parramatta, it occurred to me that it would be a good opportunity of getting up some goods, and I got up 8 cwt. of sugar, not knowing but that they would go by the goods train. I told my men to meet them at Penrith and take them on that night. It was raining hard, and I did not know till I applied that would go up too late, so I applied to Mr. Nealds to allow them to go by the passenger train, and he said first of all that he could not unless I paid luggage charges; and I said it was very hard to have to pay so large a sum, inasmuch as they could take no more if it went by the goods train, and he said under the circumstances he would allow them to go.
133. That is the only case you remember? That is the only occasion I had goods taken up as luggage and charged as goods. I had some orange trees taken up once, but at luggage rates. I have had goods forwarded on, but I have no recollection of any other goods being taken up.
134. Forwarded on at the proper rates? At goods rates.
135. By passengers train? I don't know. South Creek was the station; I went to send up some goods, and I did send up two tons of flour which my dray was coming to take away, but I was afterwards informed they went on to Penrith with the goods. I got some goods at the station, and found they were left at the wrong station. I then asked for Mr. Nealds, and after waiting till the train came in—some three-quarters of an hour after—I saw Mr. Nealds, and told him that Darby had told me that he went into Penrith every night, but I found on inquiry it was only the engine; and I asked him to allow the goods to be forwarded, as I had been misled.
136. You intended to have sent them to South Creek? No; I intended to send them to Penrith, and Darby told me they went in every night, and I found they did go in, but only the engine. When I came up with the goods, I stated they were to go to Penrith, and I was told they could not go unless they go as luggage. I said "I am not going to send them as luggage," and Mr. Nealds wrote an order to Mr. Carlisle to pay the freight in an ordinary manner, and there was an end of it.
137. Did you ever come to this office in connection with the conveyance of goods? I think, after Mr. Nealds' suspension, I applied to Mr. Moody, and he said as long as it was not a large parcel it might go up in the same way.
138. *By the Chairman*: Do you recollect having any conversation with two guards, and stating that you never intended to send any more goods by the goods train, as Mr. Nealds would always let you send them by the passenger train—did you say that? No, nothing of the sort, it is not true—I don't know that I have. If I could see the parties I could say if I had spoken to them at all. Darby is the only person I know, and Ben, and I certainly never had any conversation with him on the matter. Darby is the only man I spoke to at the time I got the information that he went into Penrith at night.
139. *By Mr. Owen*: You never had a conversation that you would not have your goods by goods train, because Mr. Nealds would let you take them up by passengers train? No; I may say that what I sent in that way bears a small proportion to what I sent. I only know one instance it was forwarded by luggage, and that was on a wet day.
140. *By Mr. Moriarty*: Except when you got a similar permission from Mr. Moody? They did not go on as luggage. When I applied to Mr. Moody for leave to send the goods on, I said I had applied to Mr.

Read,

Read, at South Creek, asking him what charge would be made for conveying the goods from Sydney to Penrith in the luggage van, because I understood the goods train did not go through, except for contracts, and he said the same charge as if sent by luggage (passenger) train from Sydney.

141. *By the Chairman* : Do you recollect when these goods were sent on by luggage train you were suing Mr. Nealds on behalf of any person? No. I find it was in May, 1861, that I wrote to Mr. Nealds, on behalf of Mr. Clark Irving, for the sum of £14, and Mr. Nealds settled the matter.

142. *By Mr. Nealds* : It was simply a professional letter, not suing? Yes, but I have also written him a letter on behalf of Mr. Bovis for £7 or £8.

143. *By Mr. Whitton* : About what date was that? About five or six months since.

144. *By Mr. Owen* : And the same kind of letter? Yes.

145. *By the Chairman* : Do you know whether at this particular time it was when your potatoes were sent? No, I never saw Mr. Nealds about this at all. My son saw him. I think it was a bag of corn and potatoes. I did not see Mr. Nealds, and not having acted on it I should not remember it. These went on as goods—they were paid for as goods.

146. The bags of sugar? The bags of sugar went into the passenger train.

147. *By Mr. Owen* : Did the sugar go up by passenger train at goods rates? Yes.

148. How much? 8 cwt. I purchased it at Fairfax's, and brought it up to the station, not knowing that the goods train had gone up. Sugar is a perishable article, and it would not do to have it left in the wet. With regard to the other goods—my potatoes and corn—I sent my son to Mr. Nealds to say I should be obliged if he would let the goods go at goods rates by passenger train, but he refused. I wanted to save 5s. or 6s. The flour was put on a truck.

149. It was not put in a van? No, on a regular luggage truck.

*Mr. Nealds* : It is of frequent occurrence up to the time of my suspension, when we want to send goods away in a hurry to oblige consignors, to send the truck by passenger train, charging only goods rates for it.

*Mr. Whitton* : Is it in accordance with the regulations? *Mr. Nealds* : Decidedly so.

William Hellyer's examination continued:—

150. *By Mr. Whitton* : With reference to the permission given by Mr. Moody, these goods were to be sent at goods rates, and not by passenger train? Yes.

151. Did you ever state to any person in the office, at the time when one package went by passengers train at goods rates, that you were suing Mr. Nealds? No; in the course of conversation I think I stated this, so far as I know, Mr. Nealds could not make any profit by the transaction, and, although I had no right to do so, I think I said I knew that he had compounded with his creditors, and so far from me having any favour or giving him any favour, I said I had sued him.

152. That was about the time these goods of yours went up by passengers train? It was—my conversation with Mr. Moody. The time I wrote the letter, in May, 1861, was the only time I had goods sent up by the passenger train.

153. What was the date of the first letter? In November, 1861.

154. About what time was the date of the second letter? The second letter was about five months since.

155. You have nothing sent up this year by passenger train? No, nothing; I have had goods forwarded through at goods rates.

156. By passenger train? No; in fact, I inquired from Mr. Read what was the course of procedure. I thought I could send the goods on by passenger train, by paying from South Creek, but Mr. Read said I would have to pay the whole way, and I complained of it to Mr. Moody, and asked him to let the goods go through. Mr. Sheppard asked me a little time ago as to some conversation I had, and whether I did not say I would not send up my goods by goods train.

157. *By the Chairman* : It has been stated that you said you did not intend to send your goods by the goods train, because Mr. Nealds would let you send them by the passenger train at goods rates? I have been thinking of the occasion—it was when I was waiting for Mr. Nealds. This same evening there were two harness casks and two packages of corn. I refer to the fête day; I was asked if I was going to send them by passenger train; and I said, no, I would send them by the goods train, but I had no doubt Mr. Nealds would give me permission to let them go through.

158. *By Mr. Owen* : That is, from South Creek to Penrith? Yes.

159. In the same way as Mr. Moody had given you permission? Yes.

160. *By Mr. Whitton* : I think you stated the last goods you sent by passenger train were sent some time last year? The only goods I know of, except some orange trees, for which I paid passengers' rates.

161. You are not aware of any baskets of potatoes being sent a month ago from Sydney, by passengers train, at goods rates? No, I am not aware of it; my son attended to it.

162. Then, if you very rarely see your goods despatched from Sydney, might they not go by passenger trains at goods rates without your knowledge? No, I have always attended to the transmission of goods myself, and on each occasion that I have gone into the goods chamber where Mr. Carlisle is, and paid him the freight, I have inquired whether the goods have come, and finding they have I have arranged it.

163. And you do not know that these potatoes went in September by passenger train at goods rates? I know I asked my son to ask Mr. Nealds to let them go through at goods rates. I think there were four or five bushels of potatoes and one of corn.

164. And your request in reference to these goods was made to let them go by passenger train? I cannot say; my son will be able to tell you. I don't believe my son would ask for it if I told him not to. I told him to inquire if Mr. Nealds would let them go through at goods rates.

165. But they did go by passenger train? That I don't know; I don't know what was paid.

166. If you had to pay the passenger rates you would know? No, my son paid for them.

167. *By Mr. Owen* : Has there been any application for payment of a difference between goods rates and passenger rates? The station master at Penrith told me yesterday he had received instructions to collect from me some difference of freight. I said, "It is very possible you may apply for it, but I expressly directed that the goods should not be sent by passenger train." "Well," he said, "I shall have to pay it myself." But I said, "Sooner than get you into this difficulty I will pay it."

168. You stated you had some conversation with Mr. Moody, in which you said you were suing Mr. Nealds, and that so far from his receiving a bonus from you you had sued him—how did this conversation arise? I was suspicious, on my part. I conceived it was possible some slanders were directed relative to Mr. Nealds, and I said, "I hope it is not on account of the kindness he has extended to me that these charges are made"—that is how the conversation arose—and I said, "So far from his deriving any benefit from me I had sued him." I said, "I do not believe that Mr. Nealds derived any benefit from this proceeding, or it would not have been necessary for him to compound with his creditors."

169. Were you sent for by Mr. Moody? No, I came up to ask him to let the goods go through.

170. Did Mr. Moody begin the conversation with you? I dare say he might have asked me to go away. I think I spoke of it myself. I said I was sorry to find Mr. Nealds had been suspended.



Richard Darby called in and examined :—

171. *By Mr. Whitton* : What are you? Railway guard.  
 172. Do you know Mr. Hellyer, the attorney? I do.  
 173. Do you remember, a short time ago, any conversation you had with him on the railway platform, at Sydney? I do.  
 174. At about what time, as near as you can remember? I think about two months—not so much I think.  
 175. Was it at the time that Mr. Hellyer was sending down any goods? A short time before that.  
 176. Before that? A short time.  
 177. *By the Chairman* : When Mr. Hellyer sent down some goods what was the conversation? I think it was on a Sunday night that he met Ben, and I, and the other guard; and he was asking us how we were working—who was on day duty and who was on night duty? Ben. told him he took it one week and I the other week; he said it did not matter, he was not going to send any more goods by the goods train, but he would send them by the passenger trains.  
 178. And what was said besides? One of them (Mr. Owen was by Ben) made the remark, and said that it would be expensive to send goods by the passenger trains; and Mr. Hellyer then said, "Never mind, I will talk Mr. Nealds out of that."  
 179. Was that all that took place? Except that Mr. Owen said to me afterwards, "I will take care he don't get any goods taken by passenger trains without paying for them."  
 180. *By Mr. Whitton* : Do you remember on another occasion Mr. Hellyer was down at the station, sending off some goods? I do.  
 181. How long was that ago? Five or six weeks.  
 182. What were the articles? Seven bags of potatoes; I think 7 cwt.  
 183. Mr. Hellyer was himself present when these potatoes were sent down? I think they had gone by the passenger train that evening, but he was there wanting to pay for them by the goods train; whether they had gone or not I don't know, but he wanted to pay for them by the goods train.  
 184. *By Capt. Mayne* : When you speak of Mr. Hellyer who do you mean? The lawyer.  
 185. There are two Mr. Hellyer's—father and son—which do you mean? I don't know the son.  
 186. The father you mean—the elder Mr. Hellyer, the solicitor? Yes, I do.  
 187. *By Mr. Whitton* : And these goods were sent down by passenger train? Yes, he booked them, and I believe paid for them the same night in the office; he sat with me in the office for nearly a quarter of an hour.  
 188. Do you say he paid for them? I think he did; he was waiting for Mr. Carlisle, who went over to the passenger platform to find the weight, to know what to charge him. During the time he was away Mr. Hellyer sat in the office, but whether he paid for them I would not be positive.  
 189. *By Mr. Moriarty* : Did they go by the goods or passenger train? I think by the passenger—I am sure they did.  
 190. *By Mr. Owen* : And you say that Mr. Hellyer, the solicitor, booked the goods himself? Yes.  
 191. That is referring to the potatoes? Yes.  
 192. Do you know what he said when he booked them? I don't recollect; he sat there in the office for a quarter of an hour, telling me about the fires at his place at Penrith.  
 193. Did he, when booking the goods, say as to how they were to go? He said they were to go by the passenger train; but he had the privilege to pay for them at goods rates and send them by passenger train.  
 194. That is booking them as goods? Yes.  
 195. Was this subsequent to the conversation you and Ben had with Mr. Hellyer? Yes, after that.  
 196. Was that the only occasion, that you are aware of, that Mr. Hellyer booked goods as goods by passenger train? The only occasion.  
 197. Do you know whether Mr. Hellyer did ever send anything after that conversation? I really don't know.  
 198. Mr. Hellyer said to you in the conversation, "I will talk Mr. Nealds over"? The words he used were, when the remark was made that it would be expensive if he sent goods by passenger trains, "Never mind, I will talk Nealds out of that."

Saturday, 15 November.

Present :—

Mr. Sheppard, | Capt. Mayne,  
 Mr. Moriarty.

Mr. Sheppard in the Chair.

Minute Paper 62-290 read, relative to taking and using coats out of the lost property room.

Charles J. Nealds examined :—

1. *By the Chairman* : Will you state what you have to say about this matter. You heard the two memorandums of Mr. Owen and the report of Mr. Higgs? The only statement I have to make is to the first mentioned case, No. 61. I was going by the railway, and called to Higgs, who was on the platform, "Have you got a coat to lend me to throw over me?" and he threw me a coat, torn down the back, and without a sleeve also. I brought it back, and put it in my room on the platform. I have used that coat occasionally since; but, from using it in the goods' trains of a night, it got very dirty, and I sent it to be washed. It has never been worn since washed; it is hanging up, and when I returned there two days after my suspension, I saw it hanging up as it was after it came from the wash. The other coat—The day the Governor General went down the line, I jumped upon the engine, and had no great-coat, and I called out to Higgs, "Have you got a great-coat to lend me to put over my shoulders?" He gave me one, and I wore it, and brought it back, and it has been hanging in the office ever since; I don't think it has been worn twice.  
 2. Did you ask Mr. Higgs to let you have a coat from the lost property room? The expression I used was, "Higgs, have you got a coat to lend me to throw over my shoulders?"  
 3. What did Higgs say? He made no answer, but got me the coat, and threw it to me.  
 4. *By Mr. Whitton* : Are you aware that the coats belonged to the lost property room? Yes, fully aware of it.  
 5. They have not been returned to the room? The last one has been; they have never been out of the office, except this one, to get washed; it got dirty from the black of the engine.  
 6. One coat has been returned to the lost property room? Yes; and the last day before my suspension, when the Governor went down, I borrowed it again. Higgs came to me and said, "The coat I lent you;" and I said, "Here it is." It was the day the Governor went down to Penrith that I asked him to lend me a coat, and he threw me the same coat.  
 7. Since the coat has been taken out, has there been a sale of lost property at the station? I don't think there has. I see the coat is marked 61; if that is the case it will be before the sale.  
 8. *By the Chairman* : How long is it since the first coat was taken? I cannot tell—it has been a long time knocking about; any person who has access to my office can see it.

9. *By Mr. Whitton*: I think the men on the line are aware that you have been wearing this coat taken out of the lost property room? I cannot answer this question.
10. Did not Morgan ask where you got it? Never.
11. Lewton? Never; Lewton asked me where I could buy such a coat, and I said for 35s. to 50s. you could get one at David Jones' for I had purchased one there myself.
12. *By Mr. Owen*: When are the sales of the lost property? Whenever the Commissioner may order them. We have never had but one general sale since the railway was opened, and I think that was eighteen months or two years since.
13. But you would never have a sale of goods, except when the goods have been in the lost property office for some time? Twelve months, never under twelve months; that is the general regulation.
14. You have the management of these goods in the lost property room? They are always sent into my care whenever they are found on the line, and the head porter has the key of the office.
15. *By Mr. Moriarty*: You did not ask him to give you a coat out of the lost property room? No, I asked him to lend me a coat; when I have not one, frequently the porters throw me one of their coats.
16. *By Mr. Whitton*: Did you believe, when Higgs threw it, that it came out of the lost property room? I stated so fully before.
17. *By Mr. Moriarty*: What regulations are those with respect to lost property? No. 5, page 3.
18. *By Mr. Whitton*: I believe there is a general order of the Commissioner, that all unclaimed luggage shall be sold every twelve months? I am not aware of it at any rate—I recommended to the Commissioner four or five months ago to have the things sold.

James Higgs called in and examined:—

19. *By the Chairman*: You recollect about the two coats? Yes.
20. Do you recollect Mr. Nealds asking you to lend him a coat? Mr. Nealds told me to get him a coat out of the lost property room.
21. What did he say? Really I cannot say as to the exact words—it is a long time ago.
22. What was the occasion of the first coat? Wet weather, I suppose—I cannot tell you.
23. Cannot you recollect what the words were? Something similar to this, "Higgs, have you got an oilskin coat in the lost property room?" I said "Yes," and he said "Let me have it"; I can't say the words.
24. You made a report to Mr. Owen? Yes.
25. Did you verbally explain to Mr. Owen, that Mr. Nealds had asked you for a coat out of the lost property room? Mr. Owen asked me if Mr. Nealds had two coats out of the lost property room, and I told him he had.
26. Did he ask you about the circumstances at all? No, he did not ask me the circumstances; he told me to make out a report of the two coats missing out of the lost property room.
27. Do you recollect anything about the other coat, when Mr. Nealds asked you for it? I think it was the time the Governor went to Menangle to see the bridge; I don't think the Governor went—some ladies went.
28. What did Mr. Nealds say to you? I cannot repeat the words—something similar to the others.
29. When was it you told Mr. Owen that there were two coats missing? He asked me about it, whether Mr. Nealds had two coats.
30. *By Mr. Owen*: When was this? That was since Mr. Nealds has been suspended.
31. Did you merely say he had these coats, or did you tell him on what occasion he had them? No, I did not; I simply said Mr. Nealds had two coats out of the lost property room, and they were still out of the lost property room.
32. *By Mr. Whitton*: The lost luggage room of the Sydney station is in your charge? Yes.
33. Were you not called in by Mr. Owen to explain where these coats had gone to, having been entered in the book? Mr. Owen asked me if Mr. Nealds had not two coats, and to make a report about them.
34. These coats are entered in your book in the lost luggage room? Yes.
35. Did Mr. Owen examine this book in the lost luggage room? Yes.
36. Did Mr. Owen ask you what became of the two coats? He told me to make out a report of what had become of the lost coats.
37. Mr. Owen looked at the book and found what? And asked me what had become of the two coats entered in the book and not in the room.
38. Have you seen Mr. Nealds wearing these coats on any occasion? One I have on several occasions.
39. Which one? The first one.
40. Was it a good coat or considerably damaged? It was a good coat at the time Mr. Nealds got it.
41. It was not without a sleeve or ripped up the back? No, not at the time.
42. Have you seen Mr. Nealds wearing the second coat on many occasions—when was it returned to the luggage room? I have not got it; it was returned once and taken out again. I told Mr. Nealds that the party had been there for the coat.
43. Did the party ever get it? He never came for it at all.
44. You said he applied for it? No, he never applied for it.
45. What did you mean by saying he applied for it? I told Mr. Nealds he had been for the coat, because I wanted to get it back to the room.
46. *By Mr. Moriarty*: You told Mr. Nealds that the man had applied for it, in order to get it back? Yes.
47. And it was then returned back again by Mr. Nealds? Yes.
48. *By Capt. Mayne*: Mr. Nealds returned the coat to you? Yes.
49. What did you do with it? I put it in the lost property room.
50. Who took it out again? Mr. Nealds asked for it.
51. Who took it out? I suppose I handed it to him; he told me to let him have the coat again, or words to that effect.
52. *By Mr. Owen*: Your evidence is not distinct as to this matter—what was the first step that was taken about these coats? Do you mean when he first had it?
53. No, but the investigation of the books in the lost property room—what was the first step taken? I cannot say.
54. Did you begin it? No, I did not.
55. Who did? Mr. Owen spoke to me.
56. What did he do? He looked at the book, and asked me where was the oilskin coat.
57. But merely looking at the book would not tell him where the coat was? No; he asked me where the coat was.
58. And you said? That Mr. Nealds had got it.
59. You stated before that Mr. Owen, when he examined the books, asked you did not Mr. Nealds get two coats—which is correct? Something—the same thing—I don't see the difference.
60. Which of the two statements is correct? Mr. Owen asked me if Mr. Nealds had not got the two coats out of the lost property room, and then he looked at the book; I cannot say whether it was before or afterwards.
61. Do you know how Mr. Owen came to know that Mr. Nealds had got these two coats? I cannot say how it was.
62. Were you ever informed how he knew it? I never was told it.
63. And you don't know? No.
64. *By Mr. Moriarty*: You did not inform him yourself? No.

65. *By Mr. Owen*: And when Mr. Owen asked you if Mr. Nealds had taken out two coats, what did you say? I said he had.
66. And that was all? Yes, with the exception of the report.
67. And that was all that passed between you? Yes, all between me, I believe, and Mr. Owen.
68. Does not Mr. Nealds sometimes, when going out of a wet night, borrow a coat of the porters or any official that may be about? Yes, he has had a coat from me.
69. You say you don't remember the words distinctly—are you positive he did not say "throw me a coat," or "lend me a coat"? Those were not the words; it was something similar to, "Have you got an oilskin coat out of the lost property room?"
70. Are you quite sure he did not make use of the words I said? I knew the room he meant.
71. Then you are not positive as to the words? I will not swear it; I believe them to be the words nearly like what Mr. Nealds said.
72. *By Mr. Moriarty*: Mr. Nealds saw from where the coat came? I am sure he knew where it came from.
73. *By Mr. Owen*: Can you recollect how often Mr. Nealds has worn the coat? No.
74. Did you examine the coat when you gave it to him? No.
75. Had you examined it before? Yes.
76. Do you know the kind of coat, whether it was a good coat or a bad coat? Yes, it was a good coat.
77. Are you certain that the coat was not torn at the time? No, it was not.
78. If it were torn down the back, would you have known it? I should have seen it if it had been torn.
79. How often did Mr. Nealds wear this coat? Several times.
80. What do you mean by several times? It may be twelve or twenty times.
81. You have seen him wear it all those times? I have seen him wear it several times.
82. Have you seen it since Mr. Nealds returned it? It is not returned.
83. Do you know where it is now? No, I don't.

Edward Owen called in and examined:—

84. *By the Chairman*: You are station master at Sydney? Yes.
85. You made a report about a couple of coats that were missing? I did.
86. When you made the report, where were the coats? I cannot say; they are not in the station.
87. Had you seen them a little before you made the report? I cannot say to seeing the same coats. I have seen Mr. Nealds wear the same description of coat.
88. Why, when you made the report, if you had not seen the coats—why did you say "they were handed over to Mr. Nealds, and worn by him ever since; one is worn out, and the other is being made use of"? I got that information from Higgs.
89. What information? That one was worn and the other was being worn.
90. Why did you say "one is worn out"? Because I got the information from Higgs that Mr. Nealds had got a new coat to replace the other; so I was informed.
91. When you asked Higgs about the coat, what did he say? He gave me all the information that is there. I asked him where the coats were, and he said he handed them to Mr. Nealds. I said to him, "Was it true, as reported to me, that Mr. Nealds had worn one, and had got another?" The reason I said this was because I had heard the guards talking of his wearing a coat; this was immediately before his suspension, and I asked Higgs if it were true that he had got this coat.
92. Higgs told you that he had given these coats to Mr. Nealds? Yes.
93. Why did you say in your reports that Mr. Nealds had stolen the coats? I did not say it.
94. (*Chairman read from report.*) When you made this report Higgs told you that he gave the coats to Mr. Nealds, and yet you say they were stolen from out of the lost property room? No, I consider it stealing.
95. *By Mr. Owen*: What position do you hold in the station at present? Station master.
96. Are you not *locum tenens* for Mr. Nealds, traffic manager? I am.
97. And if Mr. Nealds is deposed you will step into his shoes? I cannot say.

Minute Paper, 62/2888.

The Chairman read the Report of Board of Inquiry (Capt. Ward), and Evidence.

*Acting Traffic Manager to Commissioner.*

21 October, 1862.

On account of the frequent robberies taking place at this station, I had occasion to request the police to visit the station yard at night, and apprehend any person who could not satisfactorily account for himself, who might be found on the premises. Last evening, a man, named Adnum, formerly employed here, and who was suspended some time ago, and was suspected for having something to do with these robberies, was found by the police in a first class carriage, was taken into custody by them, and will be brought before the Bench this morning.

EDWD. OWEN.

Re-submit when case disposed of.—J.R., 22/10/62.

Mr. Owen, for further report.

The Magistrates discharged this man, with a caution.—EDWD. OWEN.

For information.—24/10/62.—J.R.

Seen, but I think this statement argues great negligence in the railway watchman.—W.M.A.,  
24/10/62.

Mr. Owen, 24/10/62.—J.R.

Seen.—EDWD. OWEN, 25/10/62.

Mr. Owen, for further report. Some steps surely are necessary to be taken on the Minister's minute, especially as the man is frequently asleep on duty.

Mr. Owen.

R.M. 6/11/62.

The watchman is certainly too old a man to be efficient, and I would recommend his removal, providing another place could be found to suit him.

EDWD. OWEN.

Submitted.—J.R., 12/12/62.

Re-submit with arrangement proposed.—W.M.A., 12/12/62.

Callaghan

Callaghan, the gateman and watchman at Blacktown, is now hopelessly ill from paralysis. Ridley may perhaps be sent in his place, as the duties are very light, and he will receive the same pay as at Sydney. Fitzpatrick, who has been in the service a long time, is the best fitted to act as watchman at Sydney; he is an active intelligent man, and in every way trustworthy.

The Commissioner.

R. MOODY. 17/12/62.

Submitted, 18/12/62.—J.R.

Appd.—W.M.A., 18/12/62.

Mr. Owen to carry out.—R.M., 19/12/62.

Ridley is instructed to proceed to Blacktown, and Fitzpatrick to take his place. Will the Commissioner please say who is to succeed the latter?

EDWD. OWEN. 23/12/62.

As a very good able man is required, perhaps Simpson, who is on temporarily, had better be put on. Mr. Owen concurs.

R.M. 24/12/62.

Appd.—J.R., 29/12/62.

*St. Paul's, Redfern, Sydney,  
12 January, 1863.*

My dear Mr. Cowper,

As Mr. Arnold is out of town, and as I know him but slightly, I have ventured to write to you, to beg your kindly interference in a matter where I and several other gentlemen who are cognizant of the circumstances, believe great injustice has been perpetrated. Some few weeks since an inquiry was instituted into the conduct of Mr. Nealds, the traffic manager on the railway, and with reference to one of the charges (that of drunkenness) a man named Ridley, who had been watchman for upwards of eight years, was called by Mr. Nealds to testify that he had never seen him intoxicated. As Ridley was going up to the room in which the Commission sat, he was met by Mr. Moody, the Chief Clerk in the Railway Department, and told "to mind what evidence he gave, for it might be worse for him," or some such words. The man gave his evidence according to his conscience. The result was, that within a very short time, the man, who had been a well-conducted and faithful servant ever since the railway was opened, to whose excellent character both Mr. Walsh and myself can bear ample testimony, receives notice, without any reason given or any cause of blame (or otherwise) assigned, that he is to leave Sydney and be a night watchman at Blacktown. By this arrangement he not only is separated from his family (a large one) and his own house, which he has acquired by honest industry, but is sent to a place where the accommodation is insufficient. The case has excited much commiseration here—I would say indignation—for the man is well known and respected. His wife was told at the office the other day, that he was too old for Sydney. In reply to this, I would state that he is only fifty, and in good health. To compel him to break up his house, to sell his little place at a disadvantage, to remove his children from school, to live in a place where there is no accommodation for his family, and no place of worship, or else to resign at a time when other situations are difficult to be procured—this is carrying out the Chief Clerk's intimidating threat with a vengeance! I hope you will excuse my troubling you, but my sense of justice has been so outraged in this matter, that I cannot refrain from having recourse to any step which may have the effect of reversing this decision.

I remain, &c.,

ALFRED H. STEPHEN.

The Hon. Charles Cowper.

12 January, 1863.

My dear Sir,

I do not suppose that this case is correctly put; but can you see whether there is any foundation for what is alleged?

J. Rae, Esq.

Yours truly,  
CHARLES COWPER.

Mr. Moody for report.—As far as I remember, Ridley was censured by the Minister as guilty of great negligence, long before Mr. Nealds' enquiry took place.—J.R.

Had the Revd. Mr. Stephen applied at this office, it might probably have saved him the trouble of travelling out of his legitimate sphere, to attack me on a matter upon which, at best, he has to rely on mere hearsay.

Ridley is not efficient for the duty required at Sydney. He is neither sufficiently intelligent, or active. Numerous robberies have been committed, and it has long been under consideration what to do with Ridley, as he has not shewn that aptitude necessary, either for the prevention of robberies or the discovery of the thieves; in fact he has in no instance, that I can remember, given the slightest assistance or clue to enable any case to be followed up.

The papers in reference to his removal are herewith. His removal had nothing whatever to do with any evidence given, or any matter connected therewith.

The papers are the best answer I can give.

Ridley certainly was never threatened by me. The day he was sent for I was called out from the Board Room, and found him in my room; he was in a very nervous and excited state, and he asked me what was wanted of him; I replied, "I cannot tell you what you may be asked, but you have got to tell the truth," upon that, I took Ridley in to the Board—I did not meet him upon the stairs, nor did I hold out any threat—I had not time to do so.

R. MOONEY, 12/1/63.

*Department of Public Works,  
Sydney, 12 January, 1863.*

My dear Sir,

The accompanying papers will, I think, convince you that Mr. Stephen has been, to say the least of it, rather rash in his statements with reference to the course of Ridley's dismissal. So little could the examination referred to have influenced me, that I did not even know that Ridley had been examined before the Board.

The Hon. Charles Cowper.

Yours truly,  
JOHN RAE.

Mr. Stephen's rejoinder herewith. So far satisfactory.—C.C.

*St.*

St. Paul's,  
Thursday Evening,  
15 January.

My dear Sir,

I have to thank you for your kind and prompt attention to a note which I wrote with some reluctance, and with some doubt, I admit, as to how far I was justified in doing so. In justice to myself, however, I would state that the representations made to me and to others were made so decidedly and so persistently, and in one or two particulars with such corroboration (as I then deemed it), that I felt I had certain ground to go on in writing as I did. I feel now that I have been misled, for I am bound to accept the disclaimer of intimidation on the part of a gentleman of Mr. Moody's standing and repute.

I do not, on the whole, regret that I wrote to you; first, because I am now in a position to contradict the very strong statements which have been made in this and in other matters to Mr. Moody's prejudice; since the correspondence you have forwarded shews a necessity (which I shall not disclose, as your letter to me is marked "private") for a change in several of the railway subordinates, Ridley included, and explains more than one act of apparent harshness.

Secondly—I do not regret that I wrote, because the correspondence has shewn me that no representations from any quarter, and no pressure, however pertinacious, should lead me to interfere in such matters.

I shall not do so again, for I clearly see that such interference, however well-meant, may put a minister of religion into a very undesirable position.

If anything in my letter has given pain to Mr. Moody, I retract it.

I do regret one thing, and that is that I have intruded on your valuable time.

I remain, &c.,

ALFRED H. STEPHEN.

The Hon. Chas. Cowper.

St. Paul's, Sydney,  
19 January, 1863.

My dear Sir,

In reply to your note of this day's date, I have the honor to inform you that, in the first instance, Ridley himself was my informant, and to the fact that he had been *threatened* when about to give evidence in the investigation into Mr. Nealds' conduct, and also as to the threat being carried into execution. I wrote to you, but my letter was not acknowledged. (A few lines from you in reply would have saved some annoyance, I may observe in passing.) I subsequently received a partial corroboration of Ridley's statements from my friend, Mr. Owen, the barrister, who told me that he remembered Mr. Moody leaving the room directly Ridley's coming was announced. Afterwards, in the beginning of the last week, Mrs. Ridley called upon me and repeated a conversation she had had with Mr. Moody himself, in which he *practically* admitted the fact, by saying, alluding to Ridley, "Why did he have anything to do with"—or, "Why did he side with (or some such expression) with a good-for-nothing fellow who received stolen goods?" viz., Mr. Nealds, as Mrs. Ridley explained the allusion to me, an allusion which she said was not denied in a second interview with Mr. Moody. At Mrs. Ridley's earnest and pressing solicitation, and believing in all this testimony, that a great injustice had been perpetrated, and the freedom of conscience most improperly interfered with, I felt warranted, as the mouth-piece of these poor people, who naturally look to their minister as their protector and friend, to write to Mr. Cowper as the only person able to interfere, with whom I was on terms of personal friendship; and the more so as an old acquaintance, whom I have always respected and still do respect (notwithstanding his expressed opinion that I have been rash, &c.), took no notice of a private letter I had sent him on the subject. I find from correspondence sent me very kindly by Mr. Cowper, that Mr. Moody denies Ridley's allegation. This is of course enough for me, though Ridley, I may state, persists in his assertion. I will make no "rash" statement in this letter, but will simply say that I believe that were the opportunity offered him, Ridley could triumphantly meet the accusations made against him in Mr. Moody's minute. He is blamed in Adnum's matter. Why? He is the person who gave Adnum into custody. He is blamed for not being sufficiently sharp and active to prevent or to discover robberies. All the robberies that have been committed at the station in Sydney, have been, I am assured on good authority second to none in this matter, committed in the *day-time*, and Ridley was *night watchman*.

However, I have no wish to travel any further from "my legitimate sphere" (as Mr. Moody has expressed it); I may have been misled, but nevertheless I did not take up the matter *lightly*, nor without careful enquiry from Ridley, and sifting (as far as I was able) his evidence. I have made up my mind, as I told another complainant only on Saturday, to be deaf to any further representations of alleged harsh and arbitrary treatment on the part of the railway authorities.

The complainants (and they seem to be a legion) must fight their own battles, for however much their (apparently) truthful statements may excite my sympathy, or arouse my indignation, I have no desire to expose myself to the annoyance of finding either that I have been imposed upon or that I am an unavailing advocate; still less have I any wish needlessly to lose an old friend like yourself, or to make an enemy of a person who is a perfect stranger, and of whom I have no personal knowledge whatever—Mr. Moody.

John Rae, Esq.

I remain, &c.,

ALFRED H. STEPHEN.

*Minute—Commissioner for Railways to Minister for Public Works.*

As it appears from the Revd. Mr. Stephen's note of 19th instant, that Ridley himself was his informant, as to the cause of his removal, and as his statement is shewn to be without foundation, I recommend that his services be dispensed with.—J.R., 20/1/63.

Appd.—W.M.A., 20/1/63.

Mr. Owen.—Seen, Edwd. Owen, 31/1/63.



Attached to every tender there must be a memorandum, signed by the party tendering, and two responsible persons as sureties, agreeing to be answerable for the due performance of the contract, in the event of the tender being accepted, and undertaking in that event that they will severally execute and deliver at the office of the Crown Solicitor in Sydney, within seven days from the usual notification of acceptance, a bond to Her Majesty in the penal sum of £50, for securing such performance, otherwise the tender will not be taken into consideration.

W. M. ARNOLD.

*Department of Public Works,  
Sydney, 1 May, 1862.*

TENDERS will be received at this office, until noon on Tuesday, the 20th instant, from persons willing to contract for the supply of the following articles required for railway purposes:—

1. Clydesdale Chemical Company's patent mineral grease ..	12 tons.
2. Spring steel 3 x ½ (Camnells) .. .. .	1 ton.
3. Low Moor angle iron 4½ x 4½ x 1¼ at root .. .. .	2 tons.
4. Low Moor rivet iron ¾ round .. .. .	10 cwt.
5. Semaphore lamp chimneys.. .. .	50 doz.

Tenders to be endorsed "Tender for Railway Stores."

Specification and form of tender may be seen, and further particulars obtained, at the Railway Office, Phillip-street, or at the Railway Store, Redfern Station.

Attached to every tender there must be a memorandum signed by the party tendering, and two responsible persons as sureties, agreeing to be answerable for the due performance of the contract, in the event of the tender being accepted, and undertaking in that event, that they will severally execute and deliver at the office of the Crown Solicitor in Sydney, within seven days from the usual notification of acceptance, a bond to Her Majesty in the penal sum of £50 for securing such performance, otherwise the tender will not be taken into consideration.

W. M. ARNOLD.

*Sydney, No. 442, George-street,  
20 May, 1862.*

Sir,

Referring to advertisement of 1st instant, calling for tenders for the supply of articles for railway purposes, we hereby offer to supply the best spring steel at 42s. per cwt., and best scrap rivet iron at £29 per ton.

The Honorable W. M. Arnold.

We have, &c.,  
P. N. RUSSELL & CO.

THE only tender is from Messrs. P. N. Russell, for spring steel, at 42s. per cwt., and rivet iron at 29s. per cwt. The spring steel imported by the Commissioner cost with all expenses 24s. only, and rivet iron can be imported at, say 18s. Under these circumstances it would perhaps be as well to indent for the whole of these stores for which tenders have been invited.

Submitted.—J.R.

R. MOODY,  
21/5/62.

Order by present mail, and decline tender.—W.M.A., 21/5/62.

*Department of Public Works,  
Sydney, 22 May, 1862.*

Gentlemen,

I am directed by the Secretary for Public Works to inform you, that your tender, dated the 20th instant, for the supply of spring steel and rivet iron for railway purposes, has been declined by the Government.

Messrs. P. N. Russell & Co.,  
Sydney.

I am, &c.,  
JOHN RAE,  
Under Secretary.

*Department of Public Works,  
Sydney, 29 August, 1862.*

#### WAGON TYRES.

TENDERS will be received at this office until noon on Tuesday, the 9th September next, from persons willing to contract for the supply of 400 of the best Lowmoor iron carriage and wagon tyres, 9 feet 8 inches in length; 400 of the best Lowmoor iron carriage and wagon tyres, 11 feet in length; 200 solid axles, 7 feet ¾ inch in length; 200 solid axles, 7 feet 2⅜ inches in length.

Plan, specification, and form of tender may be seen, and further particulars obtained, at the Railway Office, Phillip-street.

Tenders, which are to be endorsed, "Tender for Wagon Tyres," must state the time within which it is proposed to complete the work, and at the foot of every tender there must be a memorandum signed by the party tendering, and two responsible persons as sureties, agreeing to be answerable for the due performance of the contract, in the event of the tender being accepted, and undertaking in that event, that they will severally execute and deliver at the office of the Crown Solicitor, in Sydney, within seven days from the usual notification of acceptance, a bond to Her Majesty in the penal sum of £550, for securing such performance, otherwise the tender will not be taken into consideration.

W. M. ARNOLD.

*458, George-street, Sydney,  
9 September, 1862.*

Sir,

I beg to tender for the undermentioned wagon tyres required for the public service. Amount, £6,897 sterling. Time to complete contract, eighteen months from date of tender.

The Honorable the  
Minister for Public Works.

I have, &c.,  
J. B. HOLDSWORTH.

I propose as security for fulfilment of same, John Sands, stationer, George-street; Henry Chatto, auctioneer, George-street.

Sydney, 9 September, 1862.

Sir,

We hereby tender to supply the wagon tyres and axles, in accordance with plans and specifications seen by us, and to deliver the whole at the railway stores, Redfern, within twelve months from date of acceptance of tender for the following, viz. :—

(400) four hundred tyres, 9 feet 8 inches long, and (400) four hundred tyres, 11 feet long, for the sum of £4,161 sterling.

(200) two hundred axles, 7 feet 0 $\frac{3}{4}$  inch long, and (200) two hundred axles, 7 feet 2 $\frac{3}{4}$  inch long, for the sum of £2,311 sterling—in all, £6,472.

Should our tender be accepted, we will sign the necessary bond and give the required security.

The Hon. W. M. Arnold, M.L.A.,  
Department of Public Works,  
Sydney.

We have, &c.,  
P. N. RUSSELL & CO.

Sydney, 9 September, 1862.

Sir,

We hereby tender, in accordance with the advertisement in the *Government Gazette*, of the 29th August, 1862, to supply the following, in accordance with the plan and specification exhibited at the Railway Office, for the prices following, viz. :—

400 × 3 × 36 = 2,160 0 0  
400 × 3 $\frac{3}{4}$  × 36 = 2,520 0 0  
400 × 3 × 35 = 2,100 0 0  
6,780 0 0

400 of the best Lowmoor iron carriage and wagon tyres, 9 feet 8 inches in length, at (36s.) thirty-six shillings per cwt.

400 of the best Lowmoor iron carriage and wagon tyres, 11 feet length, at (36s.) thirty-six shillings per cwt.

200 solid axles, "bowling iron," 7 feet 0 $\frac{3}{4}$  inch in length, at (35s.) thirty-five shillings per cwt.

200 solid axles, "bowling iron," 7 feet 2 $\frac{3}{4}$  inches in length, at (35s.) thirty-five shillings per cwt.

We undertake to deliver the above within twelve months from the time we receive notice of the acceptance of the tender.

To the Under Secretary for Public Works,  
&c., &c., &c.,  
Sydney.

We have, &c.,  
OPPENHEIMER & CO.  
p. L. SAMUEL.

*Railway Engineer-in-Chief's Report.*

Supplies for railway purposes,—

Wagon tyres.  
Axles.

The following tenders have been received :—

No. 1.	J. B. Holdsworth..	..	..	..	..	£6,897	0	0
No. 2.	P. N. Russell ..	..	..	..	..	6,472	0	0
No. 3.	Oppenheimer & Co.	..	..	..	..	6,780	0	0

I cannot recommend the acceptance of the above tenders for the supply of tyres, &c., as these articles can be imported by the Government for £5,890.

J.W.—17/9/62.

Submitted, 17/9/62.—J.R.

Approved—Let the indent be prepared for next mail.—W.M.A., 18/9/62.

Department of Public Works,  
Sydney, 12 December, 1862.

RAILWAY TICKETS.

TENDERS will be received at this office, until noon on Tuesday, the 16th instant, from persons willing to contract for the supply of Railway Tickets, as under—

100,000 plain blue.  
200,000 " green.  
200,000 " drab.

Tenders to be endorsed "Tender for Railway Tickets."

Further particulars may be obtained at the Railway Office, Phillip-street.

Tenders must state the time within which it is proposed to supply the tickets; and attached to every tender there must be a memorandum signed by the party tendering, and two responsible persons as sureties, agreeing to be answerable for the due performance of the contract, in the event of the tender being accepted, and undertaking in that event, that they will severally execute and deliver at the office of the Crown Solicitor in Sydney, within seven days from the usual notification of acceptance, a bond to Her Majesty in the penal sum of £50 for securing such performance, otherwise the tender will not be taken into consideration.

W. M. ARNOLD.

Department of Public Works,  
Sydney, 24 November, 1862.

WROUGHT IRON GIRDERS, NEPEAN BRIDGE, PENRITH.

TENDERS will be received at this office, until noon on Tuesday, the 16th December, from persons willing to contract for supplying and erecting the wrought iron girders for the bridge over the River Nepean at Penrith.

Tenders to be endorsed "Tender for Wrought Iron Girders, Nepean Bridge, Penrith."

Plan, specification, and form of tender may be seen, and further particulars obtained, at the Railway Office, Phillip-street, on and after Tuesday, the 2nd December.

Attached to every tender there must be a memorandum signed by the party tendering, and two responsible persons as sureties, agreeing to be answerable for the due performance of the contract, in the event of the tender being accepted, and undertaking in that event, that they will severally execute and deliver at the office of the Crown Solicitor in Sydney, within fourteen days from the usual notification of acceptance, a bond to Her Majesty in the penal sum of £5,000 for securing such performance, otherwise the tender will not be taken into consideration.

W. M. ARNOLD.

NOTE.—The time within which tenders can be received at this office for the above has been extended to noon of Tuesday, the 23rd instant.

W. M. ARNOLD.

Department of Public Works,  
Sydney, 12th December, 1862.



442, George-street,  
23 December, 1862.

WE, P. N. Russell & Co., hereby propose to supply and erect the whole of the wrought and cast iron work required for the Bridge over the River Nepean, at Penrith, in strict accordance with the plans and specification, for the sum of fifty-four thousand one hundred and seventy-eight pounds sterling (£54,178.)

P. N. RUSSELL & Co.

Sydney, 23 December, 1862.

Should the foregoing tender be accepted, we hereby undertake to find satisfactory security for the due performance of the contract, and to have the necessary bond executed within seven days from the date of the notification of the acceptance of the said tender.

P. N. RUSSELL & Co.

To the Commissioner for Railways.

*Tender for Iron Girders.*

No. 1, Napoleon-street,  
Sydney, 23 December, 1862.

Sir,

I hereby propose to supply and erect the whole of the wrought iron work required for the Bridge over the River Nepean, at Penrith, in strict accordance with the plans and specification, for the sum of fifty-six thousand three hundred and twenty-five pounds sterling (£56,325.)

I have, &c.,

WILLIAM TYLER.

No. 1, Napoleon-street,  
Sydney, 23 December, 1862.

Should the foregoing tender be accepted, I agree to find satisfactory security, or to deposit five thousand pounds sterling (£5,000) in the hands of the Government, for securing the due performance of the work.

WILLIAM TYLER.

To the Commissioner for Railways,  
Department of Public Works.

Sydney, 22 December, 1862.

Sir,

We hereby tender to supply and erect the wrought iron girders for the Bridge over the River Nepean, at Penrith, in accordance with the plans and specification, for the sum of (£80,000) eighty thousand pounds.

We have, &c.,

OPPENHEIMER & Co.,

Per L. & S. SAMUEL,  
Agents.

To the Honorable  
The Secretary for Public Works,  
&c., &c., &c.  
Sydney.

In the event of the above tender being accepted, we hereby agree to become sureties for the due performance of the contract, and undertake to execute a bond to Her Majesty, in the penal sum of (£5,000) five thousand pounds for securing such performance, within fourteen days from the usual notification of such acceptance.

LEWIS SAMUEL.  
SAUL SAMUEL.

*Railway Engineer-in-Chief's Report.*

Supply of wrought iron girders for the Nepean Bridge.

The following tenders have been received:—

No. 1. P. N. Russell & Co.	.. .. .	£54,178	0	0
No. 2. William Tyler	.. .. .	56,325	0	0
No. 3. Oppenheimer & Co. (L. and S. Samuel, Agents)	.. .. .	80,000	0	0

No. 1 tender is at the rate of, per ton, £45 2s.

No. 2 do. do. £46 18s.

No. 3 do. do. £66 13s.

The cost of the bridge over the Nepean, at Menangle, is at the rate of £29 per ton, but this does not include freight, insurance, or carriage along the line to Menangle. I consider that £36 per ton would be a fair price for the work, and therefore cannot recommend the acceptance of any of the tenders sent in for this bridge. The total weight of iron work in the bridge is about 1,200 tons.

J. W.—8/1/63.

Submitted.—Indent may now be sent to England, I presume?—13/1/63.—J.R.

Approved.—W.M.A.—14/1/63.

Department of Public Works,  
Sydney, 20 January, 1863.

Gentlemen,

I am directed by the Secretary for Public Works to inform you, that your tender, dated the 22nd ultimo, for the supply of wrought iron girders for the Nepean Bridge, has been declined by the Government.

Messrs. Oppenheimer & Co.,  
Care of Messrs. L. & S. Samuel, Sydney.

I am, &c.,

GERALD HALLIGAN,  
(For the Under Secretary.)

Department

*Department of Public Works,  
Sydney, 20 January, 1863.*

Sir,

I am directed by the Secretary for Public Works to inform you, that your tender, dated the 23rd ultimo, for the supply of wrought iron girders for the Nepean Bridge, has been declined by the Government.

Mr. W. Tyler,  
1, Napoleon-street.

I am, &c.,  
GERALD HALLIGAN,  
(For the Under Secretary.)

*Department of Public Works,  
Sydney, 20 January, 1863.*

Gentlemen,

I am directed by the Secretary for Public Works to inform you, that your tender, dated the 23rd ultimo, for the supply of wrought iron girders for the Nepean Bridge, has been declined by the Government.

Messrs. P. N. Russell & Co.,  
442, George-street.

I am, &c.,  
GERALD HALLIGAN,  
(For the Under Secretary.)

*Sydney, 11 February, 1863.*

Sir,

Having re-considered our tender to supply and erect the wrought and cast iron work for the Bridge over the River Nepean, we now offer to supply and erect the same in accordance with plans and specification, the Government taking the entire risk of floods, for the sum of £50,000 sterling.

As our calculations are based upon the supposition that the wrought iron work will cost £22 per ton in England, should we succeed in procuring the said iron work at a cheaper rate per ton, we will allow the Government the entire benefit of the reduction in price.

In the event of the above tender being accepted, we will find the necessary security, and sign the bonds required by the Government.

The Hon. W. M. Arnold, M.L.A.,  
Department of Public Works, Sydney.

We have, &c.,  
P. N. RUSSELL & Co.

I think the offer made much too high, and cannot recommend its acceptance.—J.W., 17/2/63.  
Submitted.—J.R., 17/2/63.

Inform, and order from England, as recommended by Mr. Whitton.—W.M.A., 17/2/63.

*Department of Public Works,  
Sydney, 20 February, 1863.*

Gentlemen,

I am directed by the Secretary for Public Works to inform you, that your tender, dated the 11th instant, to supply and erect the wrought and cast iron girders for the Bridge over the Nepean, for the sum therein named, has been declined by the Government.

Messrs. P. N. Russell & Co.,  
Sydney.

I am, &c.,  
GERALD HALLIGAN,  
(For the Under Secretary.)

*Department of Public Works,  
Sydney, 30 January, 1863.*

To Contractors and others.

**PERMANENT WAY MATERIALS, FOR RAILWAY PURPOSES.**

TENDERS will be received at this office until noon, on Tuesday, the 17th February, from persons willing to contract for the supply of rails, chairs, fish-plates, bolts, nuts, and spikes, for seventy-six miles of railway.

Tenders to be endorsed "Tender for Rails, Chairs, &c.," as the case may be.

Plans, specifications, and forms of tender, may be seen, and further particulars obtained, at the Railway Office, Phillip-street, on and after Tuesday, the 3rd February.

Attached to every tender there must be a memorandum signed by the party tendering, and two responsible persons as sureties, agreeing to be answerable for the due performance of the contract, in the event of the tender being accepted, and undertaking, in that event, that they will severally execute and deliver at the office of the Crown Solicitor in Sydney, within fourteen days from the usual notification of acceptance, a bond to Her Majesty in the penal sum of one-tenth of the amount of contract, for securing such performance, otherwise the tender will not be taken into consideration.

W. M. ARNOLD.

*Sydney, 16 February, 1863.*

Sir,

We hereby propose to supply 393 tons, 6 cwt. of fish-plates, in strict accordance with the plan and specification, and subject to all the conditions and stipulations contained therein, at the following prices, viz. :—

269 tons, 2 cwt., to be delivered free of all charges at the railway station, Sydney, New South Wales, at the price of £11 10s. per ton.

124 tons, 4 cwt., to be delivered free of all charges at the railway station, Newcastle, New South Wales, at the price of £12 per ton.

OPPENHEIMER & Co.,  
Melbourne.  
Per L. SAMUEL,  
Agent.

Should the foregoing tender be accepted, we the undersigned do hereby agree to be responsible for the due performance of the contract; and we hereby undertake within fourteen days from the date of the notification of the acceptance of the said tender, to execute and deliver at the office of the Crown Solicitor, Sydney, a bond to Her Majesty in the penal sum of £500 for securing such performance.

To the Commissioner for Railways, Sydney.

LEWIS SAMUEL, Sydney.  
SAUL SAMUEL, Sydney.

*Sydney,*

Sydney, 16 February, 1863.

Sir,  
 We hereby propose to supply 3,192 tons of chairs, in strict accordance with the plan and specification, and subject to all the conditions and stipulations contained therein, at the following prices, viz. :—  
 2,184 tons, to be delivered free of all charges at the railway station, Sydney, New South Wales, at the price of £7 15s. per ton.  
 1,008 tons, to be delivered free of all charges at the railway station, Newcastle, New South Wales, at the price of £8 5s. per ton.

OPPENHEIMER & Co.,  
 Melbourne.  
 Per L. SAMUEL,  
 Agent.

Should the foregoing tender be accepted, we the undersigned do hereby agree to be responsible for the due performance of the contract; and we hereby undertake, within fourteen days from the date of notification of the acceptance of the said tender, to execute and deliver at the office of the Crown Solicitor, Sydney, a bond to Her Majesty in the penal sum of £2,500 for securing such performance.

To the Commissioner for Railways, Sydney.

LEWIS SAMUEL, Sydney.  
 SAUL SAMUEL, Sydney.

Sydney, 16 February, 1863.

Sir,  
 We hereby propose to supply 8,968 tons of double-headed rails, in strict accordance with the plan and specification, and subject to all conditions and stipulations contained therein, at the following prices, viz. :—  
 6,136 tons, to be delivered free of all charges at the railway station, Sydney, New South Wales, at the price of £9 15s. per ton.  
 2,832 tons, to be delivered free of all charges at the railway station, Newcastle, New South Wales, at the price of £10 5s. per ton.

OPPENHEIMER & Co.,  
 Per L. SAMUEL,  
 Melbourne.

Should the foregoing tender be accepted, we the undersigned do hereby agree to be responsible for the due performance of the contract; and we do hereby undertake, within fourteen days from the date of the notification of the acceptance of the said tender, to execute and deliver, at the office of the Crown Solicitor in Sydney, a bond to Her Majesty in the penal sum of £3,000 for securing such performance.

The Commissioner for Railways, Sydney.

LEWIS SAMUEL, Sydney.  
 SAUL SAMUEL, Sydney.

Sydney, 16 February, 1863.

Sir,  
 We hereby propose to supply 85 tons 10 cwt. of bolts and nuts, and 239 tons spikes, in strict accordance with the plan and specification, subject to all the conditions and stipulations contained therein, at the following prices, viz. :—  
 58 tons 10 cwt. of fish bolts and nuts, to be delivered free of all charges at the railway station, Sydney, New South Wales, at the price of £21 per ton.  
 163 tons 10 cwt. of spikes, do. do., at the price of £22 per ton.  
 27 tons of fish bolts and nuts, to be delivered free of all charges at the railway station, Newcastle, New South Wales, at the price of £21 10s. per ton.  
 75 tons 10 cwt of spikes, do. do. do., at the price of £22 10s. per ton.

OPPENHEIMER & Co.,  
 Melbourne.  
 Per L. SAMUEL, Agent.

Should the foregoing tender be accepted, we the undersigned do hereby agree to be responsible for the due performance of the contract; and we hereby undertake within fourteen days from the date of the notification of the acceptance of the said tender, to execute and deliver at the office of the Crown Solicitor in Sydney, a bond to Her Majesty in the penal sum of £750 for securing such performance.

The Commissioner for Railways, Sydney.

LEWIS SAMUEL, Sydney.  
 SAUL SAMUEL, Sydney.

*Railway Engineer-in-Chief's Report.*

Supply of permanent way materials for railway purposes.

THE only tenders received are from Messrs. Oppenheimer & Co., of Melbourne.

From the statement enclosed, it appears that if the offer of Messrs.

Oppenheimer & Co. be accepted, the cost would be .. .. .	£125,783	8	0
If ordered by the Government, from England direct, the cost would be .. .. .	118,270	2	0

Loss to the Government .. .. .	£7,513	6	0
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I recommend that the offer be not accepted, but that the articles be ordered by the Government direct from England.—J.W. 24/2/63.

Submitted.—J.R. 25/2/63.

Appd.—W.M.A. 26/2/63.

Department of Public Works,  
 Sydney, 28 February, 1863.

Gentlemen,

I am directed by the Secretary for Public Works to inform you, that your tenders (four in number), dated the 16th instant, for the supply of permanent way materials for railway purposes, have been declined by the Government.

Messrs. Oppenheimer & Co.,  
 Care of Messrs. L. and S. Samuel,  
 Sydney.

I am, &c.,  
 GERALD HALLIGAN,  
 (For the Under Secretary.)

## LOCOMOTIVE ENGINES FOR PUBLIC RAILWAYS.

*Copy of Advertisement in Government Gazette.**Department of Public Works,  
Sydney, 30 March, 1863.**To Contractors and others—Locomotive Engines.*

TENDERS will be received at this office, until Tuesday, the 28th April, at noon, from persons willing to contract for the supply of eighteen locomotive engines, for the Northern, Southern, and Western Lines. Specifications and forms of tender may be seen, and further particulars obtained, at the Railway Office, Phillip-street.

Tenders are to be indorsed "Tender for Locomotive Engines."

Attached to every tender there must be a memorandum signed by the party tendering, and two approved persons as sureties, agreeing to be answerable for the due performance of the contract, in the event of the tender being accepted, and undertaking in that event that they will severally execute and deliver, at the Office of the Crown Solicitor in Sydney, within fourteen days from the usual notification of acceptance, a bond to Her Majesty in the penal sum of £6,000, for securing such performance, otherwise the tender will not be taken into consideration.

W. M. ARNOLD.

*Form of Tender for Locomotive Engines.*

I HEREBY propose to supply the goods engines required for the Southern, Western, and Northern Railways, to be constructed at the works of \_\_\_\_\_ in strict accordance with the specification, and to the satisfaction of the inspecting Engineer, at the following prices, viz. :—

6 (six) locomotive goods engines, to be delivered at the locomotive works, Sydney Railway Station, free of all charges, for the sum of \_\_\_\_\_ each.

3 (three) locomotive goods engines, to be delivered at the locomotive works, Honeysuckle Point, Newcastle Railway Station, free of all charges, for the sum of \_\_\_\_\_ each.

Name  
Address  
Date

To the Commissioner for Railways.

Should the foregoing tender be accepted, we the undersigned do hereby agree to be responsible for the due performance of the contract; and we hereby undertake, within fourteen days from the date of the notification of the acceptance of the said tender, to execute and deliver, at the office of the Crown Solicitor in Sydney, a bond to Her Majesty in the penal sum of £3,000, for securing such performance.

Name  
Address  
Name  
Address

*Form of Tender for Locomotive Engines.*

I HEREBY propose to supply the passenger engines required for the Southern and Northern Railways, to be constructed at the works of \_\_\_\_\_ in strict accordance with the specification, and to the satisfaction of the inspecting Engineer, at the following prices, viz. :—

3 (three) locomotive passenger engines, to be delivered at the locomotive works, Sydney Railway Station, free of all charges, for the sum of \_\_\_\_\_ each.

3 (three) locomotive passenger engines, to be delivered at the locomotive works, Honeysuckle Point, Newcastle Railway Station, free of all charges, for the sum of \_\_\_\_\_ each.

Name  
Address  
Date

To the Commissioner for Railways.

Should the foregoing tender be accepted, we the undersigned do hereby agree to be responsible for the due performance of the contract; and we hereby undertake, within fourteen days from the date of the notification of the acceptance of the said tender, to execute and deliver at the office of the Crown Solicitor in Sydney, a bond to Her Majesty in the penal sum of £2,000, for securing such performance.

Name  
Address  
Name  
Address

*Form of Tender for Locomotive Engines.*

I, \_\_\_\_\_ hereby propose to supply the passenger engines for the Western Railway, to be constructed at the works of \_\_\_\_\_ in strict accordance with the specification, and to the satisfaction of the inspecting Engineer, at the following prices, viz. :—

3 (three) locomotive passenger engines, to be delivered at the locomotive works, Sydney Railway Station, free of all charges, for the sum of \_\_\_\_\_ each.

Name  
Address  
Date

To the Commissioner for Railways.

Should the foregoing tender be accepted, we the undersigned do hereby agree to be responsible for the due performance of the contract; and we hereby undertake, within fourteen days from the date of the notification of the acceptance of the said tender, to execute and deliver at the office of the Crown Solicitor in Sydney, a bond to Her Majesty in the penal sum of £1,000, for securing such performance.

Name  
Address  
Name  
Address

Tenders—

*Tenders—Eighteen Locomotives.*

*Department of Public Works,  
Sydney, 28 April, 1863.*

The tender for the undermentioned work, one in number, is referred to the Engineer-in-Chief for Railways, for report.

Supply of eighteen locomotive engines for the Government Railways.

B.C.—JOHN RAE.

Mr. Fowler is not in a position to carry out the offer he has made, and I therefore recommend that his tender be not accepted.

J. W.—1/5/63.

Submitted. 2/5/63.—J.R.

Inform Mr. Fowler that upon his depositing £6,000, either in cash or Government debentures, within ten days, his tender will be accepted, and the bond prepared for signature.

W. M. A.—4/5/63.

To the Under Secretary  
for Public Works.

*Toogood's Hotel, Pitt and King Streets,  
Sydney, 28 April, 1863.*

Sir,

I, Charles Fowler, hereby propose to supply the passenger engines for the Southern and Northern Railways, to be constructed at the works of Messrs. Sharp, Stewart & Co., Manchester, in strict accordance with specification, and to the satisfaction of the inspecting Engineer, at the following prices, viz. :—

- 3 (three) locomotive passenger engines, to be delivered at the locomotive works, Sydney Railway Station, free from all charges, for the sum of £2,880 each.
- 3 (three) locomotive passenger engines, to be delivered at the locomotive works, Honeysuckle Point, Newcastle Railway Station, for the sum of £2,930 each.
- 6 (six) locomotive goods engines, to be delivered at the locomotive works, Sydney Railway Station, free from all charges, for the sum of £2,980 each.
- 3 (three) locomotive goods engines, to be delivered at the locomotive works, Honeysuckle Point, free from all charges, for the sum of £3,030 each.
- 3 (three) locomotive passenger engines (bogies), for the Western Railway, to be delivered at the locomotive works, Sydney Railway Station, free from all charges, for the sum of £2,990 each.

Should the foregoing tender be accepted, we the undersigned do hereby agree to be responsible for the due performance of the contract; and we hereby undertake, within fourteen days from the date of the notification of the acceptance of the said tender, to execute and deliver, at the office of the Crown Solicitor in Sydney, a bond to Her Majesty in the penal sum of £6,000, for securing such performance.

Name	JOHN WHITE,
Address	Clarence Breakwater Works.
Name	DANL. WILLIAMS,
Address	St. John's College, Newtown.

N.B.—Should these sureties be objected to, I am prepared with others, or will deposit cash if required.

C. FOWLER.

Will Mr. White be good enough to state whether he authorized Mr. Fowler to use his name as surety?

14/5/63.—J. R.

I never authorized Mr. Fowler to submit my name as surety; nor did I know that he had done so, until informed of the fact by Mr. Rae.

14/5/63.—JOHN WHITE.

*Under Secretary for Public Works to Charles Fowler, Esq.*

*Department of Public Works,  
Sydney, 7 May, 1863.*

Sir,

With reference to your tender, dated the 28th ultimo, for the supply of eighteen locomotive engines for the Government Railways, I am directed by the Secretary for Public Works to inform you, that upon your depositing as security the sum of £6,000, either in cash or Government debentures, within ten days from this date, your tender for this service will be accepted, and the bond prepared for signature.

I have, &c.,  
JOHN RAE.

*Charles Fowler, Esq., to Secretary for Public Works.*

*Toogood's Hotel, Pitt and King Streets,  
Sydney, 9 May, 1863.*

Sir,

I have the honor to acknowledge the receipt of your communication of the 7th instant, accepting my tender for the supply of eighteen locomotive engines for the Government Railways, upon depositing as security the sum of £6,000, either in cash or Government debentures, within ten days.

The terms of the advertisement calling for tenders, and the form of tender attached to the specification for these eighteen locomotives, being that the party tendering should find two approved persons as sureties, to execute a bond within fourteen days from the usual notification of acceptance, and although cash security to one-half the amount of the bond has in some cases been advertised for, I am not aware that it has been hitherto insisted upon in any Government contracts. I trust it will not be so in my case, but that the tender will be accepted according to the terms of the advertisement.

The

The alteration of the terms of the advertisement would, of course, have made a difference in the amount of my tender.

I may remark, that it is my intention not only to complete the contract within the time, but to have the best description of work. As the engines are well designed, I should like them to be superior to any yet imported to these Colonies.

Awaiting your reply,—

I have, &c.,  
CHARLES FOWLER.

*Charles Fowler, Esq., to Secretary for Public Works.*

*Toogood's Hotel, Pitt and King Streets,  
Sydney, 13 May, 1863.*

Sir,

I wish to add to my letter of the 9th instant, that I am authorized by Mr. Willis, of the firm of Willis, Merry & Co., to offer their names as sureties for the due performance of the contract for the eighteen locomotives for the Government Railways.

I have, &c.,  
CHARLES FOWLER.

Will Mr. Willis be good enough to inform me whether the firm of Willis, Merry & Co. are prepared to become surety or deposit cash to the amount of £6,000, for the due performance of Mr. Fowler's contract, if accepted?—J.R.

We are *not* prepared to comply with the above condition.—W. M. & Co.

*Charles Fowler, Esq., to Secretary for Public Works.*

*Toogood's Hotel, Pitt and King Streets,  
Sydney, 18 May, 1863.*

Sir,

I am requested by Mr. Daniel Williams to inform you, that the sum required to be deposited, as security for the due performance of the contract to supply eighteen locomotives for the Government Railways, is lying in the London Chartered Bank, and ready to be handed over to the Government as soon as the necessary documents are ready for signature.

This would have been arranged several days ago, if a reply had been sent to my letter of the 9th instant.

I have, &c.,  
CHARLES FOWLER.

Would the Manager of the London Chartered Bank have any objection to inform me whether £6,000 has been lodged by Mr. Williams for the purpose stated in this letter?—J. RAE.—19/5/63.

The Manager states that there is not that amount to the credit of Mr. Williams, neither is there any direction to transfer any amount.—19/5/63.—G. H.

*Mr. Williams to Under Secretary for Public Works.*

*St. John's College,  
Newtown, 18 May, 1863.*

Sir,

I am called away to-day, on urgent business, to Melbourne, and have not completed my arrangements. Can Mr. Fowler's contract for the eighteen locomotives stand over until my return, which will be about ten days?

I have, &c.,  
DANIEL WILLIAMS.

*Under Secretary for Public Works to Charles Fowler, Esq.*

*Department of Public Works,  
Sydney, 19 May, 1863.*

Sir,

With reference to your letter of the 9th instant, complaining of your being called upon to deposit the sum of £6,000 instead of providing sureties for the due performance of your contract, if accepted, for the supply of eighteen locomotive engines for the Government Railways, I am directed by the Secretary for Public Works to inform you, that the cash deposit in lieu of sureties was required in accordance with your own offer to that effect, contained in your tender dated the 23th ultimo, for the work in question; and that, as it now appears from your letter under reply, that you are unable to comply with this condition, and as there is otherwise reason to believe that you are unable to complete such a contract, and that your offer is not of a *bona fide* character, your tender is declined, and your name has been noted as ineligible for future Government contracts.

I have, &c.,  
JOHN RAE.

NOTE.—This letter was detained, pending decision on subsequent communications from Mr. Fowler, and was despatched by authority on the 27th May, 1863.

*Under Secretary for Public Works to Charles Fowler, Esq.*

*Department of Public Works,  
Sydney, 20 May, 1863.*

Sir,

With reference to your letter of the 18th instant, I am directed by the Secretary for Public Works to point out to you, that it is necessary that Mr. Williams should state, in his own handwriting, that he is willing to deposit in the Colonial Treasury the sum of £6,000, as security for the due fulfilment of your contract to supply eighteen locomotive engines for Government Railways, in the event of your tender being accepted by the Government.

2. I am therefore to request that you will furnish me with Mr. Williams' address, in order that I may communicate with him on the subject.

I have, &c.,  
JOHN RAE.

*Charles*

*Charles Fowler, Esq., to Secretary for Public Works.*

*Toogood's Hotel, Pitt and King Streets,  
Sydney, May 22, 1863.*

Sir,

With reference to your letter of the 20th instant, I beg to inform you that Mr. D. Williams left for the neighbouring Colony of Victoria, on Monday evening last. I have written to him to return at once, and have no doubt he will arrive here by the steamer first leaving Melbourne after receiving my communication. He can arrange with you respecting the deposit.

His address is—49, Stephen-street, Melbourne.

I have, &c.,

CHARLES FOWLER.

*Mr. Williams to Under Secretary for Public Works.*

*43, Stephen-street, Melbourne,  
June 1, 1863.*

Sir,

In reference to the security required for the contract for supplying locomotives, I wish to be informed whether the Government will accept a deposit receipt for the amount on either Bank in Sydney; or, if debentures are required, whether new ones will be issued by my tendering for the amount in the usual way?

As I propose leaving here for Sydney, on Thursday next, your reply to this I will thank you to address to my office, St. John's College, Sydney.

I have, &c.,

DANIEL WILLIAMS.

*Under Secretary for Public Works to Mr. Williams.*

*Department of Public Works,  
Sydney, 12 June, 1863.*

Sir,

In acknowledging the receipt of your letter of the 1st instant, from Melbourne, inquiring, with reference to your proposed security for the due performance of Mr. Fowler's offer to supply the Government with eighteen locomotives, I am directed by the Secretary for Public Works to inform you that Mr. Fowler's offer to perform this service has been declined, and that an order for the engines was sent to England by the last mail.

I have, &c.,

JOHN RAE.

*Indent of Locomotive Engines.*

*New South Wales,  
Sydney, 21 May, 1863.*

Indent of locomotive engines ordered through Edward Hamilton, Esquire, Agent for the Colony of New South Wales.

To be landed in Sydney,—  
6 goods engines.  
6 passenger do.  
To be landed at Newcastle,—  
3 goods engines.  
3 passenger do.

—  
18  
—

To be constructed in accordance with the details and specification forwarded to John Fowler, Esq., by this mail.

JOHN WHITTON.

*Engineer-in-Chief for Railways to John Fowler, Esq.*

*New South Wales, Railway Department,  
Engineer's Office, Sydney, 21 May, 1863.*

My Dear Sir,

By this mail an indent has been forwarded to Edward Hamilton, Esq., for eighteen (18) locomotive engines; nine of which are for goods traffic, and the remaining nine for passenger traffic.

The engines are required for the following lines of railway, viz. :—

For the Southern line, three goods engines and three passenger engines.

For the Western line ditto ditto.

For the Northern line ditto ditto.

The engines for the Southern and Western lines to be delivered at Sydney, and those for the Northern line to be delivered at Newcastle.

The goods engines (nine in number) to be of the following description :—

Cylinders, <i>inside</i>	.. ..	18 inches diameter.
Stroke	.. ..	24 inches.
Wheels (6-coupled)	.. ..	4 feet diameter.
Extreme centres apart	.. ..	11 feet 6 inches.
Gauge of railway	.. ..	4 feet 8½ inches.

The tenders for these goods engines are to be on six wheels, with short centres, and are each to hold not less than 1,800 gallons of water.

A detailed specification for these engines is forwarded herewith, but you are at liberty to make any alteration in details which you may think desirable.

The passenger engines (nine in number) to be of the following description :—

Cylinders, <i>outside</i>	.. ..	18 inches diameter.
Stroke	.. ..	24 inches.
Wheels (4-coupled)	.. ..	5 feet 9 inches diameter.
Single bogie wheels	.. ..	3 feet diameter.
Weight on 4 coupled wheels to be not less than	.. ..	22 tons.
Centres apart of coupled wheels	.. ..	7 feet.

The tender to be on six wheels, and to hold 1,500 gallons of water.

These engines, both goods and passenger, are intended to work inclines of 1 in 30, and to pass freely round curves of 8 chains radius; and it will be advisable to have every part of each different class of engines, precisely alike, so that one set of duplicates will only be required for each class.

The engines are to be constructed, both with regard to materials and workmanship, in the best possible manner. To be provided with blow-off cocks, cylinder cocks, pet cocks, water gauges, ash pandampers, buffers, sand boxes, and a full set of tools, lamp-irons, lamps, and everything necessary to render them complete in every respect.

Yours, very faithfully,  
JOHN WHITTON.

LOCOMOTIVE ENGINES FOR PUBLIC RAILWAYS.

*D. Williams, Esq., to Secretary for Public Works.*

*St. John's College,  
Sydney, 9 June, 1863.*

Sir,

In consequence of certain circumstances that have transpired in connection with the tender of Mr. C. Fowler for supplying locomotive engines, in which I was named as security, I feel called upon, in justice to myself, to state the following facts:—

When Mr. Fowler's tender was accepted, as appears by your letter to him of the 7th of May last, I was prepared to pay the amount of security, viz., £6,000, into the Treasury, in any form that might be decided upon, and within the time allowed; but, being suddenly called to Melbourne, and receiving no reply to my letter of the 18th ult., I presumed that, in accordance with my request contained therein, the matter was postponed; this would further appear by your letter to Mr. Fowler, of the 20th ult., in which you intimate that a document bearing my signature, and expressive of my willingness to pay the money, would be necessary, and you requested to be furnished with my address, in order that you might communicate with me on the subject. My address was accordingly furnished to you by Mr. Fowler, but no communication was received by me from your department. Notwithstanding that the unusual course had, moreover, been resorted to, of inquiring at the bank, on a date previous to your letter of the 20th ult., whether I was possessed of the money or not. I am not aware that it is customary for depositors to inform the Managers of banks of the special objects for which the money is deposited in their hands. Acting, however, under the belief that, in accordance with the terms of your letter of the 20th ult., which Mr. Fowler forwarded to me at Melbourne, you had written, and that by some means the letter had not come to hand, I wrote to you from that place, begging to be informed in what shape the money was to be lodged; to which I have not yet received a reply.

It was only late last night that I had the opportunity of perusing the whole of the correspondence, when the extraordinary letter of the 19th May, from your department, to Mr. Fowler, first came under my notice; this, in conjunction with the other circumstances of the case, appears to leave me no alternative but to withdraw from all further part or action in the matter.

I am, &c.,  
DANIEL WILLIAMS.

A. Nos. 7 & 8.

(No. 1.)

*Department of Internal Communication,  
Sydney, 9 October, 1858.*

Sir,

The extension of railways in this Colony rendering it necessary to procure from England larger quantities of rails, rolling stock, and other railway materials, this Government has had under its consideration what arrangements would be best calculated to obtain only the most suitable articles in every case, and to ensure that these should be inspected by a thoroughly responsible and competent person before being shipped from England.

2. The commercial business of this Government in London is entirely transacted by Messrs. Lloyd, Beilby, & Co., in accordance with the terms detailed in the paper marked B, and transmitted herewith for your information; but from the particular character of railway stores, it has appeared to the Government desirable in procuring these, to unite with that firm a gentleman specially experienced in railway matters, and at the same time of independent position, and in this view the branch firm here have concurred.

3. A conversation which I had with you previous to leaving England left upon my mind the impression that you would be willing, with the sanction of the proper authorities, to undertake this duty; and I therefore submitted to this Government that the position you have so long held in the Railway Department of the Board of Trade eminently qualified you for its performance.

4. The Government have therefore moved His Excellency the Governor General to address by this mail a despatch to the Right Honorable the Secretary of State for the Colonies, requesting that he would use his influence with the proper authorities to permit you to make the contracts for, to inspect, and to certify for railway materials required from England for this Colony; and the Government have instructed me to place myself in communication with you upon the subject, and to offer you the appointment.

5. The services required from you, and the discretionary powers for their performance, will be found detailed in the accompanying memorandum marked A.

6. The Government have left the amount of remuneration for these services to be determined by the Home authorities, on the understanding that the entire expense of obtaining railway stores from England, exclusive of that to be incurred by Messrs. Lloyd, Beilby, & Co., for railway carriage, dock dues, Customs entry, &c., under the agreement with them, shall not exceed 1 per cent. of the value of the indents contracted for and inspected by you.

7. In all cases where your services are required, duplicate indents will be transmitted to Messrs. Lloyd, Beilby, & Co., and yourself.

8. Where articles of a character not requiring special inspection are wanted, indents will be sent to Messrs. Lloyd, Beilby, & Co. alone, and that firm will be charged with the entire duty and responsibility of obtaining such articles.

9. Should any circumstances prevent your accepting the offer of this Government, you are requested to be so good as to appoint a civil engineer to perform the necessary duties in your stead, until this Government can transmit further instructions to Messrs. Lloyd, Beilby, & Co.

10. In this case, however, any contracts made are to be entered into by Messrs. Lloyd, Beilby, & Co., and the engineer so appointed by you conjointly, but the entire responsibility of the proper inspection of the materials supplied is to rest upon the engineer.

I have, &c.,  
B. H. MARTINDALE.

Capt. Galton, R.E.,  
&c., &c., &c.

*Department*



(No. 2.)

*Department of Internal Communication,  
Sydney, 9 October, 1858.*

Sir,

In reference to my letter, No. 1, of this date, I have the honor to transmit indents marked A, B, C, D, K, L, respectively, together with a plan and specification to accompany indent L, a memorandum marked D, and copies of my letters to Messrs. Lloyd, Beilby, & Co., dated 10th September last and this day.

2. You will perceive that, by my letter to Messrs. Lloyd & Co., of 10th September, that they received instructions to make contracts at once, for the articles detailed in indents A, B, C, D, K, and for twenty-one out of the seventy miles of rails specified in indent L and memorandum D, and I presume they will have carried out those instructions before this communication reaches you.

3. By paragraph 2 of the same letter, Messrs. Lloyd & Co. were directed to provide in making the abovenamed contracts, that the materials supplied should be subject to such inspection and approval as the Government should think fit, the nature of which would be communicated to them by this mail.

4. Copies of this and of other communications addressed to you this day are therefore transmitted by this mail to Messrs. Lloyd & Co., so as to place them in full possession of the views of the Government relative to contracts for and the inspection of railway materials, and they have been requested to place themselves in communication with you as to the contracts they have already made in accordance with my letter of the 10th September, and as to your arrangements for the inspection of the materials so contracted for, and in reference to the contracts for the forty-nine miles of rails remaining to be contracted for out of the seventy miles named in indent L and memorandum D.

5. You will perceive that, by my letter of the 10th September, indents E, F, G, H, I, M, were transmitted to Messrs. Lloyd & Co. in addition to those abovenamed. These are, however, for articles which it is considered Messrs. Lloyd & Co. should take the entire responsibility of obtaining and inspecting, in accordance with paragraph 8 of my letter No. 1 of this day's date.

I have, &amp;c.,

B. H. MARTINDALE.

Capt. Galton, R.E.,

&amp;c., &amp;c., &amp;c.

*Department of Internal Communication,  
Sydney, 9 October, 1863.*

Gentlemen,

In reference to paragraph 2 of my letter to you, of the 6th ultimo, I have the honor now to transmit, for your information and guidance, copies of the letters and memoranda transmitted this day to Capt. Galton, Royal Engineers, Secretary to the Railway Department of the Board of Trade, by which you will be placed in full possession of the views of this Government in reference to the contracts for and inspection of railway materials ordered from England.

In reference to paragraph 11 of memo. A, I have to request that, when contracts are entered into, and materials inspected by Capt. Galton, no payment on account of such materials shall be made until after the receipt from Capt. Galton of the certificate named therein; and in reference to paragraph 4 of my letter No. 2, to Capt. Galton, of this day's date, that you will be so good as to place yourselves in communication with that gentleman upon the subjects therein referred to.

I have also to request your special attention to paragraphs 6 and 9 of memorandum D, and paragraph 8 of letters 1 and 5 of No. 2 of this day's date, addressed to Capt. Galton.

I have, &amp;c.,

B. H. MARTINDALE.

Messrs. Lloyd, Beilby, &amp; Co.,

Royal Exchange Buildings,  
London.

## A.

*MEMORANDUM for the information and guidance of Capt. Galton, Royal Engineers, in reference to the Contracts for, and inspection of, railway materials, for the Government of New South Wales.*

*Department of Internal Communication,**Sydney, 9 September, 1858.*

1. The service requested from Capt. Galton is to make contracts for, and to inspect all, railway materials procured from England for the Government of New South Wales.

2. Capt. Galton is at liberty to make contracts either by special agreement, or by tenders procured from two or more eminent firms, or by tenders obtained by public competition; the object of the Government being to obtain a thoroughly good article at a fair market price.

3. Capt. Galton is at liberty to employ any professional or other assistance he may require; provided only that the entire expense connected with the obtaining contracts and the inspection of materials supplied, does not exceed 1 per cent. of the value of the indent contracted for.

4. Capt. Galton is at liberty to deviate from the plans and specifications furnished from this department, but the Government request this may never be done unless it be considered a matter of absolute necessity.

5. The character of the inspection should be such as to enable Capt. Galton to certify that the whole of the materials supplied are in accordance with the plans and specifications, or other documents attached to each contract, and with the contract itself.

6. It is necessary to observe, that the Government is under agreement with the firm of Lloyd, Beilby, & Co., of the Royal Exchange Buildings, London, to transact, through their instrumentality, all their commercial business; a copy of this agreement is transmitted herewith.

7. The Government have been in communication with the branch firm established in Sydney; and a copy of a letter from them, relative to the making of contracts and inspection of materials for railway purposes, is attached.

8. From this letter it will be seen that the firm, while concurring in the propriety of leaving the calling for and deciding upon tenders, and the inspection of the materials supplied, entirely in Capt. Galton's hands, desire to retain the right of communicating to parties tendering the decisions of that officer. To this the Government anticipate Capt. Galton will see no objection, and they leave it to that officer to settle this and other details requiring co-operation with Messrs. Lloyd, Beilby, & Co.

9. From such co-operation the Government anticipate Capt. Galton will derive great assistance, the more so as the payment for, and the shipment and assurance of, all materials, must be left entirely in the hands of Messrs. Lloyd, Beilby, & Co.

10. The Government consider that Capt. Galton's responsibility should cease with the inspection of the materials, and they suggest that Mr. Lloyd, or some agent of Mr. Lloyd's, should be present when the final inspection of any materials is made, with the view of leaving with that firm, after such final inspection, the entire responsibility of the safe delivery in this Colony of such materials.

11. Messrs. Lloyd, Beilby, & Co. have been requested to make no payment on account of any contract until after the receipt from you of such a certificate as is named in paragraph 5, except any contract should contain a clause warranting payment on account previous to any materials being supplied.

B. H. MARTINDALE.

Capt. Galton, Royal Engineers,  
&c., &c., &c.,  
London.

Railway

*Railway Branch,  
Department of Internal Communication,  
13 June, 1860.*

Sir,

I have the honor herewith to transmit an indent for rolling stock, machinery, and materials required for the service of the Railways of this Colony.

In reference to the passenger rolling stock, the whole should be of varnished teak, with elliptical steel buffer springs.

The composite carriages should, on account of the summer sun, have double roofs, similar to those of the stock sent out from England by Messrs. Wright, of Birmingham, about 1855, for the Sydney and Goulburn Railway. Great care should be taken to give all the ventilation possible. The second-class compartments should form the ends of each carriage, and provide accommodation for one row each of passengers only, the centre of each carriage being formed into a first-class saloon, with doors in centre, sofas round, and in centre a small sofa, with movable back. The first-class might be lined with brown cloth similar to that used in the carriages manufactured by Messrs. Schackleton & Co., for the Birmingham and Shrewsbury narrow-gauge line, about 1855-6.

The fittings should be good, but plain, and without extravagance. Provision should be made to carry passengers' luggage on the roof.

The third-class carriages must be all covered, with open sides; in other respects similar to those of the best narrow-gauge construction in England.

The break-vans may be similar to those of the best construction used in the London and North-western Railway, a special object being the slight extra width of one portion, which permits of the guard looking along the whole train.

The horse-boxes may be similar to those of the best construction on the Great Northern Line, with the centre for horses and two dog-boxes; the ventilation should be particularly attended to, but without louvres raised above the roof.

The lorrys may be similar to those in use on the Great Northern Railway.

The remainder of the stock should be of the most approved description.

All draw bars and buffer springs should be of steel, as indiarubber is not found here to answer.

The whole of the stock should run on four wheels, and be built for the narrow-gauge (4-8½).

The rolling stock and machinery required for the Northern Railway should, if possible, be shipped direct for Newcastle, New South Wales.

A copy of this communication has been addressed to Messrs. W. L. Merry & Co., who will, as usual, make the arrangements for the shipment to this Colony, and will be kept furnished by me with letters of credit to the Oriental Bank, London, for payment of all indents sent.

I have, &c.,

B. H. MARTINDALE.

Capt. D. Galton, R.E.

INDENT for Rolling Stock, Machinery, and Stores required for the Railway Department,  
New South Wales.

Rolling Stock—

- 15 composite carriages.
  - 36 third class do.
  - 6 passenger break-vans.
  - 21 horse boxes.
  - 51 goods waggons, 22 in. deep, with side doors.
  - 42 platform waggons.
  - 21 cattle trucks.
  - 9 sheep do.
  - 12 dry goods waggons with iron panels.
  - 21 carriage trucks.
  - 18 luggage lorrys for platform.
- (One-third of the above for the Great Northern Railway.)

Machinery—

- Lathe for turning railway wheels with 24 in. head, stock bed 15 ft. long, two compound slide rests, hand rest, drawing apparatus, &c., complete.
- A Whitworth self-acting slide and screw cutting lathe 12 in. head stocks, compound slide rests, chucks, change of wheels, and driving apparatus.
- A do. do. with 9 in. head stocks.
- A power planing machine, self-acting in the vertical, angular, and horizontal cuts, with self-acting apparatus for oiling slides, capable of planing 6 ft. in length, 3 ft. 6 in. in width, and 3 ft. in height.
- A Whitworth self-acting nut cutting and sharpening machine, fitted with Halses' patent jaws.
- A self-acting drilling machine, with cross slides and revolving table, capable of drilling holes up to 5 in. diameter.
- A do. do. for holes to 2 in. diameter.
- 2 locomotive weigh bridges, fitted with rails to 4 ft. 8½ in., to weigh 6 wheels, giving separate weight on each wheel.
- A bending machine, 8 ft. in width, for bending ½ in. boiler plates.
- A 20 H.P. horizontal engine, high pressure, with 2 strong boilers.
- 6 traversing jacks for locomotive shops.
- 12 parallel and 12 common bench vices.
- 6 crab winches, double-gear wheels, 3 ft. and 2 ft. (2 of these for Great Northern Line.)
- 18 one ton weighing machines for platforms. (6 of them for Great Northern Railway.)

*Northern Railway.*

- A self-acting slide for lathe and boring mill, with foundation and portable bed 2 ft. long, powerful headstocks, fixed on detached bed to turn a pair of wheels on the axle 7 ft. diameter, self-acting surfacing motion driving apparatus.
- A Whitworth self-acting 12 in. centres screw cutting lathe, change of wheels driving apparatus, &c., complete.
- A small foot lathe with 6 in. centre slide rest, hand rest, chucks, &c.
- A power planing machine, self-acting in the vertical, angular, and horizontal cuts, with self-acting apparatus for oiling slides, capable of planing 6 ft. in length, 3 ft. 6 in. width, and 3 ft. in height.
- A small slotting machine, with about 9 in. stroke, to admit an article 6 in. diameter, with traverse slides and rotary table.
- A self-acting drilling machine, with cross slides and revolving table, capable of drilling holes up to 5 in. diameter.
- A bolt screwing machine to screw from ¾ to 2 in. diameter, with die holders; 10 holders, 10 taps, and 10 pairs of dies, nut and cap holders, reversing bar, and driving apparatus, a set of master taps, &c.
- Hydraulic machine for drawing railway wheels on and off their axles.
- Fan for blowing smith's forge.
- Punching and shearing machine.

Stores—

## Stores—

## Locomotive repairs—

$\frac{3}{4}$  border plates, 7 ft. 6 in. X 3 ft. 6 in., 8 tons }  
 $\frac{3}{4}$  do. do., 6 ft. X 5 ft., 4 tons } Low More.  
 3 $\frac{1}{2}$  in. angle iron }  
 6 in. X  $\frac{3}{8}$  spring steel }  
 No. 6 sheet iron, 8 ft. X 3 ft. }  
 No. 7 do. do., 4 ft. 6 in. X 4 ft. 6 in., 2 tons }  
 700 copper tubes, 10 ft. 8 in. long and 2 in. external diameter.

## India Rubber Buffer Springs—

100 11 in. long 4 $\frac{3}{4}$  outside diameter, with 2 in. hole through for carriage repairs.  
 100 8 in. long 6 $\frac{1}{2}$  outside diameter, with 4 in. hole through for waggon repairs.

## Iron—

Gauze wire for steam pipe joints, 5 cwt.  
 Half-round wire, No. 3, 1 cwt.  
 Do. No. 5, 1 "  
 Do. No. 7, 1 "  
 Do. No. 9, 1 "

200 navvies shovels.

## Brass, Copper, and Tin—

200 axle boxes and bearings, 7 in. X 3 $\frac{1}{2}$  in., for repairs.  
 Sheet brass, No. 8, 10, 12 wire gauze, 6 dozen.  
 2 boxes of tin plates.  
 Sheet copper, No. 8, 10, 12, 6 dozen.

## Steel—

Cast, flat,  $\frac{3}{4}$  in. X  $\frac{1}{4}$  in., 1 $\frac{1}{2}$  in. X  $\frac{1}{2}$  in., 1 in. X  $\frac{1}{4}$  in., 1 in. X  $\frac{3}{8}$  in., 1 $\frac{1}{4}$  in. X  $\frac{1}{2}$  in. } 1 ton.  
 Cast, square, from  $\frac{1}{2}$  in. to 2 $\frac{1}{2}$  in. }  
 Cast, octagon,  $\frac{3}{8}$  in.,  $\frac{5}{8}$  in., and  $\frac{3}{4}$  in. }  
 1 ton of shear, assorted sizes.  
 1 ton of best blister steel.  
 Bastard files, 12 dozen of each size, 16 in., 14 in., 12 in., 10 in., 8 in., 6 in., half taper, and half parallel.  
 Half-round files, 12 dozen of each size, 16 in., 14 in., 12 in., 10 in., 8 in., 6 in.  
 Square bastard, 6 dozen of each size, 1 in.,  $\frac{7}{8}$  in.,  $\frac{3}{4}$  in.,  $\frac{5}{8}$  in.,  $\frac{1}{2}$  in.,  $\frac{3}{8}$  in.  
 Second cut, 6 dozen of each size, 16 in., 14 in., 12 in., 10 in., 8 in., 6 in.  
 Half-round, smooth, 6 dozen of each size, 16 in., 14 in., 12 in., 10 in., 8 in., 6 in.  
 Smooth, 6 dozen of each size, 16 in., 14 in., 12 in., 10 in., 8 in., 6 in.  
 Round bastard, 6 dozen of each size,  $\frac{7}{8}$  in.,  $\frac{3}{4}$  in.,  $\frac{5}{8}$  in.,  $\frac{1}{2}$  in.,  $\frac{3}{8}$  in.,  $\frac{1}{4}$  in.  
 Cotter hole files, 6 dozen of each size,  $\frac{3}{8}$  in.,  $\frac{1}{2}$  in.,  $\frac{3}{4}$  in.,  $\frac{1}{2}$  in., and  $\frac{3}{8}$  in. thick.  
 An assortment of small files, 12 dozen.  
 Saw files, 4 $\frac{1}{2}$  in., 1 6.  
 Mill saw files.

## Ironwork—

6 engine smiths' anvils, 5 cwt. each.  
 Batten nails, 4 in. and 6 in., 18 cwt. each.  
 Do., 1 in., 2 in., and 3 in., 14 cwt. each.  
 Clasp nails, 1 in., 2 in., and 3 in., 14 cwt. each.  
 Tacks, from  $\frac{1}{4}$  in. to 1 in., in packages, 2 cwt. each.  
 Wood screws, assorted sizes, from  $\frac{1}{4}$  in. to 4 in., in packages, 10 cwt.  
 Chain,  $\frac{1}{8}$  in., 1 ton.

## Ironmongery—

6 grindstones, 36 in. diameter, and 7 in. thick.  
 Augers,  $\frac{1}{2}$  in., 5 dozen;  $\frac{3}{8}$  in., 20 dozen;  $\frac{3}{4}$  in., 20 dozen;  $\frac{7}{8}$  in., 5 dozen;  $1\frac{1}{8}$  in., 5 dozen.

## Fittings—

20 semaphore lamps (Thornton's.)  
 24 side lamps, red and white lights.  
 72 hand signal-lamps.  
 72 plain hand lamps.  
 12 engine head lamps.  
 24 policemen's lamps.  
 24 station masters' lamps.  
 36 gauge glass lamps—engine.  
 24 moderator lamps, No. 16.  
 1 gross chimney glasses for Thornton's semaphore lamps.  
 1 gross each coloured semaphore glasses, red and green.  
 1 gross ruby dishes for tail lamps, 9 in. diameter.  
 1 gross each red and green hand signal-lamp glasses, to fit hand signal-lamps, ordered.  
 24 dozen roof lamp glasses.  
 1 gross gauge glass tubes for water gauges, 15 in. long, and  $\frac{1}{8}$  in. outside diameter.

## Cordage—

Canvass, No. 6, 4 bales }  
 Do. No. 5, 3 do. } Brown Arbroath.  
 Do. No. 2, 1 do. }  
 Russian duck, 1 bale.  
 Flag for packing engine, best spun, 2 tons.

## Dry saltery—

Castor oil, 2,000 gallons.  
 Sperm oil, 600 "  
 Colza oil, 1,000 "  
 Black oil, 500 "  
 Linseed oil (raw), 400 "  
 Linseed oil (boiled), 400 "  
 Turpentine, 300 "  
 Body varnish, 160 "  
 Carriage varnish, 150 "  
 Gold size, 130 "  
 Black Japan, 130 "  
 Gold leaf, 150 books.  
 Soft soap, 1 ton.  
 Middle green, 10 cwt.  
 Bronze green, 10 "  
 Brunswick green, 15 "  
 Quaker green, 10 "  
 Indian red, 10 "  
 Venetian red, 10 "  
 Vermillion (Chinese) 1 "

Dry

Dry saltery—*continued*.  
 Drop black, 5 cwt.  
 Lamp black, 5 "  
 Red lead (dry), 10 "  
 White lead, 1 "  
 Waste—  
 5 tons cotton waste, best quality.  
 Moderator lamps best wicks, 50 gross, No. 16.  
 Timber—  
 Teak, 100 cubic feet, not less than 18 in. X 18 in., for carriage repairs.  
 Cement—  
 400 barrels of Portland cement.  
 Catgut—  
 1 coil each,  $\frac{1}{4}$  in.,  $\frac{5}{8}$  in., and  $\frac{3}{4}$  in. thick.

Submitted, B.H.M.—12/6.—Approved, W.M.A.—12/6/60.

(Per "Ottawa.")

*Railway Branch,  
 Department of Internal Communication,  
 Sydney, 21 July, 1860.*

Sir,

I have the honor to enclose herewith duplicate copies of letters transmitted to you by last mail, viz., Nos. 60/336, 60/337, and 60/341, and to draw your attention to the 3rd paragraph of the last mentioned letter, respecting the fittings for the composite carriages, in reference to which, in the event of the width of the carriages not permitting the centre sofa being fixed with comfort, that portion of the fittings may be dispensed with.

I forward also an indent for drawing materials, &c.

I have to notify, for your information, that by the two last, and the present mails, letters of credit, amounting to £40,000, have been sent to Messrs. W. L. Merry & Co., towards the cost of defraying the present indents, and those transmitted to you by my letters above referred to.

I have, &c.,

B. H. MARTINDALE.

Capt. Galton, Royal Engineers,  
 London.

A. No. 9.

*Sydney, 12 May, 1863.*

Sir,

We hereby tender to construct an iron bridge over the River Hunter, at Pitnacree, in accordance with plans and specifications, and to complete the whole of the work within eighteen months from date of acceptance of tender, for the sum of thirteen thousand seven hundred and twenty-five pounds sterling (£13,725).

We are, &c.,

P. N. RUSSELL & Co.

The Honorable Wm. Arnold, M.L.A.,  
 Department of Public Works,  
 Sydney.

N.B.—In the event of the above tender being accepted, we will find the necessary security and sign the bond, as required.—P.N.R. & Co.

*Schedule of Prices.*

	£	s.	d.		£	s.	d.
1. Round pile, &c. .. .. .	0	9	0	9. Stafford's line, plate, &c. .. .. .	2	15	0
2. Guides .. .. .	0	7	6	10. Forgings, wrought-iron, &c. .. .. .	2	10	0
3. Joists .. .. .	1	0	0	11. Cast-iron .. .. .	3	0	0
4. Planking .. .. .	3	7	6	12. Coal-tarring .. .. .	0	4	6
5. Sheathing .. .. .	3	7	6	13. Tarring, Stockholm .. .. .	0	7	6
6. Timber in fenders .. .. .	0	6	6	14. Painting .. .. .	0	2	3
7. Lead caps .. .. .	0	6	0	15. Concrete .. .. .	2	10	0
8. Muntz's metal .. .. .	0	2	3				

P.N.R. & Co.

*Tender for Iron Bridge, Pitnacree.*

*Royal Hotel,  
 Sydney, 11 May, 1863.*

Sir,

I hereby offer to execute the whole of the work required in the construction of an iron bridge over the Hunter, at Pitnacree, for the lump sum of (£8,233) eight thousand two hundred and thirty-three pounds sterling, and to complete the entire work in twelve months after the receipt of notification of acceptance of tender; and I hand in two memoranda, signed by gentlemen who are willing to be my sureties, and agreeing to be answerable for the due performance of the contract, in the event of my tender being accepted. Accompanying is my schedule on which my tender is based.

I have, &c.,

FRANCIS BELL.

To the Honorable  
 The Minister for Public Works.

I was one of the Contractors for the Hawthorne Bridge over the River Yarra Yarra, Victoria,—a similar bridge to this one.—F.B.

PITNACREE

## APPENDIX.

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## PITNACREE BRIDGE.

## Schedule of Prices.

1. Round piles, as specified, fixed, driven, and in place .. ..	@ 10s. per foot run.
2. Girders, 12 in. x 14 in., at per foot run, inch fixing scarfs, bolts, &c.	6s. 6d. " "
3. Joists, 8 in. x 3 in. and 5 in. x 3 in., 21 feet long, at per piece, including bolts, fixing, &c. .. ..	£1 each.
4. Planking, 2 inches thick, including spikes, &c., at per square of 100 feet .. ..	£4 10s.
5. Sheathing, do. do. do. do. do. do. do. do. do. do. do. do. do. do.	£4 10s.
6. Timber in fenders and where else required, fixed, worked, and in place .. ..	@ 5s. 6d. per cubic foot.
7. Lead caps to joists, fixed and dressed, &c. .. ..	@ 1s. each.
8. 20 oz. copper or muntz metal, including fixing, nails, laps, &c. ..	@ 2s. 8d. per foot.
9. Staffordshire plate in girders, &c., rivetted up .. ..	@ £1 15s. per cwt.
10. Wrought-iron, in forgings, bolts, nuts, spikes, &c. .. ..	@ £2 15s. "
11. Cast-iron, including borings, patterns, &c. .. ..	@ £1 16s. "
12. Coal-tarring, 2 coats, as specified .. ..	@ 10s. per 100 feet suppl.
13. Tarring with Stockholm or Archangel tar .. ..	@ 15s. " " "
14. Painting, two coats, with white lead, oil, color, &c. .. ..	@ 2s. per square yard.
15. Concrete, as specified .. ..	@ £2 per cubic yard.

FRANCIS BELL.

*Fitzroy Iron Mines,*  
8 May, 1863.

I AGREE to become security, and to be answerable for the due performance of the contract, for the iron bridge at Pitnacree, over the Hunter River, and, in the event of Mr. Bell's tender being accepted, I agree to execute and deliver a bond, jointly with another responsible person, in the penal sum of (£1,000) one thousand pounds, when called on so to do.

BENJ. WRIGHT LATTIN.

I AGREE to become security for Mr. Francis Bell, and to be answerable for the due performance of the contract for the iron bridge over the Hunter River, at Pitnacree, and in the event of Mr. Bell's tender being accepted, I agree to execute and deliver a bond, jointly with another responsible person, in the penal sum of (£1,000) one thousand pounds, when called on so to do.

WM. HENRY WHYTE.

## A. No. 10.

## STATEMENT relative to Railway Stations, from January, 1861, to 1st July last.

NAME OF STATION.	Date of inviting Tenders.	Amount of lowest Tender.	Was lowest Tender accepted	Cost of Station.	Cost of Additions or Alterations.	Name of Officer who supervised the Work.	REMARKS.
		£ s. d.		£ s. d.	£ s. d.		
Burwood .....	1 July, 1862	475 0 0	Yes ...	500 18 0	25 18 0	George Hall.	
Cabramatta Gate-house .....	19 Aug., 1861	270 0 0	" ...	309 12 10	39 12 10	Ditto.	
Picton Goods Warehouse .....	14 April, 1863	1,360 0 0	" ...	1,381 8 0	21 8 0	William Morgan.	
Picton Station .....	17 Feb., 1863	2,193 0 0	" ...	2,193 0 0	.....	Ditto ...	Not finally measured.
Penrith Station .....	7 April, 1862	2,904 0 0	" ...	3,221 11 9	317 11 9	Alfred Robinson ...	Including fittings.
South Creek Station .....	.....	.....	" ...	1,520 5 1	.....	Ditto ...	Schedule of prices.
Penrith Goods Warehouse .....	1 July, 1862	1,330 0 0	" ...	1,380 0 0	.....	Ditto ...	Not finished.
Harpur's Hill Gate-house .....	.....	.....	" ...	787 3 6	.....	George Bewick .....	Schedule of prices.
Branxton Station .....	.....	.....	" ...	1,606 5 1	.....	Ditto .....	Ditto.
Branxton Goods Warehouse ...	18 July, 1862	575 0 0	" ...	586 12 0	11 12 0	Ditto.	
Singleton Station .....	22 Aug., 1862	3,790 0 0	" ...	3,743 0 0	.....	Ditto .....	Amount of tender, £3,790.
Singleton Goods Warehouse ...	7 Oct., 1862	1,836 0 0	" ...	1,923 12 7	87 12 7	Ditto.	
Hexham Station .....	1 July, 1862	650 0 0	" ...	909 14 5	259 14 5	Ditto .....	Including £210 1s. 7d. for urinals and privy not in original contract.

(To

(To Evidence given by John Rae, Esq., 27 November, 1863.)

B.

PAPERS, &amp;c., for the Select Committee of the Legislative Assembly, appointed to inquire into Disorganized State of Public Works Department.

Information, Papers, or Plans asked for.	Reply.
Estimated cost of the Menangle Bridge .. .. .	£20,000.
Actual cost .. .. .	£90,000.
Shewing the extra works over the specification, and the amount paid for the extra works .. .. .	{ The work was executed on a schedule of prices, and consequently there were no extra prices.
Two sets of plans for the Campbelltown extension—one by Mr. Brady, and one by Mr. Whitton's staff.. .. .	{ Sent to Committee on the 8th Dec., 1863.
Plans for the ironwork of Menangle Bridge; if prepared in the Colony name of the officer who planned them .. .. .	{ Plans prepared in England, and sent to Committee on the 8/12/63.
Working plans of extension on the Northern Line—Singleton to Lochinvar .. .. .	{ Sent to Committee on the 8th Dec., 1863.
Do. do. —Blacktown to Penrith	Do. do.
Names of all officers, dates when they entered the department, salaries received when they entered, amounts of increases, and dates of increases .. .. .	{ Herewith.
Names of officers who were employed in the Railway Office before the railway was handed over to the Government.. .. .	{ Cannot be supplied, as there is no record in the office.

## LIST OF OFFICERS.—DEPARTMENT OF PUBLIC WORKS, 1863.

Name.	Date of entering Public Works Department.	Salaries when they entered.	Amounts with Increases.	Dates of Increases.	Remarks.
John Rae .....	16 Jan., 1861 ..	£300 per annum	Nil.....	Nil.....	Under Secretary for Public Works and Commissioner for Railways.
Gerald Halligan .....	14 Oct., 1859 ..	£400 per annum	£450 per annum	1 Jan., 1861 ..	
Chas. A. Goodchap.....	14 Oct., 1859 ..	£250 per annum	£300 per annum	1 Jan., 1860 ..	Corresponding Clerk, &c., do., do.
Arthur Wickham .....	14 Oct., 1859 ..	£200 per annum	£250 per annum	16 April, 1860..	Clerk in charge of Records, do., do.
Patrick Flynn .....	14 Oct., 1859 ..	£150 per annum	£200 per annum	1 Oct., 1863..	Entry Clerk and Assistant Record Clerk, do., do.
G. C. Eames.....	22 June, 1863..	£150 per annum	Nil.....	Nil.....	Clerk.

## APPENDIX.

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## LIST OF OFFICERS.—RAILWAY BRANCH, DEPARTMENT OF PUBLIC WORKS, GENERAL ESTABLISHMENT.

Name.	Date of entering Railway Department.	Salaries when they entered.	Amounts with Increases.	Dates of Increases.	Remarks.
John Rae .....	25 July, 1857	£ 550	£ 600 800	1 Jan., 1854 20 Jan., 1861	Secretary under Railway Act. Under Secretary for Works, and Commissioner for Railways.
Richard Moody .....	12 Aug., 1857	200	300 400	1 Jan., 1858 9 Nov., 1860	Chief Clerk under the Secretary. Chief Clerk (Secretary's office abolished.)
William Forde .....	1 Mar., 1859	200	250	1 April, 1860	Clerk in charge of Records.
Robert Cooper Walker ..	15 Jan., 1861	500	Nil	Nil	Accountant.
Albert H. Hall .....	5 July, 1860	10s. per day	180 200 250 300	1 Jan., 1861 1 Jan., 1863 19 Mar., 1863 1 July, 1863	Temporary Clerk. Clerk. Acting Book-keeper. Book-keeper.
Charles W. Eastwood....	1 July, 1859	12s. per day	180 250 300	2 July, 1859 1 Jan., 1861 1 Jan., 1863	Temporary Clerk. Clerk. Clerk paying salaries, wages, &c.
Edmond O. Bulford ....	1 Oct., 1857	150	180 200	1 Jan., 1858 2 April, 1859	Clerk auditing accounts. Assistant Book-keeper.
George D. Skardon.....	9 Oct., 1859	180	Nil	Nil	Clerk auditing accounts.
Donald Vernon .....	18 Jan., 1860	180	200	1 Jan., 1863	Clerk auditing accounts.
R. R. Ewen .....	20 July, 1863	200	.....	.....	Clerk, Accountant's Office.
Charles Poole .....	23 Mar., 1863	180	.....	.....	Clerk copying, &c.
Thomas Cowlisshaw ....	1 May, 1859	400	600	1 Jan., 1860	Valuator of lands taken for railway purposes.
John B. Goold .....	6 Oct., 1858	150	200 300	1 Jan., 1860 1 July, 1860	Goods Clerk, Sydney. Storekeeper.
James Ball .....	15 July, 1857	150	200	1 Jan., 1858	Ticket Printer.

## LIST OF OFFICERS.—TRAFFIC BRANCH, RAILWAY DEPARTMENT.

Name.	Date of entering Railway Department.	Amount of Salary.	*Increase.	Dates of Increases.	Remarks.
Edward Owen.....	23 April, 1861	£ 200	£ 250 500	1 May, 1862 1 July, 1863	Goods Clerk.—Station Master, Sydney. Traffic Manager, Southern and Western Railways.
Thomas Carlisle .....	1 May, 1862	200	300	1 July, 1863	Goods Clerk.—Clerk in charge, Sydney Station.
J. Higgs .....	1 Oct., 1855	150	175 300	2 July, 1860 1 July, 1863	Station Master, Junction. Platform Inspector.
M'Vey Falconer .....	12 Dec., 1859	150	175 200	2 July, 1860 1 Nov., 1863	Newtown Station Master.
W. H. Sutton .....	2 July, 1860	150	Nil	Nil	Petersham do.
D. Shore .....	26 Sept., 1855	150	Nil	Nil	Ashfield do.
G. Bonnamy .....	1 Mar., 1863	150	Nil	Nil	Burwood do.
A. Moodie .....	18 Mar., 1856	150	Nil	29 Aug., 1862	Homebush do.
J. Harte .....	11 Sept., 1862	100	.....	.....	Haslem's Creek do.
J. Cross .....	1 June, 1856	7s. per day.	150 200	20 June, 1859 9 May, 1860	Blacktown do. Parramatta Junction do.
C. F. Aldrick .....	18 Feb., 1856	200	.....	.....	Parramatta do.
J. Collins .....	1 June, 1863	200	.....	.....	Blacktown do.
S. A. Mackenzie.....	7 Aug., 1858	200	150	9 May, 1862	South Creek do.
W. V. Read .....	28 Sept., 1856	150	200 250	1 Jan., 1859 9 May, 1862	Penrith do.
Edward Woodgate .....	27 Nov., 1857	180	150 200	20 Jan., 1860 .....	Clerk.—Station Master, Petersham. Liverpool Station Master.
J. Middleton .....	20 Sept., 1856	150	175 200	2 July, 1860 29 Aug., 1862	(Fairfield, Newtown, and Menangle.) Campbelltown Station Master.
J. Beeston .....	1 May, 1863	150	Nil	Nil	Menangle do.
E. Fielding .....	21 May, 1855	150	200 400	1 Jan., 1858 1 July, 1858	Campbelltown do. Traffic Inspector, Great Northern Railway.
John L. Beeston .....	27 Nov., 1857	150	250 300 400 500	1 July, 1859 1 Jan., 1858 1 July, 1860 1 Jan., 1862	Station Master, Picton. Station Master.—Traffic Inspector. Traffic Manager, Northern Railway. do. do.
Anthony Garston .....	1 July, 1859	200	250	1 Jan., 1863	Newcastle Station Master.
H. Verdon .....	1 July, 1862	10s. per day.	.....	.....	Honeysuckle Point do.
P. Dwyer .....	1 July, 1859	150	.....	.....	Waratah do.
W. Wilkinson .....	1 Sept., 1862	150	.....	.....	Hexham do.
Thomas West .....	2 July, 1860	200	.....	.....	East Maitland do.
James Burns .....	2 July, 1860	150	.....	.....	High-street do.
George Brackenregg ....	9 July, 1860	150	200	9 May, 1862	West Maitland do.
William Tribe.....	9 May, 1862	150	120	1 Sept., 1862	Wollombi Road do.
W. M. Cooke .....	1 Oct., 1863	150	.....	.....	Lochinvar do.
William Rae .....	1 May, 1858	200	.....	.....	Branxton do.
John Golder.....	24 Mar., 1862	200	.....	.....	Singleton do.

NOTE.—There are no officers at present employed in the Railway Department who were previously employed by the Sydney Railway Company, with the exception of D. Shore, now Station Master at Ashfield, who was employed by the Company as a constable.

## LIST OF OFFICERS.—RAILWAY DEPARTMENT, ENGINEERING BRANCH.

Names of all Officers.	Date when they entered the Department.	Salaries received when they entered.	Amount with Increases.	Dates of Increases.	Remarks.
John Whitton .....	27 Mar., 1856	£ 1,500	£ .....	.....	
William Mason .....	11 June, 1856	600	700	1 Jan., 1858	
Edwin Barton .....	11 June, 1856	400	450	1 Jan., 1858	
			500	1 Sept., 1858	
			600	1 Jan., 1860	Allowed £280 per annum in lieu of equipment, travelling expenses, &c.
W. B. Wade.....	8 Feb., 1859	400	500	1 Jan., 1860	Allowed 4s. per day in lieu of forage.
J. W. Drewett.....	11 June, 1856	500	.....	.....	
W. H. Quodling.....	8 Oct., 1857	180	250	1 Jan., 1858	
			300	1 Jan., 1861	
			350	1 Jan., 1863	
			150	1 Jan., 1863	
R. J. Sheridan .....	4 Feb., 1861	100	.....	.....	
William Mackay.....	21 June, 1860	200	.....	.....	
Hyacinthe Telmon.....	23 Feb., 1860	10s. per day	.....	.....	
G. A. Tillett .....	3 Sept., 1863	300	.....	.....	
Kenneth M'Kenzie.....	2 Sept., 1863	300	.....	.....	
Edwin H. Fearnside .....	16 Mar., 1861	20s. per day	.....	.....	
William Morgan.....	10 Feb., 1858	400	500	1 Jan., 1863	Allowed 4s. per day in lieu of forage.
George Cowdery.....	24 Nov., 1862	500	.....	.....	Do. do. do.
Robert Ballard.....	28 Sept., 1863	500	.....	.....	Do. do. do.
Thos. R. Firth .....	3 Mar., 1863	500	.....	.....	Do. do. do.
E. J. Burrows.....	24 Mar., 1859	400	500	1 July, 1860	Services dispensed with, 31st Dec., 1860.
	20 Feb., 1862	400	.....	.....	Re-appointed.—Allowed £280 per annum in lieu of equipment, &c.
G. F. Mann .....	1 Feb., 1857	No salary.	150	1 Nov., 1857	To 31st January, 1858.
	16 Aug., 1858	156	.....	.....	Re-appointed.
			300	20 Feb., 1862	Allowed £280 per annum in lieu of equipment, &c.
P. D. Brown .....	29 Nov., 1859	400	.....	.....	To 31st Dec., 1860. } Services to be dis-
	1 April, 1862	400	.....	.....	Re-appointed. } pensed with on
Robert Earl.....	16 July, 1862	300	.....	.....	31st Dec., 1863.
James Campbell.....	21 June, 1860	300	.....	.....	To 30th Sept., 1860. } Each allowed £280
	15 July, 1862	300	.....	.....	Re-appointed. } per ann. in lieu of
W. A. McDonall.....	20 May, 1863	150	.....	.....	equipment, &c.
John Ashplant .....	31 May, 1861	20s. per day	.....	.....	Allowed 15s. per day in lieu of equipment, &c.
George Melrose .....	16 Mar., 1861	20s. per day	.....	.....	Do. do. do.
George Jamieson .....	31 May, 1861	20s. per day	.....	.....	Do. do. do.
Thomas Kennedy .....	13 Mar., 1861	20s. per day	.....	.....	Do. do. do.
Charles Richardson .....	31 May, 1861	20s. per day	.....	.....	Do. do. do.
	27 Feb., 1862	250	.....	.....	To 9th July, 1861. } Services to be dis-
			.....	.....	Re-appointed. } pensed with from
Nicholas Trengrouse....	16 Sept., 1855	350	.....	.....	31st Dec., 1863.
George Hall.....	18 Oct., 1858	16s. 8d. per day	350	1 April, 1859	Suspended, 26th August, 1863.
			400	1 Jan., 1863	Suspended, 26th August, 1863.
W. A. Trengrouse .....	16 Sept., 1855	156	.....	.....	To 31st January, 1858.
	16 Aug., 1858	156	200	1 Jan., 1863	Re-appointed.—Resigned, 19th May, 1863.
Edward Micklethwait ..	22 Jan., 1858	500	.....	.....	Resigned, 30th November, 1863.—Allowed £280 per annum in lieu of equipment, &c.
Louis Robertson.....	21 June, 1860	52	100	1 Jan., 1863	Suspended, 29th August, 1863.
Alfred Francis .....	7 April, 1862	300	.....	.....	Services dispensed with, 30th November, 1863.—Allowed £280 per annum in lieu of equipment, &c.
Martin Gardiner.....	4 July, 1860	400	.....	.....	To 31st December, 1860.—Re-appointed, 2nd August, 1862.
	2 Aug., 1862	13s. 4d. per day	.....	.....	Dismissed, 14th July, 1863.
John Doherty .....	22 Aug., 1862	10s. per day	.....	.....	Suspended, 26th August, 1863.
George Bewick .....	1 Jan., 1860	400	.....	.....	
A. J. Whalley.....	16 July, 1862	300	.....	.....	Resigned, 17th March, 1863.—Allowed £280 per annum in lieu of equipment, &c.
G. Bridgman .....	11 June, 1856	400	.....	.....	Resigned, 30th November, 1858.
W. C. Bennett.....	1 July, 1857	400	.....	.....	Appointed to the Road Department.—Re-appointed.
	3 April, 1862	400	.....	.....	To 31st Oct., 1862.—Appointed Road Commissioner.
S. C. Brees .....	15 April, 1859	400	.....	.....	To 5th June, 1859.—Dismissed.
Charles Brown .....	16 April, 1859	400	.....	.....	13th April, 1861.—Services dispensed with.
J. C. Chevallier .....	16 April, 1859	400	.....	.....	Dismissed, 25th May, 1859.
R. J. Campbell .....	25 Nov., 1859	400	.....	.....	Services dispensed with, 31st Oct., 1860.
John N. Campbell .....	20 July, 1860	400	.....	.....	Dismissed, 8th September, 1860.
P. R. Donaldson.....	24 Nov., 1859	400	.....	.....	Services dispensed with, 31st Oct., 1860.
			.....	.....	Allowed £280 per annum in lieu of equipment, &c.
J. W. Deering .....	6 Sept., 1860	300	.....	.....	Services dispensed with, 31st Dec., 1860.
J. H. Braddock .....	21 June, 1860	220	.....	.....	Do. do. do.
H. Haeg .....	19 Mar., 1857	500	.....	.....	Do. do. 19th May, 1857.
John Higham.....	8 Dec., 1859	400	.....	.....	Do. do. 15th Sept., 1860.
			.....	.....	Allowed £280 per annum in lieu of equipment, &c.
John Richardson .....	18 July, 1860	400	.....	.....	Services dispensed with, 18th Aug., 1860.
			.....	.....	Allowed £280 per annum in lieu of equipment, &c.



## LIST OF OFFICERS.—RAILWAY DEPARTMENT, ENGINEERING BRANCH—Continued.

Names of all Officers.	Date when they entered the Department.	Salaries received when they entered.	Amount with Increases.	Dates of Increases.	Remarks.
Peter E. Henderson ....	23 June, 1857	£ 500	.....	.....	Services dispensed with, 29th July, 1857. Services dispensed with, 14th August, 1861.—Allowed 15s. per day in lieu of equipment, &c.
Henry Grierson .....	31 May, 1861	20s. per day	.....	.....	
George Leslie .....	31 May, 1861	20s. per day	.....	.....	Services dispensed with, 9th July, 1861. Allowed 15s. per day in lieu of equipment, &c.
Alfred Vine .....	30 May, 1861	20s. per day	.....	.....	Services dispensed with, 26th September, 1861.—Allowed 15s. per day in lieu of equipment, &c.

9th December, 1863.

J. W.

RETURN shewing the Names of all Officers in the Harbours and Rivers Branch of the Public Works Department, the Dates when they entered, the Salaries they received on entering, the amounts of Increases received by them, and the Dates of such Increases.

Names of Officers.	Situation held.	Date of entering.	Salaries received on entering.	Amount of Increases.	Date of receiving Increases.	Salary now received.	Amount of Security given.
Edward Orpen Moriarty ..	Engineer-in-Chief .....	10 Oct., 1858	£ 1,100	£ Nil.	.....	£ 1,100	£ Nil.
William Henry Baron ....	Resident Engineer, Clarence River .....	12 Oct., 1858	350	200	1 Jan., 1862	550	„
Edward Berthon .....	Chief Clerk and Accountant	9 July, 1860	250	50	1 Jan., 1862	300	1,000
Joseph Barling .....	Clerk and Book-keeper ....	1 Aug., 1860	150	25	1 Jan., 1863	175	500
Edward Forde .....	Chief Surveyor & Draughtsman .....	1 Jan., 1862	400	Nil.	.....	400	Nil.
Francis T. Rose .....	Draughtsman .....	15 Dec., 1859	250	50	.....	300	„
Ottomar Rossbach .....	do. ....	12 Sept., 1860	200	{ 52 48	{ Nov., 1860 Jan., 1862 }	300	„
Gustave Morell .....	Temporary Draughtsman ..	5 Jan., 1863	200	Nil.	.....	200	„
John Skinner .....	do. do. ....	19 Feb., 1863	200	Nil.	.....	200	„
George Earngey .....	Assistant do. ....	2 Feb., 1861	Nil.	40	1 Jan., 1863	40	„
William Orr .....	do. do. ....	14 Jan., 1862	Nil.	30	„	30	„
Charles Berthon .....	do. do. ....	10 July, 1862	Nil.	30	„	30	„
Francis Napier .....	Clerk of Works, Sydney ..	1 Jan., 1862	360	Nil.	.....	360	„
William Anderson .....	do. Newcastle..	3 Dec., 1858	250	Nil.	.....	250	„
G. V. James .....	Assistant Engineer, Clarence River .....	1 June, 1862	150	Nil.	.....	150	„
Merion H. Moriarty .....	Clerk of Works, Kiama . . .	1 Sept., 1862	175	50	11 Nov., 1863	225	„
Robert Napier .....	Chief Engineer, Dredge "Hunter" .....	1 Aug., 1861	300	Nil.	.....	300	„
Thomas Cronin .....	Master, Dredge "Hercules"	16 July, 1845	250	Nil.	.....	250	„
J. T. Fraser .....	Chief Engineer, Dredge "Pluto" .....	1 July, 1862	200	50	1 Jan., 1863	250	„

E. O. MORIARTY.

## RETURN of Officers in Colonial Architect's Branch of the Public Works Department.

Name.	Rank.	Date of entering.	Salary received on entering.	Increases, &c., and Dates.
James Barnet .....	Actg. Colonial Architect	4 Aug., 1860	£400 $\frac{1}{2}$ annum..	{ Increased to £800 per annum upon receiving present appointment, 1st November, 1862. No increase.
William Coles .....	1st Clerk of Works ....	12 Oct., 1857	£600 „	
John M'Cracken .....	Clerk of Works .....	10 Sept., 1860	£400 „	Do. { 1847 increased to 10s. $\frac{1}{2}$ day } 1857 „ £300 $\frac{1}{2}$ annum } 1863 „ £450 „ } With temporary gold increase from January, 1853, to January, 1857.
Mortr. W. Lewis, junr.	Do. ....	21 Oct., 1837	7s. 6d. $\frac{1}{2}$ day ..	
Edward Martin .....	Do. ....	15 Jan., 1863	£250 $\frac{1}{2}$ annum	{ Increased to £400 per annum upon receiving present appointment, 1st October, 1863.
John Sharkey .....	Foreman of Works.....	12 Mar., 1836	7s. $\frac{1}{2}$ day ....	{ 1851 increased to £150 $\frac{1}{2}$ annum } 1853 „ £160 „ } 1857 „ £250 „ } With temporary gold increase from January, 1853, to January, 1857.
Robert Orford .....	Do. ....	1 July, 1857	£250 $\frac{1}{2}$ annum..	No increase.
Alfred Cook .....	Draughtsman.....	24 April, 1854	20s. $\frac{1}{2}$ day ....	{ 1st May, 1857, reduced to £250 $\frac{1}{2}$ annum. 1st June, 1860, increased to £300 „ Pay commenced at 1s. 8d. $\frac{1}{2}$ day „ 1838 } Increased to 3s. 4d. „ 1839 } „ 6s. 8d. „ 1841 } Reduced to 6s. 0d. „ 1843 } „ 5s. 0d. „ Sept., „ } Increased to £100 $\frac{1}{2}$ annum 1849 } Annual increase of £10, 1850, 1851, & 1852 } Increased to £200 $\frac{1}{2}$ annum 1853 } „ £220 „ 1854 } „ £240 „ 1855 } „ £400 „ Mar., „ } „ £450 „ Jan., 1857 } With temporary gold increase from January, 1853, to January, 1857.
Henry Chapman.. ..	Chief Clerk .....	— Dec., 1837	Nil. ....	{ Increased £50 $\frac{1}{2}$ annum on being appointed to new clerkship, 1st January, 1863. Increased £100 $\frac{1}{2}$ annum on receiving present appointment.
James M'Shane .....	2nd Clerk .....	20 June, 1859	£150 $\frac{1}{2}$ annum..	No increase.
Edward Rowley .....	Clerk .....	1 July, 1862	£150 „	No increase.

RETURN of all Officers in the Road Branch, showing Dates when they entered, Salaries they received on entering, amounts of Increases received by them, and Dates of such Increases.

Name.	Present Position.	Salary on entering this Branch.	Date of Entry.	Increased to.					
				Amount.	Date.	Amount.	Date.	Amount.	Date.
William C. Bennett.....	Commissioner and Engineer .....	£400	1 Jan., 1858	£700*	1 Jan., 1859	£700†	1 Nov., 1862		
Valentine de St. Remy..	Assistant Engineer .....	£400	25 Aug., 1859	£500	21 Jan., 1863				
Stephen G. Shairp .....	Chief Clerk and Cashier .....	£180	15 Nov., 1859	£400‡	16 April, 1860	£300	15 Jan., 1861	£350	1 Jan., 1862
Archibald J. Chisholm..	Accountant .....	£180	17 April, 1860	£250	1 Jan., 1862				
Francis J. Wickham .....	Clerk .....	10s. per diem	20 May, 1860	12s. per diem	2 Nov., 1860	£200	1 Jan., 1862	£225 per ann.	1 Jan., 1863
Jas. H. Thomas.....	Resident Engineer, Deniliquin .....	£400	21 Jan., 1863	£600‡	18 Nov., 1863				
Henry Moggridge .....	Superintendent, Southern Road .....	£600‡	19 Jan., 1864						
William S. Chauncey .....	Do. Do. .....	£600‡	19 April, 1860	£500‡	1 Oct., 1863				
R. B. Dawson .....	Superintendent, Western and Mud- ree Roads .....	£600‡	7 Feb., 1864						
F. Wells .....	Do. Western Road .....	12s. per diem	28 Mar., 1859	£580‡	3 July, 1860	£500‡	1 Jan., 1863		
E. A. Nardin .....	Do. Northern Road .....	£400	19 Mar., 1860	£500‡	1 Jan., 1863				
Henry Quodling .....	Do. Do. .....	£400	5 Feb., 1861	£500‡	21 Jan., 1863				
Alex. C. Bayley .....	Do. Do. .....	20s. per diem	1 Aug., 1850	£500‡	26 Dec., 1862				
George Philben.....	Overseer in charge, Western Road .....	£255	18 Nov., 1861	£300‡	21 Jan., 1863				
Ernest L. Maitland .....	Do. Southern Road .....	£255	1 Dec., 1860	£300‡	21 Jan., 1863				
Alured D. Faunce .....	Do. Do. .....	£255	1 May, 1859	£280	1 June, 1860	20s. per diem	1 Jan., 1863	£300‡	1 Sept., 1863
E. J. Statham .....	Do. Southern and Western Road .....	13s. per diem	1 Jan., 1860	£255	1 June, 1860	£300	21 Jan., 1863		
David Houston .....	Superintendent, Nanimi Bridge .....	20s. per diem	13 Jan., 1863						
J. B. Meldrum .....	Do. Forbes Bridge .....	15s. per diem	29 April, 1863						
William Mason .....	Do. Bridges at Young .....	£75	4 Aug., 1860	£125	1 Jan., 1863	15s. per diem	22 April, 1863		

\* Resigned, 14 January, 1861. † Re-appointed, 1 November, 1862. ‡ Including travelling expenses. § Surveyor of Roads, including equipment allowance.  
 ‡ Resigned, 14 January, 1862. ¶ Re-appointed, 26 December, 1862.

For the Commissioner,  
S. G. SHAIRP.—4/12/63.

RETURN showing the Names of Officers employed in the Telegraph Department, the Dates when they entered, the Salaries they received on entering, the amount of Increases received by them, and the Dates of such Increases.

NAMES OF OFFICERS.	OFFICES.	Dates when they entered.	Salary when entering.		Amount of Increases.		Date of Increases.
			£	s. d.	£	s. d.	
Edwd. Chs. Cracknell ..	Assistant Superintendent .. ..	1 Jan., 1858	500	0 0	600	0 0	1 Jan., 1860.
Do. ..	Superintendent .. ..	1 Jan., 1861	700	0 0			
P. B. Walker .....	Chief Operator .. ..	18 Feb., 1858	150	0 0	200	0 0	20 Oct., 1858.
Do. ..	Do. ..	1 Jan., 1861	300	0 0			
Do. ..	Do. and Assistant Superintendent	1 Jan., 1862	400	0 0			
Do. ..	Inspector of Lines and Stations ..	1 Jan., 1863	350	0 0			
Saml. J. Watson.....	Line Inspector, Albury .. ..	30 Oct., 1858	150	0 0			
Do. ..	Station Master and Line Inspector, Wollombi	8 Feb., 1860	180	0 0			
Do. ..	Do. Singleton .. ..	1 Feb., 1861	200	0 0			
Do. ..	Do. Chief Office .. ..	1 Jan., 1863	300	0 0			
John Muston .....	Accountant .. ..	1 April, 1859	200	0 0	300	0 0	1 Jan., 1862.
P. Macauliffe .....	Money Order Clerk (now acting as Chief Clerk.)	27 June, 1862	250	0 0			
John M. Bate .....	Clerk .. ..	12 Oct., 1862	200	0 0			
John Quodling .....	Clerk .. ..	10 Oct., 1862	100	0 0	150	0 0	1 May, 1863.
J. R. Miles .....	Booking Clerk, Inward .. ..	13 May, 1861	150	0 0	175	0 0	1 Jan., 1863.
A. Field .....	Acting do. Outward .. ..	.....	150	0 0			
W. Wilson .....	Junior Operator, Parramatta ..	1 Nov., 1858	80	0 0			
Do. ..	Station Master, Penrith .. ..	1 April, 1860	150	0 0			
Do. ..	Do. Yass .. ..	1 Oct., 1861	200	0 0			
Do. ..	Operator, Sydney .. ..	11 May, 1863	175	0 0			
J. R. Ferris.....	Station Master, Braidwood .. ..	18 Nov., 1861	104	0 0			
Do. ..	Operator, Sydney .. ..	8 Aug., 1862	150	0 0			
W. H. Maguire .....	Operating Night Clerk .. ..	1 April, 1860	150	0 0			
Do. ..	Station Master, Penrith .. ..	17 Aug., 1860	150	0 0			
Do. ..	Do. Armidale .. ..	1 Oct., 1861	180	0 0			
Do. ..	Do. Tamworth .. ..	28 Feb., 1862	180	0 0			
Do. ..	Operator, Sydney .. ..	1 Mar., 1863	150	0 0			
Arnold Elliott .....	Junior Operator, Albury .. ..	16 July, 1860	100	0 0			
Do. ..	Night Operator, Sydney .. ..	11 April, 1863	150	0 0			
C. A. Middleton .....	Messenger, Maitland .. ..	24 July, 1861	52	0 0			
Do. ..	Junior Operator, Sydney .. ..	21 Jan., 1863	104	0 0			
Do. ..	Operator, Sydney .. ..	1 Nov., 1863	150	0 0			
Charles Kraegen.....	Instrument Fitter, Sydney .. ..	11 Feb., 1858	200	0 0			
Do. ..	Station Master, Albury .. ..	1 Dec., 1859	300	0 0			
J. W. Nunn .....	Do. Grafton .. ..	13 Dec., 1862	200	0 0			
Do. ..	Do. Tenterfield .. ..	18 May, 1863	250	0 0			
C. A. Watson .....	Operator, Sydney .. ..	23 Feb., 1863	175	0 0			
Do. ..	Station Master, Goulburn .. ..	11 May, 1863	200	0 0			
J. J. Shirbin .....	Do. Yass .. ..	20 Mar., 1863	200	0 0			
Colville Smith .....	Station Master and Line Inspector, Berrima	6 Nov., 1858	180	0 0			
Do. ..	Do. Gundagai .. ..	1 Sept., 1860	200	0 0			
M. E. Burke .....	Do. Kiandra .. ..	23 Oct., 1862	200	0 0			
J. M. Beatty .....	Do. Deniliquin .. ..	1 Aug., 1861	300	0 0			
A. M'Cracken.....	Do. Wagga Wagga .. ..	1 May, 1861	150	0 0			
R. C. Wills .....	Messenger, Sydney .. ..	9 Dec., 1858	52	0 0			
Do. ..	Operator, do. .. ..	9 Jan., 1860	150	0 0			
Do. ..	Station Master, Wollongong ..	8 Aug., 1862	200	0 0			
William Camper.....	Messenger, Sydney .. ..	7 Dec., 1858	52	0 0			
Do. ..	Junior Operator, Redfern and Campbelltown	19 Mar., 1860	104	0 0			
Do. ..	Station Master, Kiama .. ..	13 Oct., 1862	150	0 0			
R. H. Hipsley .....	Junior Operator, Liverpool & Campbelltown	28 Jan., 1858	104	0 0			
Do. ..	Night do., Sydney .. ..	7 Dec., 1858	150	0 0			
Do. ..	Station Master, Bathurst .. ..	1 Jan., 1860	150	0 0	200	0 0	1 Jan., 1862.

RETURN of Officers in Telegraph Department, &c.—continued.

NAMES OF OFFICERS.	OFFICES.	Dates when they entered.	Salary when entering.		Amount of Increases.		Date of Increases.
			£	s. d.	£	s. d.	
J. P. Olson .....	Station Master, Tambaroora .. ..	16 July, 1863	150	0 0			
G. T. Aldwell .....	Do. Mudgee .. ..	15 May, 1861	200	0 0			
A. E. Middleton .....	Assistant Operator, Armidale .. ..	1 Oct., 1861	104	0 0			
Do. ....	Station Master, Singleton and Windeyer ..	1 April, 1863	150	0 0			
J. V. Dalgarno .....	Booking Clerk, Sydney; Night Operator, Sydney; and Station Master, Penrith.	9 Jan., 1860	150	0 0			
Do. ....	Station Master, Young .. ..	11 Mar., 1863	250	0 0			
W. F. Lee .....	Do. W. Maitland .. ..	1 Feb., 1860	200	0 0			
M. H. Kelly .....	Junior Operator, South Head .. ..	1 May, 1858	84	0 0			
Do. ....	Do. Campbelltown .. ..	1 Dec., 1858	104	0 0			
Do. ....	Station Master, Newcastle .. ..	9 Jan., 1860	150	0 0	200	0 0	1 Jan., 1861.
John Wisdom .....	Station Master, Morpeth .. ..	20 Aug., 1860	150	0 0			
John Nesbitt .....	Do. Singleton .. ..	24 June, 1863	150	0 0			
R. Pizey .....	Junior Operator, Liverpool & Campbelltown	8 May, 1858	104	0 0			
Do. ....	Station Master, Orange and Tambaroora ..	1 May, 1861	150	0 0			
Do. ....	Do. Grafton .. ..	16 July, 1863	200	0 0			
A. G. Robins .....	Do. and Line Inspector, Braidwood	26 April, 1862	180	0 0			
Do. ....	Do. Armidale .. ..	1 Dec., 1862	200	0 0			
John Isaac .....	Do. Scone .. ..	15 May, 1862	25	0 0			
William Read .....	Do. Murrurundi .. ..	1 Sept., 1862	150	0 0			
D. W. Forbes .....	Do. Echuca, Victoria .. ..	1 Aug., 1861	50	0 0*			
Philip Mackel .....	Line Inspector, Bathurst .. ..	1 Jan., 1860	150	0 0			
Do. ....	Do. and Station Master, Berrima	1 Sept., 1860	180	0 0			
John Kirwan .....	Station Master, Kyamba .. ..	1 Sept., 1861	180	0 0			
Edward Rouse .....	Line Inspector, Albury .. ..	12 Sept., 1859	150	0 0			
Do. ....	Station Master, Kyamba and New Tumut ..	1 Aug., 1860	180	0 0			
E. D. Scott, senr. ....	Do. Urana .. ..	18 Aug., 1861	180	0 0			
P. Morrissey .....	Line Inspector, Goulburn .. ..	25 June, 1860	150	0 0			
Do. ....	Station Master and Line Inspector, Braidwood	1 Dec., 1862	180	0 0			
F. G. Croft .....	Booking Clerk, Sydney .. ..	27 April, 1861	150	0 0			
Do. ....	Station Master and Line Inspector, Penrith	11 Mar., 1863	180	0 0			
G. F. Harrison .....	Do. do. Hartley .. ..	1 Oct., 1860	180	0 0			
C. G. Smith .....	Do. do. Sofala .. ..	1 May, 1861	180	0 0			
Charles Cooper .....	Do. do. Orange .. ..	1 Oct., 1862	180	0 0			
E. H. Allen .....	Do. do. Wellington .. ..	18 Nov., 1862	180	0 0			
C. N. Ambrose .....	Do. do. Orange .. ..	4 Dec., 1860	150	0 0			
Do. ....	Do. do. Windsor .. ..	1 May, 1861	150	0 0	180	0 0	1 Jan., 1863.
R. S. Arnott .....	Do. do. Wollombi .. ..	1 Aug., 1862	180	0 0			
R. S. Floyd .....	Do. do. Glen Innes .. ..	1 Oct., 1861	180	0 0			
J. C. Pettit .....	Batteryman, Sydney .. ..	3 Aug., 1858	104	0 0			
Do. ....	Line Inspector, Windsor .. ..	1 Feb., 1860	150	0 0			
Do. ....	Station Master & Line Inspector, Murrurundi	1 Sept., 1862	180	0 0			
James Mackel .....	Do. do. Tamworth .. ..	9 July, 1862	180	0 0			
K. Mackenzie .....	Junior Operator, Liverpool and Exchange ..	1 Sept., 1862	52	0 0			
C. H. Rowe .....	Messenger, Sydney, and Junior Operator, Liverpool and Redfern.	14 April, 1862	52	0 0			
J. H. Flynn .....	Messenger, Sydney, and Junior Operator, Redfern.	5 April, 1861	52	0 0			
Do. ....	Junior Operator, Parramatta .. ..	13 April, 1863	104	0 0			
G. Hosking .....	Do. Liverpool .. ..	1 Sept., 1863	52	0 0			
J. Woodward .....	Do. Campbelltown .. ..	25 Mar., 1863	104	0 0			
G. King .....	Messenger, Sydney, and Junior Operator, Exchange.	16 May, 1860	52	0 0			
Do. ....	Junior Operator, Pictou .. ..	29 Jan., 1863	104	0 0			
C. F. Morgan .....	Do. Albury .. ..	1 June, 1863	104	0 0			
G. S. Pegus .....	Do. Parramatta and Bendemeer	13 Oct., 1862	104	0 0			
J. T. Chidgey .....	Messenger, Sydney .. ..	1 Nov., 1858	52	0 0			
Do. ....	Junior Operator, Parramatta, Campbelltown, and Tenterfield.	9 Sept., 1860	104	0 0			
Thomas Merrywether ..	Line Inspector, Yass .. ..	1 June, 1860	150	0 0			
Do. ....	Do. Sydney .. ..	20 Sept., 1861	200	0 0			
D. Goggin .....	Do. Goulburn .. ..	1 Dec., 1862	150	0 0			
J. Buckle .....	Do. Forbes and Yass .. ..	29 Oct., 1862	150	0 0			
H. H. Smithers .....	Do. Grafton and Gundagai .. ..	13 Dec., 1862	150	0 0			
Charles Hammond .....	Do. Albury .. ..	22 April, 1862	150	0 0			
E. D. Scott, junr. ....	Do. Deniliquin .. ..	1 Aug., 1861	150	0 0			
J. M'Innes .....	Do. Wagga Wagga .. ..	15 May, 1863	150	0 0			
L. H. Scott .....	Do. Wollongong .. ..	1 May, 1863	150	0 0			
Francis Mackel .....	Do. Braidwood and Bathurst .. ..	1 Jan., 1862	150	0 0			
W. F. Wye .....	Do. Mudgee .. ..	20 Sept., 1861	150	0 0			
A. H. M'Gregor .....	Do. Forbes .. ..	1 Aug., 1863	150	0 0			
Do. ....	Station Master, Forbes .. ..	12 Nov., 1863	250	0 0			
Alfred Tunks .....	Line Inspector, Forbes .. ..	12 Nov., 1863	150	0 0			
R. Buckley .....	Do. Yass and Young .. ..	1 Mar., 1862	150	0 0			
Harold Slack .....	Do. Singleton .. ..	22 April, 1863	150	0 0			
T. Atwood .....	Do. Grafton .. ..	27 April, 1863	150	0 0			
R. H. Wright .....	Do. Tenterfield .. ..	16 April, 1863	150	0 0			
C. Smith .....	Do. Wollongong and Armidale ..	7 Aug., 1862	150	0 0			
F. W. Joyce .....	Storekeeper and Batteryman .. ..	1 Jan., 1862	104	0 0			
John Duggan .....	Head Messenger and Stableman .. ..	6 May, 1862	104	0 0			
Gustave Kopsch .....	Instrument Fitter .. ..	15 Mar., 1861	300	0 0			
W. H. Tubman .....	Junior Operator, Penrith .. ..	1 Nov., 1863	104	0 0			

\* Annual gratuity to Victorian Station Master.

NOTE.—When two or more places or stations appear on the same line opposite a name, they denote that the offices were held in succession at same salary.  
 Chief Telegraph Office, Sydney,  
 14 December, 1863.

E. C. CRACKNELL,  
 Superintendent of Telegraphs.

## RETURN of Department, Fitzroy Dock, called for by circular letter of 3rd December, 1863.

Name.	Situation.	Date of entering.	Salary on entering.	Increases.	Date of Increases.	Remarks.
Gother Kerr Mann	Professional Assistant to the Commanding Royal Engineer for the construction of a Dry Dock.	14 Feb., 1847	5s. per diem	2s. 6d. per diem	— May, 1849	
	Civil Engineer, with entire direction of the Works.	1 Jan., 1851	£300 per annum	£200 per annum £130 per annum on account of gold increase.	— July, 1852 1 July, 1857	Also held the office of Chief Commissioner of Railways prior to the arrival of Captain Martindale.
	Engineer-in-Chief and Superintendent of the Penal Establishment.	1 Aug., 1859	£700 per annum	None.		
Henry Broderick	Foreman of Engineers	7 Sep., 1853	£250 10s. 3d. per ann.	£49 3s. 9d. per annum £50 per annum	1 Jan., 1859 1 Jan., 1861	Appointed in London by the Colonial Agent General, 10th February, 1853.
John Duff	Clerk and Storekeeper	25 Aug., 1855	£191 13s. 4d. per ann. with gold increase.	£15 per annum	1 Sep., 1856	Salary finally adjusted at £190, 1st July, 1857.
Andrew Septimus Rogers	Clerk and Draughtsman	20 June, 1859	£240 per annum	None.		
William A. Cahill	Foreman of Works	20 Dec., 1851	5s. per diem	2s. per diem 1s. per diem 1s. per diem £26 per annum £10 per annum	1 Sep., 1852 1 Oct., 1853 1 Jan., 1856 1 July, 1857 1 Jan., 1861	
John Kelleher	Ditto	27 Jan., 1854	7s. per diem	1s. per diem	1 Jan., 1856	
Henry Fitzgerald	Ditto	2 Feb., 1854	7s. per diem	1s. per diem	1 Aug., 1858	
Hugh Jones	Engineer Mechanic	1 Mar., 1859	10s. per diem	None.		
John Doran	Fireman	15 July, 1861	£146 per annum	None.		
Richard Johnson	Shipwright Carpenter	12 Feb., 1862	£275 per annum			Salary reduced to £220, 8th April, 1863, on appointment of second shipwright.
Isaac Kendall	Ditto	11 Apr., 1863	£200 per annum	None.		
Morris Bowers	Boatman and Messenger	19 Feb., 1860	£96 per annum	£12 per annum	1 Jan., 1862	

10 December, 1863.

GOTHER K. MANN,  
Engineer-in-Chief.

With letter to Under Secretary for Public Works, 63-40, 10 December, 1863.

(To Evidence given by M. Charles Bosé, 7th December, 1863.)

C.

THE trustees of the Petersham Estate, block 1B, having found it absolutely necessary to have a re-survey of the estate made, employed Mr. Charles Bosé. His work is now completed; and after testing it in various ways, by measurement and actual observation, it affords me great satisfaction to state that he is the most accurate surveyor I have ever had the advantage to employ. Judging by actual experience, I can certify that had Mr. Bosé been employed by us in the first instance we should have saved some (£200) two hundred pounds.

GEO. F. M'ARTHUR.

Macquarie Fields, 17 April, 1862.

(To Evidence given by Mr. Whitton, on 29th December, 1863.)

D.

GREAT SOUTHERN RAILWAY.—EXTENSION, MENANGLE TO PICTON.

Bridge over the River Nepean at Menangle.

General dimensions and description of wrought-iron girders.

The two main longitudinal box girders to be built continuously, and with a camber of 4 inches in the centre of each opening; each girder to be 436 feet in length, with a total depth of 11 feet 6 inches. The cell at the top to be 3 feet wide and 1 foot 3 inches deep, and divided into two parts by a longitudinal plate throughout the whole length of the girder. The lower part or main body of the girder to be 10 feet 3 inches in depth, by a width of 2 feet 6 inches, and composed of plates 3 feet wide. Two cross stiffening plates to be fixed inside each girder, and immediately opposite the ends of each of the transverse girders; one at the bottom, and the other in the centre; the former to be 13 inches, and the latter 8 inches deep.

The transverse plate girders to be 26 feet long by 18 inches deep, and to be placed 3 feet apart from centre to centre.

3-inch angle iron to be used throughout, both in these and in the main girders.

Wrought-iron expansion rollers will be required on each pier, to carry the main girders; their extent on the pier to be about 8 feet by 3 feet 6 inches.

The breaking weight of the bridge, when fixed complete, to be not less than 1,800 tons,\* distributed over each span or opening, including the weight of the bridge; and the deflection in the centre of each span not to exceed  $1\frac{1}{4}$  inches when loaded with a distributed weight of 300 tons, exclusive of the weight of the bridge.

The bridge will consist of three spans or openings of 150 feet each in the clear, with four stone piers, 52 feet by 12 feet at the top, or bed of impost course, and the total length to outside of piers 498 feet.

The

\* This would give a sectional area of  $158\frac{1}{2}$  inches for top and bottom of girder.

The following drawings of this bridge are enclosed:—

Drawing No. 1—	General drawing of viaduct.			
Do.	3—	Elevation, shewing 150 feet spans with wrought iron girders.		
Do.	4—	Elevation, plan, and sections of pier No. 1.		
Do.	5—	do.	do.	2.
Do.	6—	do.	do.	3.
Do.	7—	do.	do.	4.

JOHN WHITTON.

*Railway Department,  
Sydney, New South Wales,  
21 January, 1861.*

*Engineer's Office,  
Railway Department,  
Sydney, 21 January, 1861.*

My dear Sir,

By the mail which will leave to-morrow, drawings will be forwarded to Capt. Galton for a wrought iron bridge over the River Nepean at Menangle.

A general description only of the girders is given, as Capt. Galton stated in his last letters, that all indents from this department for rolling stock, &c., &c., had been handed over to you, and I therefore presume this will be the case with reference to this bridge, and consequently I have thought it advisable to leave all the details in your hands.

The price for these girders not having been arranged here, Mr. Willcox preferring to leave it for Mr. Brassey's decision, I have to ask you to act on behalf of this Government, in settling the price with Sir S. M. Peto & Co.

The price which has to be determined is for making the girders complete, in accordance with a specification to be prepared by you, and also to include the cost of fixing in their permanent position, after the arrival of the girders in the Colony. The cost of freight to be paid by the Government, and also the unloading at Sydney, loading into trucks, and conveying to Campbelltown by railway; and if the contractors have completed the permanent way from Campbelltown to Menangle by the time the girders arrive here, of which there can be no doubt, the Government will deliver the girders at the Menangle River, where they are to be erected.

Therefore the whole matter to arrange with Sir S. M. Peto & Co. is the cost of the girders in England, and the cost of fixing in this Colony, at per ton.

There are two ways of fixing; the one most economical for the Government, the other most convenient for the contractor. The first is by building the girders adjoining to the bridge, and drawing them over on rollers; the other, erecting staging between the piers, and building the girders in their proper places at once. This process necessitates the erection of staging; and the object of the contractor in adopting this mode would be to make use of the temporary staging to convey the permanent way rails for the Picton end of the line across the river.

My impression is that the girders are worth about from £20 to £22 per ton in England, and that the cost of erecting here complete will be from £5 to £6 a ton, but this matter is left entirely in your hands.

Labourers are paid from 7s. to 10s. a day.

Fitters " " 14s. a day.

Masons, about 15s. a day.

Coals, about 28s. a ton.

The girders, I assume, will be put together in convenient lengths, and riveted complete in England, so that in this Colony very little riveting will be required.

When the arrangements have been completed, I shall be glad if you will forward me a detail drawing of the bed-plates and girders, accompanied by a specification.

John Fowler, Esq.,  
2 Queen-square-place, Westminster.

Believe me, &c.,  
JOHN WHITTON.

(To Evidence given by Mr. A. Graham, 27th January, 1864.)

E. No. 1.

Jan. 19, /64.

	£	s.	d.
2 carpenter's locks, 6-in. .. .. .	0	9	0
4 pair 4-in. iron butt hinges .. .. .	0	2	8
5 sash fasteners .. .. .	0	5	0
1 door-spring .. .. .	0	2	6
2 latches .. .. .	0	3	0
2 brass handles .. .. .	0	3	0
	£1	5	2

E. No. 2.

METROPOLITAN DISTRICT COURT.

Wednesday, Feb. 11, /63.

Before Judge Cheeke.

Graham v. Railway Commissioner.

This was an action by a contractor to recover the sum of £24 1s., amount of extras in the erection of a station-house at Burwood. The case was commenced on Tuesday, but not being concluded at half-past 4, the further hearing was adjourned until the following day. The witnesses for the plaintiff, in their calculations of the extra excavation and brick-work, made the quantities larger than the witnesses for the defence, but no two of them exactly agreed. The plaintiff claimed for extra stone-work, and an alteration in some windows from solid to box frames, but these it was contended were constructed as shewn in the plan and specification, and therefore not extras. Towards the close of defendant's evidence a document was produced, purporting to be a final account, containing items for extra brick-work and excavation, but not of the quantities now claimed, and at the foot was a receipt in full of the above account. The Judge stated that but for this he should have found for the plaintiff for some of the extras. As it was he must find for the defendant. Mr. Darley for plaintiff; the Crown Solicitor for defendant.

E. No. 3.

## E. No. 3.

From the Commissioner, for station at Burwood:—					£	s.	d.
Sept. 13, /63	..	..	..	..	125	4	5
Oct. 21	..	..	..	..	129	5	8
Dec. 8	..	..	..	..	246	7	11
					£500	18	0

(Paper ordered to be appended, 2nd February, 1864.)

F.

University of Melbourne,  
Jan. 26, 1864.

Sir,

Mr. Martin Gardiner, C.E., has requested me to state to you my opinion of his attainments and his character. In compliance with this request, I beg to express the high opinion which I have always entertained of Mr. Gardiner's abilities and industry as a mathematician; and I know that a similar opinion of him, while a student, was entertained by my former colleague, the late Dr. Mulcahy, who was one of the most successful mathematical teachers in Europe. Mr. Gardiner highly distinguished himself as a student of the Queen's College, Galway, in the engineering department, at the time in which I was connected with that institution, and has been, I believe, diligent in the practice of his profession both in America and in Australia. So far as my knowledge extends, I gladly bear testimony to the rectitude of his conduct and his unblemished character.

John Lucas, Esq., M.P.,  
Chairman of Committee on Public Works Department.

I have, &c.,  
W. E. HEARN, L.L.D.

(To Evidence given by John Whitton, Esq., 5th February, 1864.)

G.

Engineer-in-Chief's Office,  
Railway Department,  
Melbourne, 15 October, 1863.

List of Papers connected with the case of Mr. Martin Gardiner, who was dismissed from this department, for insubordination:—

- 1859.
- No. 1. March 7. Letter from Geo. C. Darbyshire, Engineer-in-Chief. Reports to the Commissioner of Public Works the conduct of Martin Gardiner.
- No. 2. " 8. Minute of the Commissioner of Public Works on ditto.
- No. 3. " 12. Letter of explanation from M. Gardiner, relating to his conduct, and asking that a Board of Enquiry may be appointed upon it.
- No. 4. " 12. Minute of Commissioner on ditto.
- No. 5. " 24. Report of Deputy Surveyor General.
- No. 6. " 31. Minute of Commissioner of Public Works on ditto.

[No. 1.]

Railway Department,  
Melbourne, 7 March, 1859.

Sir,

I have the honor to inform you that Mr. Martin Gardiner, a draughtsman in this department, absented himself from his duty, not only without permission, but in defiance of my express instructions, from the hour of half-past 11 in the forenoon of this day, and did not return during the usual office hours.

As Mr. Gardiner has thus set an example of insubordination which cannot be permitted to go unpunished, and as he has on other occasions exhibited a want of industry and general inattention to business, I have the honor to suggest that his services may be at once dispensed with.

The Honorable G. S. W. Horne,  
Commissioner of Public Works.

I have, &c.,  
GEO. C. DARBYSHIRE,  
Engineer-in-Chief.

[No. 2.]

Copy of Commissioner of Public Works' Minute on the above letter.

Mr. Gardiner is suspended, pending his reply hereto, which if he cannot justify, he will be dismissed.

G.S.W.H.—8/3/59.

[No. 3.]

Colonial Seed Warehouse,  
118, Swanston-street,  
12 March, 1859.

Sir,

I have the honor to state I am prepared to prove that my attention to my duties has always been as great as possible, under the unfavourable circumstances in which I found myself situated.

And in order to rebut the assertions made as to my want of industry and attention to business, I will commence by stating that, if I have been idle in the department, it was never intentionally.

Firstly—A great deal of my time has been put astray in waiting for Mr. Adams to supply me with work, and in searching him up from room to room; and although he usually promised to attend to my requests, he almost as often forgot to do so. And that Mr. Adams often failed to supply me with work, was well known to Mr. Darbyshire, when he ordered Mr. Adams to always have two pieces of work before me, so as not to have me waiting so often.

That I have always looked on the neglect of the professional heads of the department as intentional, will be made evident from the enclosed copies of letters which I forwarded to the Engineer-in-Chief, and President of Lands and Works (I received no reply to either).

Secondly—More of my time has often, for consecutive days, been put astray in searching up plans and sections, before they were confided to the care of Mr. Mayes.

Thirdly—

Thirdly—There is another cause of my time being put astray, which I will now state:—Mr. Martin, the senior draughtsman in charge of the room in which I work, is almost continually preaching about his spiritual experiences in the other world, his rows with clergymen, his escape from the Mad-house, and in denying the Christian doctrine, and calling Christ an impostor, &c.

I endeavoured to stop him some time ago, but he only grew more outrageous, and said he would continue to speak in defiance of me, as the days of the inquisition were passed. I have too often been put astray of my duties in listening to the enunciations of slanderous reports, and political and religious principles so repugnant to my convictions, and which I could not always allow to pass uncontradicted.

It was on this account, that as far back as May, 1853, I got Mr. Adams to transfer me to another room; but my peace was not of long duration, for after the lapse of a few days it pleased Mr. Darbyshire, without assigning any cause, to replace me, against my wishes, where I was sure to be again embroiled in the most bitter arguments. Finally, in respect to duty, I will say that if there were a book in which each man's work might, as he completed it, be entered to his credit, I believe it would shew that my industry could stand a favourable comparison with that of any other man in the department.

Now I will explain why I left the office on last Monday.

I heard that Mr. Martin, the draughtsman in charge of the room, was after reporting to Mr. Adams that I was accustomed to say, "My time was very often put astray in searching up-work through Mr. Adams' neglect." I entered the room on Monday morning, and reproached him with having done the deed unknown to me; and I told him that I did not feel myself bound by any tie of honor to screen the sentiments he so often uttered in the room. He retorted in a violent manner, saying he would prove that I was the author of an infamous report concerning the Honorable Charles Gavan Duffy, President of Lands and Works, well known to Mr. Martin himself to have been put in circulation during Mr. Duffy's illness, by a certain clerk in the department. I became enraged at the shocking depravity of the man who could be guilty of such an insinuation (which he knew to be false), and I left the room, and wrote to Mr. Darbyshire to grant me one day, that I might be enabled to lay the case before the Commissioner of Public Works. After waiting some time for a reply, Mr. Darbyshire sent out Mr. Adams with the verbal order, "Mr. Darbyshire says you must find your own time." I went direct to the Commissioner of Public Works, but he would not hear anything I had to say. I returned to the office, and went into Mr. Darbyshire's room to explain the case to him; he laughed at me in scorn, saying it was nothing to him what was said to Mr. Duffy, and contradicted many things I knew to be true. I told him it was his favourite clerk that circulated the infamous report, and that this could be proved; he said that was nothing to him, but that I went out too often, and he would soon put a stop to that. I told him I never went out without permission, and that it was not fair to grant me leave and then look on my absence as a misdemeanour. He ordered me back to my work, and said he would see I got enough of it in future.

I told him I was too excited to work correctly; but as he persisted in his commands, I at length complied, and went to resume my duties.

On re-entering my room I found the senior draughtsman, Mr. Martin, engaged in rather zealous inquiries after bomb-shells; and I at once requested him to have no more talking in the room, in order I might do that duty which I was so often prevented from executing by his noise. He answered as usual in a violent manner "that he would speak as much as ever he liked, in spite of me and all I could do, and that he set me at defiance."

Feeling too angry to continue a dispute which might lead to a breach of the peace, I immediately hurried out of the office, leaving a minute on the attendance book, stating that "I feel too sick and excited to remain at work that day."

That my apprehensions about a breach of the peace being committed, had I insisted on stopping Mr. Martin from speaking, were not without good foundation, can be ascertained by referring to Mr. Council, of the Crown Lands Office, whom Mr. Martin boasts of having assaulted in the public streets.

All the statements which I have now made in my defence, I am prepared to substantiate; and I respectfully request that you will be pleased to appoint a Board of Enquiry, before which I can prove the truth of my statements.

The Honorable G. S. W. Horne,  
Commissioner of Public Works.

I have, &c.,  
MARTIN GARDINER.

[No. 4.]

*Copy of the Minute of the Commissioner of Public Works on the above.*

Mr. Hodgkinson will inquire into this, and report the result. Give Mr. Gardiner notice of time so that he may be present. The charge is absents without leave, and refusing to go to his work.

G.S.W.H.,  
12/3/59.

[No. 5.]

Melbourne, 24 March, 1859.

Sir,

I have the honor to inform you, that in compliance with your minute, dated the 12th instant, on correspondence connected with Mr. Gardiner's case, I have inquired into the charges against him, of leaving the Railway Office, without permission, during office hours, and refusing to return to his work.

After taking the evidence of Messrs. Adams, Martin, Renwick, Mason, and Park—affording Mr. Gardiner the opportunity of questioning those gentlemen—and taking notes of a long verbal statement made by Mr. Gardiner, with the view of rebutting the charges against him, I have arrived at the conclusion that on March 7th, Mr. Gardiner left the Railway Office before noon, without leave, under circumstances not only calculated, if tolerated, to impair the authority of the Engineer-in-Chief, but to render the maintenance of discipline among his professional subordinates impossible.

With reference to the second portion of the charge, it does not appear that Mr. Gardiner ever distinctly refused to go on with his work.

I have, &c.,  
CLEMENT HODGKINSON,  
Deputy Surveyor General.

The Honorable G. S. W. Horne,  
&c., &c., &c.,  
Commissioner of Public Works.

[No. 6.]

*Copy of Minute written by the Commissioner of Public Works.*

Let Mr. Gardiner be informed of the result of the investigation, and that he is dismissed from the position he holds in this department.

G.S.W.H.,  
31/3/59.

(To Evidence given by John Rae, Esq., 13 October, 1863, being Supplementary to Appendix A., No. 2, p. 13.)

## H.

## GREAT SOUTHERN RAILWAY.—SPECIAL TRAINS.

DATE.	WHERE RUN TO.	FOR WHOM RUN.
1861.		
July 3..	Sydney to Campbelltown .. .. .	Rails, &c.
" 5..	Do. to do. .. .. .	Do.
" 13..	Do. to Parramatta .. .. .	Minister for Lands.
" 17..	Do. to Campbelltown .. .. .	Soldiers.
" 17..	Do. to do. .. .. .	Do.
" 18..	Do. to do. .. .. .	Do.
" 18..	Do. to Parramatta .. .. .	Engineer-in-Chief.
" 19..	Do. to Campbelltown .. .. .	Soldiers.
" 20..	Do. to do. .. .. .	Do.
" 22..	Do. to Ashfield .. .. .	Goods.
Aug. 2..	Do. to Blacktown .. .. .	Materials for Extension.
" 5..	Do. to Campbelltown .. .. .	Passengers.
" 5..	Campbelltown to Junction .. .. .	Commissioner.
" 6..	Sydney to Parramatta .. .. .	Mr. Wentworth's funeral.
" 9..	Do. to Blacktown .. .. .	Materials for Extension.
" 13..	Do. to do. .. .. .	Do.
" 18..	Do. to Campbelltown .. .. .	Naval Brigade.
" 28..	Do. to Parramatta .. .. .	Commissioner.
" 29..	Do. to Sophienberg .. .. .	Passengers.
Sept. 7..	Do. to Liverpool .. .. .	Manager.
" 9..	Do. to Parramatta .. .. .	Do.
" 20..	Do. to Blacktown .. .. .	Goods.
" 24..	Do. to Liverpool .. .. .	Do.
Oct. 3..	Do. to Blacktown .. .. .	Do.
" 5..	Do. to do. .. .. .	Passengers.
" 8..	Liverpool to Campbelltown .. .. .	Do.
" 9..	Sydney to Davis Flats .. .. .	Do.
" 10..	Do. to Blacktown .. .. .	Goods.
" 17..	Do. to do. .. .. .	Do.
" 23..	Do. to do. .. .. .	Passengers.
" 24..	Campbelltown to Parramatta .. .. .	Rails for Western Extension.
" 25..	Sydney to Ashfield .. .. .	Goods.
" 29..	Do. to Liverpool .. .. .	Manager.
" 31..	Do. to Homebush .. .. .	Goods.
Nov. 7..	Do. to Blacktown .. .. .	Do.
" 15..	Liverpool to Campbelltown .. .. .	Rails, &c.
" 20..	Sydney to Homebush .. .. .	Manager.
" 22..	Do. to Campbelltown .. .. .	Goods.
" 28..	Do. to Blacktown .. .. .	Do.
" 30..	Do. to Parramatta .. .. .	Do.
Dec. 5..	Do. to Blacktown .. .. .	Do.
" 9..	Do. to Liverpool .. .. .	Do.
" 20..	Do. to Haslem's Creek .. .. .	Do.
" 26..	Do. to Fairfield .. .. .	Passengers.
" 26..	Do. to Parramatta .. .. .	Do.
" 26..	Do. to Burwood .. .. .	Do.
" 26..	Do. to Campbelltown .. .. .	Do.
" 27..	Do. to Parramatta .. .. .	Do.
1862.		
Jan. 1..	Sydney to Parramatta .. .. .	Goods.
" 1..	Do. to do. .. .. .	Do.
" 2..	Do. to Rooty Hill.. .. .	Materials for Extensions.
" 2..	Parramatta to do. .. .. .	Manager.
" 2..	Do. to do. .. .. .	Do.
" 3..	Sydney to Parramatta .. .. .	Goods.
" 4..	Do. to Campbelltown .. .. .	Minister for Works.
" 8..	Campbelltown to Liverpool .. .. .	Goods.
" 9..	Sydney to Rooty Hill.. .. .	Materials for Extensions.
" 9..	Do. to Campbelltown .. .. .	Passengers.
" 16..	Do. to Junction .. .. .	Manager.
" 28..	Do. to Campbelltown .. .. .	Passengers.
" 29..	Do. to do. .. .. .	Do.
" 29..	Do. to Parramatta .. .. .	Do.
" 30..	Do. to do. .. .. .	Do.
" 30..	Do. to do. .. .. .	Do.
" 30..	Do. to Campbelltown .. .. .	Do.
" 31..	Do. to do. .. .. .	Do.
Feb. 1..	Do. to do. .. .. .	Do.
" 1..	Do. to Parramatta .. .. .	Do.
" 5..	Do. to South Creek .. .. .	Governor.
" 6..	Do. to Campbelltown .. .. .	Passengers.
" 9..	Do. to Liverpool .. .. .	Manager.
" 13..	Do. to Campbelltown .. .. .	Passengers.
" 15..	Do. to do. .. .. .	Do.
" 18..	Do. to do. .. .. .	Do.
" 19..	Do. to Liverpool .. .. .	Goods.
" 21..	Do. to Campbelltown .. .. .	Minister for Works.
Mar. 1..	Do. to do. .. .. .	Premier.
" 6..	Do. to Blacktown .. .. .	Goods.
" 19..	Do. to Campbelltown .. .. .	Minister for Works.
" 19..	Parramatta to Rooty Hill .. .. .	Materials for Extensions.



## APPENDIX.

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DATE.	WHERE RUN TO.	FOR WHOM RUN.
1862.		
Mar. 27..	Sydney to Haslem's Creek .. .. .	Passengers.
" 27..	Do. to Parramatta .. .. .	Goods.
April 12..	Do. to Homebush .. .. .	Passengers.
" 21..	Do. to Parramatta .. .. .	Do.
" 21..	Do. to Haslem's Creek .. .. .	Do.
" 21..	Do. to Ashfield .. .. .	Do.
" 21..	Do. to Parramatta .. .. .	Do.
" 21..	Do. to Campbelltown .. .. .	Do.
" 24..	Junction to Blacktown .. .. .	Mr. Nealds.
" 24..	Sydney to South Creek .. .. .	Manager.
" 24..	Parramatta to Rooty Hill .. .. .	Goods.
" 26..	Sydney to Campbelltown .. .. .	Passengers.
" 29..	Do. to Parramatta .. .. .	Manager.
" 29..	Do. to Campbelltown .. .. .	Minister for Works.
" 30..	Do. to Parramatta .. .. .	Governor.
" 30..	Do. to South Creek .. .. .	Manager.
May 3..	Do. to Campbelltown .. .. .	Passengers.
" 4..	Do. to do. .. .. .	Minister for Lands.
" 6..	Do. to Parramatta .. .. .	Passengers.
" 17..	Do. to do. .. .. .	Minister for Works.
" 24..	Do. to do. .. .. .	Volunteers.
" 26..	Campbelltown to Glenlee .. .. .	Engineer-in-Chief.
June 7..	Sydney to Campbelltown .. .. .	Minister for Works.
" 11..	Do. to Parramatta .. .. .	Passengers.
" 11..	Campbelltown to Junction .. .. .	Do.
" 16..	Sydney to Campbelltown .. .. .	Governor.
July 2..	Do. to Junction .. .. .	Gibbons' Wagons.
" 7..	Do. to Liverpool .. .. .	Commissioner.
" 9..	Do. to Junction .. .. .	Goods.
" 28..	Campbelltown to Menangle .. .. .	Sleepers.
" 30..	Do. to do. .. .. .	Do.
Aug. 1..	Sydney to Ashfield .. .. .	Goods.
" 9..	Do. to Campbelltown .. .. .	Minister for Works.
" 11..	Do. to do. .. .. .	Do.
" 20..	Do. to do. .. .. .	Rails, &c.
Sept. 1..	Campbelltown to Menangle .. .. .	Manager.
" 2..	Sydney to Junction .. .. .	Passengers.
" 6..	Do. to Menangle .. .. .	Governor and Ministers.
" 10..	Do. to Macquarie Fields .. .. .	Passengers.
" 25..	Do. to Junction .. .. .	Do.
" 26..	Do. to Parramatta .. .. .	Do.
Oct. 9..	Do. to do. .. .. .	Passengers.
" 9..	Do. to Homebush .. .. .	Do.
" 14..	Do. to Menangle .. .. .	Rails, &c.
" 18..	Do. to Parramatta .. .. .	Passengers.
Nov. 10..	Do. to do. .. .. .	Do.
" 10..	Do. to do. .. .. .	Do.
" 10..	Do. to do. .. .. .	Do.
" 10..	Do. to do. .. .. .	Do.
" 10..	Do. to do. .. .. .	Do.
" 10..	Do. to do. .. .. .	Do.
" 10..	Do. to do. .. .. .	Do.
" 10..	Do. to do. .. .. .	Do.
" 10..	Do. to do. .. .. .	Do.
" 10..	Do. to do. .. .. .	Do.
" 18..	Do. to Menangle .. .. .	Minister for Works.
" 25..	Liverpool to do. .. .. .	Rails, &c.
Dec. 4..	Menangle to Liverpool .. .. .	Do.
" 8..	Sydney to Parramatta .. .. .	Passengers.
" 11..	Do. to Menangle .. .. .	Goods.
" 31..	Do. to Parramatta .. .. .	Passengers.
1863.		
Jan. 1..	Sydney to Menangle .. .. .	Passengers.
" 1..	Do. to Parramatta .. .. .	Do.
" 1..	Do. to do. .. .. .	Goods.
" 1..	Campbelltown to do. .. .. .	Do.
" 2..	Sydney to do. .. .. .	Passengers.
" 2..	Liverpool to do. .. .. .	Goods.
" 3..	Campbelltown to do. .. .. .	Do.
" 6..	Liverpool to do. .. .. .	Meat.
Jan. 7..	Liverpool to Parramatta .. .. .	Meat.
" 9..	Do. to do. .. .. .	Do.
" 9..	Do. to do. .. .. .	Do.
" 12..	Do. to do. .. .. .	Do.
" 15..	Do. to do. .. .. .	Do.
" 17..	Sydney to Menangle .. .. .	Randle's Wagons.
" 20..	Liverpool to Parramatta .. .. .	Meat.
" 22..	Do. to do. .. .. .	Do.
" 23..	Do. to do. .. .. .	Do.
" 24..	Sydney to do. .. .. .	Passengers.
" 26..	Do. to Campbelltown .. .. .	Goods.
" 26..	Do. to Parramatta .. .. .	Passengers.
" 27..	Liverpool to do. .. .. .	Meat.
" 28..	Do. to do. .. .. .	Do.
" 29..	Do. to do. .. .. .	Do.
" 30..	Do. to do. .. .. .	Do.
Feb. 2..	Do. to do. .. .. .	Do.
" 5..	Do. to do. .. .. .	Do.

DATE.	WHERE RUN TO.	FOR WHOM RUN.
1863.		
Feb. 6..	Liverpool to Parramatta .. .. .	Meat.
" 7..	Sydney to Junction .. .. .	Goods.
" 10..	Do. to Fairfield .. .. .	Passengers.
" 10..	Do. to Junction .. .. .	Do.
" 23..	Do. to Liverpool .. .. .	Engineer-in-Chief inspecting Bridges.
" 24..	Liverpool to Junction .. .. .	Meat.
" 25..	Do. to do. .. .. .	Do.
" 26..	Do. to do. .. .. .	Do.
" 27..	Do. to do. .. .. .	Do.
Mar. 2..	Sydney to Haslem's Creek .. .. .	Passengers.
" 11..	Liverpool to Junction .. .. .	Meat.
" 13..	Do. to do. .. .. .	Do.
" 23..	Do. to do. .. .. .	Do.
" 25..	Do. to do. .. .. .	Do.
" 27..	Do. to do. .. .. .	Do.
" 28..	Sydney to Parramatta .. .. .	Goods.
" 29..	Do. to do. .. .. .	Passengers.
April 3..	Do. to Menangle .. .. .	Do.
" 4..	Do. to Homebush .. .. .	Do.
" 6..	Do. to Parramatta .. .. .	Do.
" 6..	Do. to Menangle .. .. .	Do.
" 6..	Do. to Campbelltown .. .. .	Goods.
" 6..	Do. to Parramatta .. .. .	Do.
" 7..	Parramatta to Liverpool .. .. .	Meat.
" 9..	Do. to do. .. .. .	Do.
" 14..	Sydney to do. .. .. .	Goods.
" 16..	Do. to Menangle .. .. .	Do.
" 26..	Parramatta to Liverpool .. .. .	Meat.
May 1..	Sydney to Haslem's Creek .. .. .	Commissioner.
" 2..	Do. to do. .. .. .	Goods.
" 7..	Do. to Parramatta .. .. .	Do.
" 15..	Do. to Menangle .. .. .	Do.
" 24..	Do. to Campbelltown .. .. .	Commissioner.
" 26..	Do. to Junction .. .. .	Passengers.
" 26..	Do. to Menangle .. .. .	Do.
" 29..	Do. to Fairfield .. .. .	Goods.
" 29..	Do. to Haslem's Creek .. .. .	Do.
" 29..	Do. to Parramatta .. .. .	Do.
" 30..	Liverpool to Junction .. .. .	Do.
June 1..	Sydney to Parramatta .. .. .	Do.
" 2..	Junction to Homebush .. .. .	Do.
" 3..	Do. to do. .. .. .	Do.
" 3..	Sydney to Liverpool .. .. .	Passengers.
" 4..	Do. to Haslem's Creek .. .. .	Goods.
" 7..	Junction to Homebush .. .. .	Do.
" 11..	Sydney to Junction .. .. .	Passengers.
" 11..	Do. to Burwood .. .. .	Do.
" 11..	Do. to Menangle .. .. .	Do.
" 11..	Do. to Parramatta .. .. .	Do.
" 11..	Do. to Penrith .. .. .	Do.
" 18..	Do. to Parramatta .. .. .	Goods.
" 19..	Do. to Ashfield .. .. .	Mr. Owen.
" 20..	Do. to Do. .. .. .	Passengers.
" 20..	Campbelltown to Menangle .. .. .	Do.
" 20..	Sydney to Macquarie Fields .. .. .	Minister for Works.
" 29..	Do. to Menangle .. .. .	Testing Menangle Bridge.
" 29..	Do. to Picton .. .. .	Passengers.
" 29..	Do. to Haslem's Creek .. .. .	Goods.
" 29..	Campbelltown to Menangle .. .. .	For Testing.
" 30..	Do. to do. .. .. .	Do.
" 30..	Sydney to Ashfield .. .. .	Passengers.
" 30..	Do. to Menangle .. .. .	Do.
" 30..	Do. to Picton .. .. .	Governor.
July 1..	Do. to Parramatta .. .. .	Goods.
" 10..	Do. to Liverpool .. .. .	Do.
" 16..	Do. to do. .. .. .	Do.
" 25..	Do. to Junction .. .. .	Per. Way
" 27..	Do. to Newtown .. .. .	Goods.
" 31..	Junction to Haslem's Creek .. .. .	Do.
Aug. 7..	Sydney to Liverpool .. .. .	Telegraph Poles.
" 10..	Junction to Haslem's Creek .. .. .	Goods.
" 19..	Menangle to Picton .. .. .	Do.
" 29..	Sydney to Junction .. .. .	Do.
Sept. 12..	Parramatta to Sydney .. .. .	Do.
" 17..	Do. to do. .. .. .	Do.
" 19..	Do. to Homebush .. .. .	Do.
1861. GREAT WESTERN RAILWAY.—SPECIAL TRAINS.		
July 18..	Sydney to Blacktown .. .. .	Passengers.
Aug. 22..	Parramatta to do. .. .. .	Rails, &c.
" 24..	Do. to do. .. .. .	Do.
" 27..	Sydney to Parramatta .. .. .	Manager, Mr. Thomas.
Sept. 14..	Parramatta to Blacktown .. .. .	Timber.
Oct. 4..	Sydney to do. .. .. .	Manager.
" 10..	Parramatta to do. .. .. .	Goods.
" 14..	Do. to do. .. .. .	Timber.
" 17..	Do. to do. .. .. .	Goods.
" 19..	Do. to do. .. .. .	Timber.

DATE.	WHERE RUN TO.	FOR WHOM RUN.
1861.		
Oct. 24..	Parramatta to Blacktown .. .. .	Rails.
" 25..	Do. to do. .. .. .	Timber.
" 29..	Do. to do. .. .. .	Rails.
" 29..	Do. to do. .. .. .	Do.
Nov. 1..	Do. to do. .. .. .	Do.
" 1..	Do. to do. .. .. .	Timber.
" 2..	Do. to do. .. .. .	Do.
" 5..	Do. to do. .. .. .	Rails, &c.
" 9..	Do. to do. .. .. .	Do.
" 11..	Blacktown to Sydney.. .. .	Timber.
" 14..	Do. to do. .. .. .	Goods.
" 15..	Do. to do. .. .. .	Timber.
" 18..	Sydney to Blacktown.. .. .	Goods.
" 19..	Do. to do. .. .. .	Do.
" 20..	Do. to do. .. .. .	Do.
" 21..	Do. to do. .. .. .	Rails.
" 22..	Blacktown to Sydney.. .. .	Timber.
" 25..	Parramatta to Blacktown .. .. .	Rails.
" 26..	Blacktown to Sydney.. .. .	Timber.
" 29..	Blacktown to Sydney .. .. .	Timber.
Dec. 2..	Parramatta to Blacktown .. .. .	Rails.
" 3..	Blacktown to Sydney.. .. .	Timber.
" 5..	Sydney to Blacktown.. .. .	Goods.
" 6..	Blacktown to Sydney .. .. .	Timber.
" 13..	Parramatta to Blacktown .. .. .	Goods.
" 28..	Junction to do. .. .. .	Passengers.
" 31..	Parramatta to do. .. .. .	Rails.
1862.		
Jan. 2..	Do. to do. .. .. .	Goods.
" 10..	Do. to do. .. .. .	Long Timber.
" 17..	Do. to do. .. .. .	Do.
" 27..	Do. to Rooty Hill .. .. .	Rails, &c.
" 28..	Do. to Blacktown .. .. .	Do.
Feb. 14..	Junction to Rooty Hill .. .. .	Passengers.
Mar. 10..	Parramatta to do. .. .. .	Rails.
" 12..	Rooty Hill to Parramatta .. .. .	Timber.
" 22..	Parramatta to Blacktown .. .. .	Rails.
" 25..	Rooty Hill to Parramatta .. .. .	Timber.
" 30..	Parramatta to Blacktown .. .. .	Rails.
April 2..	Do. to do. .. .. .	Do.
" 4..	Do. to do. .. .. .	Do.
" 5..	Blacktown to Parramatta .. .. .	Timber.
" 9..	Parramatta to Blacktown .. .. .	Rails.
" 10..	Do. to do. .. .. .	Do.
" 14..	Do. to do. .. .. .	Do.
" 15..	Do. to do. .. .. .	Do.
" 21..	Do. to do. .. .. .	Goods.
" 28..	Junction to South Creek .. .. .	Commissioner.
" 29..	Parramatta to Rooty Hill .. .. .	Goods.
May 1..	Sydney to South Creek .. .. .	Manager.
" 3..	Parramatta to do. .. .. .	Passengers.
" 24..	Do. to Blacktown .. .. .	Windsor Volunteers.
" 26..	Do. to South Creek .. .. .	Rails.
June 2..	Do. to do. .. .. .	Goods.
" 10..	Do. to do. .. .. .	Passengers.
" 12..	Do. to do. .. .. .	Empty Wagons.
" 28..	Do. to Penrith .. .. .	Minister for Works.
Aug. 11..	Do. to Rooty Hill .. .. .	Do.
Sept. 1..	Parramatta Junction to Penrith .. .. .	Passengers.
" 2..	Do. do. to do. .. .. .	Do.
" 3..	Do. do. to do. .. .. .	Do.
" 4..	Sydney to do. .. .. .	Do.
" 5..	Junction to do. .. .. .	Do.
" 6..	Do. to do. .. .. .	Governor and Ministers.
" 8..	Do. to do. .. .. .	Passengers.
" 9..	Do. to do. .. .. .	Do.
" 11..	Sydney to do. .. .. .	Do.
" 12..	Penrith to Junction .. .. .	Do.
" 17..	Sydney to Penrith .. .. .	Do.
" 22..	Do. to do. .. .. .	Do.
" 25..	Penrith to Junction .. .. .	Do.
" 26..	Sydney to Penrith .. .. .	Minister for Lands.
" 30..	Do. to do. .. .. .	Passengers.
Oct. 3..	Do. to do. .. .. .	Rails, &c., for Extensions.
" 9..	Junction to do. .. .. .	Passengers.
" 30..	Penrith to Sydney .. .. .	Goods.
" 30..	Sydney to Penrith .. .. .	Governor.
Dec. 1..	Junction to Penrith .. .. .	Engineer-in-Chief
1863.		
Jan. 1..	Parramatta to South Creek .. .. .	Passengers.
" 15..	Sydney to Penrith .. .. .	Do.
" 15..	Parramatta to Blacktown .. .. .	Goods.
" 26..	Sydney to Penrith .. .. .	Passengers.
" 28..	Parramatta to do. .. .. .	Passengers.
April 6..	Junction to Penrith .. .. .	Passengers.
May 29..	Parramatta to do. .. .. .	Goods.

(To Evidence given by N. Trengrouse, Esq., 10 March, 1864.)

## I.

Brunswick Villa,  
Stanmore Road, Newtown.

To the Chairman and Committee on Disorganized State of Public Works Department.

Gentlemen,

Herewith I beg to enclose, or attach, the copy of an introductory letter given me by Mr. Thomas Holt to Mr. Charles Cowper, and as it refers to my integrity, I should feel obliged by your having it added to my evidence given before you.

(Copy of letter referred to.)

"Camden Villa,  
Newtown, 30 August, 1863.

"My dear Sir,

"The bearer, Mr. Trengrouse, has called upon me this afternoon, and asked me to give him an introduction to you. He says he is most anxious to have a few minutes conversation with you, and you would very much oblige me if you could comply with his request. He says he has been suspended, because of the evidence he gave in the inquiry into the conduct of Messrs. Hall and Micklethwait, and he could not possibly have stated other than he did, without uttering a falsehood, of which he is incapable. I have known Mr. Trengrouse several years as a highly respectable man, and I feel sure you will not allow an injustice to be done him, because of his having spoken the truth. Believe me to remain.

"My dear Sir,

"Faithfully Yours,  
"THOMAS HOLT.

"The Honorable  
"Charles Cowper, Esq., M.P."

The introduction of this letter into my evidence will I trust assist me, as Mr. Whitton appears to have taken considerable pains in attempting to disprove my evidence and libel the veracity of my statements. In the few remarks I purpose troubling you with, I shall confine myself to the reason assigned by Mr. Whitton for my suspension and dismissal from the public service, after faithfully and efficiently performing my duties for the term of nearly ten years; and if I may be permitted to venture an opinion, I would here add, that I think the cause alone assigned for our suspension should be entertained, and not any matter having reference to the department, that may have come out in evidence.

I find the only reason assigned for my unjust suspension from my duties was, for not having made known the irregularities that took place in the Railway Department. I can only again repeat what I have already stated, that I did name this to Mr. Whitton at the time given in my evidence, in confirmation of which I would respectfully call your attention to Mr. Gardiner's evidence, wherein he states, "that Mr. Hall had complained to him of my having spoken to Mr. Whitton about this insubordination, and that it was Mr. Whitton's intention to get rid of both the old and young fellow," meaning myself and son. Mr. Doherty also states, "that he heard in the office of my having complained to Mr. Whitton;" and my son remembers the circumstance, to whom I communicated the conversation had with Mr. Whitton soon after; and with your kind permission I beg to hand in a rough duplicate of my journal for the month in which I made the insubordination known, together with the minute of conversation between myself and Mr. Whitton attached thereto, and would also solicit permission for that to be added to my evidence.

Copy of conversation referred to, taken from the accompanying journal.

*Memo. to attach to February's Journal.*

"Tuesday, February 5/61.—Up to Mr. Whitton about own work, after which he spoke to me of William's having left the office without permission, and that no one in the office should so act without leave; and he being the first who ever did so to his knowledge, he should make an example of him by stopping a week's pay, about which he had given instructions to Quodling; he (Mr. Whitton) further added, that with his military and other duties, my son was seldom in the office. I told Mr. Whitton I was sorry he should have cause to complain of my son in any way, and felt satisfied he must have been misinformed, especially as regards his leaving the office without permission, as my son had told me he got leave from Mr. Mason; and as regards his being so much from the office, his journals would disprove that; besides, it was well known that my son did the most of Mr. Drewett's work. I asked Mr. Whitton who had made these charges against my son. He said he was not obliged to answer. I replied it must be one of two, either Barton or Drewett, and if the latter, did he ever complain of himself, as he had instructed my son to keep watch while he (Drewett) slept the afternoon away. I told Mr. Whitton it was a pity he had not selected an adult and not my son, a youth, to make an example of, as there were others of his staff much more deserving of censure than he was. I spoke to him of Barton and Mann being so frequently absent, and that Mr. Mann had then been away several days. I also told him of the large quantities of spirits that were drunk in office hours, incapacitating the parties from properly performing their duties, besides wasting the time of others. I spoke of the degrading conversation used in the office. I asked Mr. Whitton if he had not heard of the serious charge preferred against Mr. Hall at Penrith. Mr. Whitton asked me who it was that drank so much in the office; I told him Mr. Hall and Mr. Micklethwait principally. Having mentioned the last name was enough; Mr. Whitton said he did not believe it. I said that may be, but you have had ample proof that it is the case, and referred him to the time he spoke to both Hall and Micklethwait. Mr. Whitton then said, 'I would recommend you, Mr. Trengrouse, to mind your own business, and attend more to your own duties.' I told him that I had done as much as any one in the office. I then retired, Mr. Whitton muttering something which was inaudible."

Mr. Whitton has said my word cannot in any way be relied on. I believe Mr. Whitton is the only person in or out of the Colony who would thus libel my integrity; and I would respectfully ask is there anything disproved in my evidence, by any of the numerous witnesses? It is true Mr. Whitton produced papers respecting Mr. Brady's case; and the day on which Mr. Whitton mentioned this matter before the Committee, was the first time I ever heard any wrong had been committed; quite the reverse on my part, as I had heard that nothing had been proved against Mr. Brady from this; and the fact of the matter being kept so quiet in the office led me to give the answer I did before the Committee. Mr. Whitton said this was an act of fraud on the part of Mr. Brady, but can the charge be made more than that of *neglect of duty*? When the section of the Sydney line was got out, the quantities of the earth-work were also calculated, and these quantities would have been just the same after the cuttings were got out, as before being touched; therefore, the charge against Mr. Brady would be rather that of *neglect of duty* in not properly inspecting the works to see that the contractors went the prescribed depth, width, and proper slope to the sides of cuttings; there would be no occasion of measuring these or any cuttings after the work was completed, provided always that the quantities were got out correctly in the first instance, and if the officer in charge saw that the work was carried out, as intended by the section; so that my having made the statement before you, touching Mr. Brady's integrity, should not, I think, militate against me.

Mr. Whitton has stated that the depths given by me for the foundations to Penrith Bridge are incorrect. My reply thereto is, that I obtained my information from the puntman at Penrith, while crossing the Nepean River, and also from an old resident of some standing in Penrith, who had been down in the coffer dam.

Mr.

Mr. Whitton says my experience in railway matters does not warrant him to touch upon my evidence respecting the sharp reverse, or S curves, as adopted on our lines. My reply is, that my experience in these matters is fully and properly explained in my evidence, which is borne out by Messrs. Gardiner and Doherty.

With reference to the answers I have given respecting the spy system carried on in the Railway Department, and also that of the accident at Haslem's Creek, I can but remark that the same information was given by Mr. Richardson to Mr. Nealds as to myself.

Trusting that the few explanations I have given, will satisfactorily shew that I could not possibly have any object in stating other than was strictly true. Apologizing for thus again troubling you, and feeling assured that, to one and all, justice alone will be administered at your hands.

17th March, 1864.

I have, &c.,

N. TRENGROUSE.

(To Evidence given by J. Whitton, Esq., C.E., 10 March, 1864.)

K.

RECEIVED from Messrs. Peto, Brassey, & Betts, through their agent, Mr. Spiller, the sum of one hundred and eighty-one pounds seven shillings, in full payment and satisfaction of my claim for the sum of three hundred and sixty-two pounds fourteen shillings sent in by me to Messrs. Peto, Brassey, & Betts for work and labour done, as per account rendered by me up to this time.

CHARLES FOWLER.

£181 : 7 : 0

MEMORANDUM :—Although the above receipt is given in full settlement of my claim, so as to preclude me legally from demanding any more, yet it is to be left to Mr. Brassey to decide whether any further amount is to be paid.—CHARLES FOWLER.

Custom House Hotel, Macquarie-place,  
Sydney, 16 November, 1863.

Dear Sir,

Will you write me saying when you will be in Sydney, and where I can see you, to try if we cannot settle my account against your firm, as it is over three years due, and Mr. Rhodes examined it and went through every item and the dates in his diary and passed the account, and also you have seen Mr. Frazer's letter which confirms this statement.

I am particularly anxious about this being done at once, as I wish to leave here by the next mail for Jubulpor, in India, and it is very important that I should have the needful; and if you state the case to Mr. Brassey and my brother, Mr. John Fowler, they will no doubt make the matter all right with you.

I trust you will be particularly careful not to mention this until all is settled.

I shall be glad to leave, as it will prevent my giving evidence before the Committee of Enquiry, which would bring many matters to daylight, both as regards Whitton, your firm, and John Fowler, and cause such an unpleasant exposition as would never be forgotten, and which I think is much better avoided.

Your immediate attention to this will oblige

Yours truly,  
CHARLES FOWLER.

S. Willcox, Esq.,  
Campbelltown.

Campbelltown, 18 November, 1863.

Sir,

I have received your letter of the 16th instant.

If I had ever felt any inclination to assist you in leaving the Colony, the concluding paragraph of your letter totally precludes me from holding any intercourse whatever with you.

C. Fowler, Esq.

I am, &c.,  
SAML. WILLCOX.

(To Evidence given by C. Fowler, Esq., C.E., 22 March, 1864.)

L.

To the Committee on the Disorganization of the Public Works Department.

Gentlemen,

I am informed that, in the course of his examination or evidence before your Committee, Mr. Whitton presumed to introduce my affairs, and has been allowed to read two papers referring to certain transactions between Messrs. Peto & Co. and myself. As I have several times expressed my desire to be examined, and my wish has been disregarded, except in the case of two drunken clerks and an ex-policeman, I claim my right (the right of every Englishman) to be heard in self-defence.

I may briefly state the circumstance to which this person alluded. It is as follows :—

When it was resolved to inquire into certain differences between Mr. Rhodes and the Railway Department, Mr. Rhodes called upon me to give evidence before the House; this I declined to do unless upon specific terms, which were accepted.

When Mr. Spiller came out he brought a letter of introduction to me from Mr. Brassey. Mr. Rhodes soon after left, but previous to doing so I took my account to him, which, upon examination, was initialled—"Exd.—A.R.," and given to his brother, who was directed to hand it to Spiller, with the remark "It is correct, and must be paid." Some two or three weeks after, not having received a cheque for the amount (£362 12s.) I asked Mr. Spiller if he had got my account, when he pretended he had not received it, but from his manner it was evident he had done so. Mr. Thomas Rhodes swore positively that he directed it, and posted it, and Mr. John Frazer (their book-keeper and accountant) stated he saw him direct it, and put it in the post. Two or three days after Mr. Thomas Rhodes was drowned. I then made out a new account, being a copy of the old one; Mr. Spiller declined to pay it. I then consulted my solicitor, who informed me it would be necessary to send a commission home to examine Mr. Rhodes, which would cost £150, and be a long time before it was settled, and recommended me to make the best terms I could—which was, that I should receive one half the amount down, and forego all legal proceedings, and leave the question to be settled by Mr. Brassey, from whom I have not been able to obtain a reply, although, previous to this, I was in the habit of receiving a letter from him by every mail.

I enclose a letter from Mr. Frazer, who was in the same position (that of book-keeper) when Mr. Rhodes was agent, as Mr. Spiller now is, with Mr. Willcox. This letter is dated May 10th, 1861; and for the date of the receipt drawn up by Mr. Want, Solicitor, which, I apprehend, is in the usual legal style, I refer the Committee.

